



ANNO SEXTO

# VICTORIÆ REGINÆ.

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## *Cap. xxiii.*

An Act for better supplying with Water the Town of *Saint Helens* and several Hamlets and Places adjacent thereto, all in the Parish of *Prescot* in the County Palatine of *Lancaster*.

[9th May 1843.]

**W**HEREAS the Population of the Town of *Saint Helens* in the Parish of *Prescot* in the County Palatine of *Lancaster* hath of late Years greatly increased, and it would be of great Advantage to the Inhabitants of such Town and of the Neighbourhood thereof if a Supply of Water were provided for domestic, manufacturing, and other Purposes : And whereas such Supply may be obtained from certain Springs and Streams situate in the Township of *Eccleston* in the said Parish of *Prescot*, in and upon Lands belonging or claimed to belong to *Samuel Taylor* Esquire : And whereas the several Persons herein-after named are willing, at their own Expence, to carry into execution the before-mentioned Undertaking ; but the same 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

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Formation of the Company. by the Authority of the same, That *Samuel Taylor, Thomas Greenall, Peter Greenall, Gilbert Greenall, John Penketh, James Penketh, John Frederick Bateman, William Fairbairn*, and all other Parties who have already subscribed or shall hereafter subscribe to the said Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making the said Waterworks, with proper Works and Conveniences connected therewith, according to the Provisions of this Act, and for the Purpose aforesaid shall be incorporated by the Name of "*The Saint Helens Waterworks Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands, within the Restrictions hereinafter contained, for the Purposes of the said Undertaking.

Capital.

II. And whereas the estimated Expence of making the said Waterworks and Works is Two thousand five hundred and fifty-six Pounds; be it enacted, That Four thousand Pounds shall be the Capital of the said Company.

Shares.

III. And be it enacted, That the said Capital shall be divided into One hundred and sixty Shares, each of the Amount of Twenty-five Pounds; and such Shares shall be numbered in arithmetical Progression, beginning with Number One, and every such Share shall be distinguished by its appropriate Number.

Shares to be Personal Estate.

IV. And be it enacted, That all Shares in the Undertaking shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Shareholders.

V. And be it enacted, That every Person who shall have subscribed or shall subscribe the Sum of Twenty-five Pounds or upwards to the Capital of the Company shall be deemed a Shareholder of the Company, and shall be entitled to have One Share therein allotted to him in respect of every Sum of Twenty-five Pounds so subscribed by him.

Registry of Shareholders.

VI. And be it enacted, That the Company shall keep a Book, to be called "*The Register Book of Shareholders*," and in such Book shall be fairly and distinctly entered from Time to Time the Names of the several Corporations, and the Names and Additions of the several Persons being Shareholders of the Company, the Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number, and the Amount of the Subscriptions paid on such Shares, and such Book shall be authenticated by the Common Seal of the Company being affixed thereto, and such Authentication shall take place at the First Ordinary Meeting or at some subsequent Meeting of the Company.

Addresses of Shareholders.

VII. And be it enacted, That in addition to the said Register of Shareholders the Company shall provide a proper Book, to be called "*The Shareholders Address Book*," in which the Secretary shall from Time to Time enter the Places of Abode of the several Shareholders of the Company; and every Shareholder, or if such Shareholder be

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a Corporation the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof or of any Part thereof, and for every Hundred Words so required to be copied the Company may demand a Sum not exceeding Sixpence.

VIII. And be it enacted, That, on Demand of the Holder of any Share, the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder, and such Certificate shall have the Common Seal of the Company affixed thereto, and such Certificate shall specify the Share in the Undertaking to which such Shareholder is entitled, and the same may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and for such Certificate the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Certificate of Share.

IX. And be it enacted, That such Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Shareholder, his Executors, Administrators, Successors, or Assigns, to the Share therein specified, nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.

Certificate to be Evidence.

X. And be it enacted, That if any such Certificate be worn out or damaged, then, upon the same being produced at some Meeting of the Company, the Company may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate and of the Share therein mentioned shall be at the Time vested, or if such Certificate be lost or destroyed, then, upon Proof thereof, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed, and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the Register of Shareholders; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Certificate to be renewed when destroyed.

XI. And be it enacted, That, subject to the Regulations herein contained, every Shareholder may sell and transfer his Shares in the Waterworks by Deed duly stamped, in which the Consideration shall be truly stated, and such Deed may be according to the Form in the Schedule (B.) to this Act annexed or to the like Effect, and the same (when duly executed) shall be delivered to the Secretary, and be kept by him; and the Secretary shall enter a Memorial thereof in a Book to be called the "Register of Transfers," and shall indorse such Entry on the Deed of Transfer; and for every such Entry and Indorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence; and, on the Request of the Purchaser of any Share, an Indorsement of such Transfer shall be made on the Certificate of such Share, instead of a new Certificate being granted; and for such Indorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence; and such Indorsement, being signed by the Secretary, shall be considered in every respect the same as a new Certificate; and until such Transfer have been so delivered to the Secretary as aforesaid the Purchaser of the Share shall

Transfers of Shares to be registered, &c.



shall not be entitled to receive any Share of the Profits of the said Undertaking, or to vote in respect of such Share.

Transfer not  
to be made  
until all Calls  
paid.

XII. And be it enacted, That no Shareholder shall be entitled to transfer any Share until he shall have paid all Calls for the Time being due on every Share held by him.

Transmission  
of Shares by  
other Means  
than Transfer  
to be authen-  
ticated by a  
Declaration.

XIII. And with respect to the Registration of Shares the Interest in which may have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other legal Means than by a Transfer according to the Provisions of this Act, be it enacted, That no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the said Undertaking, nor to vote in respect of any such Share as the Holder thereof, until such Transmission have been authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Company shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice, or before a Master or Master Extraordinary in the High Court of Chancery, and such Declaration shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Shareholders of the Company; and for every such Entry the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Proof of  
Transmission  
by Marriage,  
Will, &c.

XIV. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Shareholder the said Declaration shall contain a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument or by Intestacy the Probate of the Will or Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Secretary; and upon such Production in either of the Cases aforesaid the Secretary shall make an Entry of the Declaration in the said Register of Transfers.

Notices to  
joint Pro-  
prieters of  
Shares.

XV. And be it enacted, That, with respect to any Share to which several Persons may be jointly entitled, all Notices directed to be given to the Shareholders shall be given to such of the said Persons whose Name shall stand first in the Register of Shareholders, and Notice so given shall be sufficient Notice to all the Proprietors of such Share,

Receipts for  
Money  
payable to  
Minors, &c.

XVI. And be it enacted, That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

XVII. And

XVII. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject, and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Company  
not bound  
to regard  
Trusts.

XVIII. And be it enacted, That from Time to Time the Company may make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital respectively subscribed or owing by them, as they shall think fit, provided that Twenty-one Days Notice at the least be given of each Call, and that no Call exceed the Amount of Six Pounds *per* Share, and that successive Calls be not made at less than the Interval of One Month; and every Shareholder shall be liable to pay the Amount of the Calls so made in respect of the Shares held by him to the Persons and at the Times and Places from Time to Time appointed by the Company.

Power to  
make Calls.

XIX. And be it enacted, That if before or on the Day appointed for Payment any Shareholder do not pay the Amount of any Call to which he may be liable, then such Shareholder shall be liable to pay Interest for the same, at the Rate of Five Pounds *per Centum per Annum*, from the Day appointed for the Payment thereof to the Time of the actual Payment.

Interest on  
Calls unpaid.

XX. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for, and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time shall exceed the Amount of the Calls made upon the Shares in respect of which such Advance shall have been made, the Company may pay Interest at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the Shareholder paying such Sum in advance and the Company shall agree upon.

Payment of  
Subscriptions  
before Call.

XXI. And be it enacted, That if at the Time appointed by the Company for the Payment of any Call the Holder of any Share fail to pay the Amount of such Call, the Company may sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same, with Interest, at the Rate of Five Pounds *per Centum per Annum*, from the Day on which such Call may have been payable.

Enforcement  
of Calls by  
Action.

XXII. And be it enacted, That in any Action to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to declare that the Defendant

Declaration  
in Action  
for Calls.

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is a Holder of One Share or more in the Company (stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount in respect of One Call or more upon One Share or more (stating the Number and Amount of each of such Calls), whereby an Action hath accrued to the Company by virtue of this Act.

Matter to be proved in Action for Calls.

XXIII. And be it enacted, That on the Trial of such Action it shall be sufficient to prove that the Defendant at the Time of making such Call was a Holder of One Share or more in the Company, and that such Call was in fact made, and such Notice thereof given as is directed by this Act, and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon, unless it shall appear either that any such Call exceeds the Amount of Six Pounds *per* Share, or that due Notice of such Call was not given, or that the Interval of One Month between Two successive Calls had not elapsed.

To compel Payment of Subscriptions.

XXIV. And be it enacted, That the several Persons who have subscribed any Money towards the said Undertaking shall pay the Sums respectively by them subscribed, or such Portions thereof as shall from Time to Time be called for by the Company, at such Times and Places as shall be directed by the Company, and the Company shall have the same Powers for enforcing the Payment of such Subscription as are herein given with respect to enforcing the Payment of Calls by the Shareholders.

Proof of Proprietorship.

XXV. And be it enacted, That the Production of the Register Book of Shareholders of the Company shall be *primâ facie* Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares.

Forfeiture of Shares for Nonpayment of Calls.

XXVI. And be it enacted, That if the Owner of any Share fail to pay a Call payable by him in respect thereof, together with the Interest, if any, that shall have accrued thereon, the Company, at any Time after the Expiration of Three Months from the Day appointed for Payment of such Call, may declare such Share forfeited, and that whether the Company have sued for the Amount of such Call or not.

Notice of Forfeiture to be given before Declaration thereof.

XXVII. And be it enacted, That before declaring any Share forfeited the Company shall cause Notice of such Intention to be left at the usual or last Place of Abode of the Person appearing by the Register Book of Shareholders to be the Proprietor of such Share, and if the Holder of any such Share be abroad, or if the Interest in any such Share shall be known by the Company to have become transmitted otherwise than by Transfer, as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted shall not be known to the Company, the Company shall give public Notice of such Intention in the *London Gazette*, and also in some Newspaper as after mentioned, and the several Notices aforesaid shall be given Twenty-one Days

Days at least before the Company shall make such Declaration of Forfeiture.

XXVIII. And be it enacted, That a Declaration in Writing by some credible Person not interested in the Matter, made before any Justice or before any Master or Master Extraordinary in the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared in manner herein-before required, shall be sufficient Evidence of the Facts therein stated, and such Declaration, and the Receipt of the Treasurer of the Company for the Price of such Share, shall constitute a good Title to such Share, and thereupon such Purchaser shall be deemed the Holder of such Share, discharged from all Calls made prior to such Purchase, and a Certificate of Proprietorship shall be delivered to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to any such Sale.

Evidence as to Forfeiture of Shares.

XXIX. And be it enacted, That the Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Share be more than sufficient to pay all Arrears of Calls, and Interest thereon due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on Demand, be paid to the Defaulter.

No more Shares to be sold than sufficient for Payment of Calls.

XXX. And be it enacted, That if Payment of such Arrears of Calls, and Interest and Expences, be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid.

On Payment of Calls forfeited Shares to revert.

XXXI. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company not then paid up.

Extent of Liability of Shareholders.

XXXII. And be it enacted, That if any Execution, either at Law or in Equity, shall have been issued, taken out, or used against the Lands, Property, or Effects of the Company, and if there cannot be found sufficient whereon to levy such Execution, then such Execution may be issued against any of the Shareholders of the Company to the Extent of their Shares respectively in the Capital of the Company not then paid up: Provided always, that no such Execution shall issue against any Shareholder except upon an Order of the Court in which the Action, Suit, or other Proceeding shall have been brought or instituted, made upon Motion in open Court after Notice in Writing to the Persons sought to be charged, and upon such Motion

Execution against Shareholders to the Extent of Capital not paid up.



Motion such Court may order Execution to issue accordingly; and for the Purpose of ascertaining the Names of the Shareholders, and the Amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any Person entitled to any such Execution at all reasonable Times to inspect the Register Book of Shareholders without Fee.

Reimbursement.

XXXIII. And be it enacted, That if by means of any such Execution any Shareholder shall have paid any Sum of Money beyond the Amount then due from him in respect of Calls he shall forthwith be reimbursed such additional Sum by the Company out of the Funds of the Company.

Power to borrow Money.

XXXIV. And be it enacted, That after the whole of the said Sum of Four thousand Pounds shall have been subscribed for, and One Half thereof actually paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of One thousand three hundred Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Waterworks and the future Calls on the Shareholders of the Company, or to give Bonds in manner herein-after mentioned.

Reborrowing.

XXXV. And be it enacted, That if after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time, but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Mortgage or Bond.

Evidence of Authority for borrowing.

XXXVI. And be it enacted, That the Certificate of a Justice that One Half of the original Capital has been paid up, together with a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by the Secretary to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be paid up having been so paid up, and of the Order for borrowing Money having been made; and upon Production to any Justice of the Books of the Company, or of such other Evidence as he shall think sufficient, such Justice shall grant the Certificate aforesaid.

Mortgages and Bonds.

XXXVII. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (C.) or (D.) to this Act annexed, or to the like Effect.

Rights of Mortgagees.

XXXVIII. And be it enacted, That the respective Mortgagees shall be entitled, one with another, to their respective Proportions of the



the Rents, Sums, and Premises comprised in such Mortgage, and of the future Calls payable by the Shareholders of the Company, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

XXXIX. And be it enacted, That no such Mortgage (although it should comprise future Calls on the Shareholders) shall preclude the Company from receiving, and applying for the Purposes of the Company, any Calls to be made by the Company, so long as the Principal Money due on Mortgage does not exceed the Amount of all the Calls still remaining to be made.

Application  
of Call not-  
withstanding  
Mortgage.

XL. And be it enacted, That the respective Obligees in such Bonds shall, proportionally according to the Amount of the Monies secured thereby, be entitled to be paid out of the Rents or other Property or Effects of the Company the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Company, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise however.

Rights of  
Obligees.

XLI. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the Secretary, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any of the Shareholders, or by any Mortgagee or Bond Creditor of the Undertaking, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

Register of  
Mortgages  
and Bonds.

XLII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

Transfer of  
Mortgages  
and Bonds.

XLIII. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Secretary, and thereupon the Secretary shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void,  
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Entry of  
Transfers of  
Mortgages  
and Bonds.



release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the Company may demand a Sum not exceeding Two Shillings and Sixpence.

Payment of  
Interest on  
Loans.

XLIV. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Transfers of  
Interest to  
be stamped.

XLV. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferrable, except by Deed duly stamped.

Mortgagees  
not to vote.

XLVI. And be it enacted, That no Party shall in right of any Mortgage be deemed a Shareholder, or be capable of acting or voting as such at any Meeting of the Company.

Access to  
Account  
Books by  
Mortgagees.

XLVII. And be it enacted, That at all reasonable Times the Books of Account of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Power to  
convert Loan  
into Capital.

XLVIII. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or having borrowed the same it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital as aforesaid shall take place without the Authority of an Order of a General Meeting of the Company called for the Purpose, previously obtained.

New Shares  
to be con-  
sidered same  
as original  
Shares.

XLIX. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

Application  
of Capital.

L. And be it enacted, That all the Money raised by the Company, whether by Subscription of the Shareholders or by Loan or otherwise, shall be applied firstly in paying the Costs and Expences incurred in obtaining this Act, and all Expences preparatory or relating thereto, and secondly in carrying the Purposes of the Company into execution.

Ordinary  
Meetings to  
be held  
monthly.

LI. And with respect to General Meetings of the Company, be it enacted, That the First General Meeting of the Shareholders of the Company shall be held on the Third *Monday* after the passing of this



this Act, and the future General Meetings shall be held monthly, and the Meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all Meetings, whether ordinary or extraordinary, shall be held at *St. Helens*; and at such Ordinary Meetings the Company shall carry the Purposes of this Act into execution.

LII. And be it enacted, That no Matters, except such as are appointed by this Act to be done at an Ordinary Meeting, shall be transacted at any such Meeting, unless special Notice of such Matters have been given in the Advertisement convening such Meeting. Business at Ordinary Meetings.

LIII. And be it enacted, That every Meeting of the Shareholders other than an Ordinary Meeting shall be called an "Extraordinary Meeting," and such Meetings may be convened by any Two or more Shareholders at such Times as they may think fit. Extraordinary Meetings.

LIV. And be it enacted, That no Extraordinary Meeting shall enter upon any Business not set forth in the Requisition or in the Notice upon which it shall have been convened. Business at Extraordinary Meetings.

LV. And be it enacted, That Ten Days Notice at the least of all Extraordinary Meetings shall be given by a Circular addressed to the Shareholders, which shall specify the Place, the Day, and the Hour of Meeting; and every Notice of an Extraordinary Meeting shall specify the Purpose for which the Meeting is called. Notice of Extraordinary Meetings.

LVI. And be it enacted, That in order to constitute a Meeting (whether ordinary or extraordinary) there shall be present, either personally or by Proxy, Three or more Shareholders holding in the aggregate Forty Shares to the Amount of One thousand Pounds, and the Shareholders present at any such Meeting shall proceed in the Execution of the Powers of the Company with respect to the Matters for which such Meeting shall have been convened, and to those only; and if within One Hour from the Time appointed for such Meeting the said Number of Shareholders, qualified as aforesaid, be not present, no Business shall be transacted at the Meeting, but the same shall be held to be adjourned *sine Die*. Quorum for a General Meeting.

LVII. And be it enacted, That at every Meeting of the Company some Shareholder, to be chosen for that Purpose by the Meeting, shall preside as Chairman. Chairman at General Meetings.

LVIII. And be it enacted, That every Meeting of the Shareholders may be adjourned from Time to Time, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place. Adjourned Meetings.

LIX. And be it enacted, That at all General Meetings of the Company every Shareholder shall be entitled to have One Vote in respect of each Share held by him: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then payable upon the Shares held by him. Votes of Shareholders.

LX. And



Manner of  
voting.

LX. And be it enacted, That such Votes may be given either personally or by Proxies, being Shareholders, authorized by Writing according to the Form in the Schedule (F.) to this Act annexed, or in a Form to the like Effect, under the Hand of the Shareholder nominating such Proxy, or if such Shareholder be a Corporation then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote, not only as a Principal or Proxy, but to have a casting Vote if there be an Equality of Votes.

Regulations  
as to Proxies.

LXI. And be it enacted, That no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Secretary of the Company Three Days before the holding of the Meeting at which such Proxy is to be used, and that no Person shall at any one Meeting represent as Proxy more than Three Shareholders.

Votes of  
joint Share-  
holders.

LXII. And be it enacted, That if several Persons be jointly entitled to a Share the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share shall, for the Purpose of voting at any Meeting, be deemed the sole Proprietor thereof, and on all Occasions the Vote of such first-named Shareholder, either in Person or by Proxy, shall be allowed as the Vote in respect of such Share, without Proof of the Concurrence of the other Holders thereof.

Votes of  
Lunatics and  
Minors, &c.

LXIII. And be it enacted, That if any Shareholder be a Lunatic or Idiot such Lunatic or Idiot may vote by his Committee, and if any Shareholder be a Minor he may vote by his Guardian or any One of his Guardians, and every such Vote may be given either in Person or by Proxy.

Contracts for  
Works.

LXIV. And be it enacted, That all Contracts made with the Company shall specify the Work to be done, the Quality of the Materials to be used, the Prices to be paid, the Term within which the Contract is to be performed, and the Penalties for Nonperformance thereof, or such other Things as the Company think proper; and the Company may take such Security for the Performance of such Contract as to them shall seem necessary; nevertheless the Company may lawfully, from Time to Time as they think fit, compound with any Person on account of any Breach or Nonperformance of any such Contract, for any Sum of Money which they think fit, or they may remit any Penalties on account thereof.

Proceedings  
to be entered  
in a Book,  
and to be  
open for In-  
spection.

LXV. And be it enacted, That the Company shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Company, and of the Orders and Proceedings of all Meetings, as well ordinary as extraordinary, of the Company, to be duly entered in Books to be from Time to Time provided for the Purpose; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed, and such Entry; so  
signed,



signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Shareholders, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of any of the Shareholders.

LXVI. And be it enacted, That at the First General Meeting after the passing of this Act the Company shall elect a Secretary and a Treasurer, and any subsequent General Meeting may remove from Office any such Secretary or Treasurer; and if such Secretary or Treasurer die or resign, or be so removed, another Secretary or Treasurer shall be elected in his Place at a General Meeting; and from Time to Time any such Meeting may fix the Salary or other Emoluments to be allowed to such Secretary or Treasurer respectively as they think proper.

Company to appoint a Secretary and Treasurer.

LXVII. And be it enacted, That neither the Person who shall hold the Office of Secretary, nor the Partner of such Secretary, nor any Person in the Service or Employ of such Secretary or of his Partner, shall be eligible to be the Treasurer, and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Secretary; and if any Person offend in any of the following Cases he shall for such Offence forfeit One hundred Pounds; (that is to say,) Separation of Offices of Secretary and Treasurer.

If any Person accept both the Offices of Secretary and Treasurer:

If any Person, being the Partner of such Secretary, or in the Service or Employ of such Secretary or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Secretary, or act as Deputy of the Secretary, or in any Manner officiate for the Secretary:

If any such Secretary or Treasurer hold any Place of Profit or Trust under the Company other than that of Treasurer or Secretary, as the Case may be: Penalty.

And any Person may sue for such Penalties by Action of Debt or on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit.

LXVIII. And be it enacted, That before any Person entrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Company shall take sufficient Security from him for the faithful Execution of his Office. Security to be taken.

LXIX. And be it enacted, That every Officer or Person employed by the Company shall from Time to Time, when required by the Company, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing Officers to account on demand.

[Local.]

6 G

under



under his Hand of all Monies received by him on behalf of the Company; and such Account shall state how, and to whom, and for what Purpose such Monies shall have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Company, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary  
Remedy  
against Par-  
ties failing to  
account.

LXX. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Company, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before any Two or more Justices at a Time and Place to be set forth in such Summons to answer to such Charge; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons was personally served upon such Officer, or left at his last known Residence or Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justices may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases, (that is to say,)

If any such Officer do not appear before the Justices at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Company;

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power: Provided always, that if any Shareholder or other Person acting on behalf of such Company shall make Oath that he has good Reason to believe and does believe that it is the Intention of such Officer to abscond, it shall be lawful for the Justice  
before



before whom Complaint is made, instead of issuing his Summons, as herein-before directed, to issue his Warrant for the apprehending and bringing such Officer before such Two or more Justices as aforesaid; but no Person directed to execute such Warrant shall keep such Officer in Custody longer than Twelve Hours without bringing him before Two Justices to answer to the Charge, as herein-before directed.

LXXI. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against any Surety of such Officer.

Sureties not to be discharged.

LXXII. And be it enacted, That full and true Accounts shall be kept of all Sums of Money received or expended on account of the Company, and all Persons employed by or under them, and of the Articles, Matters, and Things for which such Sums of Money shall have been received or disbursed and paid.

Accounts to be kept.

LXXIII. And be it enacted, That the Books of the Company shall every Year be brought to a Balance, and forthwith on the Books being so balanced an exact Balance Sheet shall be made up, which shall exhibit a true Statement of the Capital Stock, Credits, and Property of every Description belonging to the Company, and the Debts due by the Company at the Date of making such Balance Sheet, and a distinct View of the Profit or Loss which shall have arisen on the Transactions of the Company in the course of the preceding Year, and such Balance Sheet shall be examined and docqueted and signed by any Two of the Shareholders of the Company.

Books to be balanced.

LXXIV. And be it enacted, That at the next Ordinary Meeting after such Balance Sheet shall be made out the same shall be produced to the Shareholders assembled.

Balance Sheet to be produced.

LXXV. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by Two of the Shareholders in the Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Lancaster* on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours; on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Company shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Annual Account to be made out, and a Copy transmitted to Clerk of the Peace.

LXXVI. And be it enacted, That the Company shall every Year cause a Scheme to be prepared, showing the Profits, if any, of the Company for the preceding Year, and apportioning the same among the Shareholders according to the Shares held by them respectively,

For apportioning Profits in respect of Shares, not exceeding and 10 per Cent.

and providing for the paying Dividends not exceeding the Rate of Ten Pounds *per Centum per Annum* on the Amount received as Calls and Stock, for or in respect of the Shares created by virtue of this Act, unless a larger Dividend shall at any Time be necessary to make up the Deficiency of any previous Dividend, when such previous Dividend shall have fallen short of Ten Pounds *per Centum per Annum* upon the Stock subscribed and paid up for the Purposes of the said Undertaking, but not on any Sum received as Premium on the Creation of Shares, in case of any Shares being disposed of at a Premium; and such Scheme shall be exhibited at the next Meeting of the Company, and at such Meeting a Dividend may be declared according to such Scheme.

Dividend not  
to reduce  
Capital.

LXXVII. And be it enacted, That the Company shall not make any Dividend whereby their Capital Stock will be in any degree reduced.

Funds for  
Contingen-  
cies.

LXXVIII. And be it enacted, That if the clear Profits of the said Undertaking, after Payment of all Costs, Charges, and Expences, shall in any Year amount to a larger Sum than shall be sufficient to make Distribution amongst the Proprietors of the Company of the Dividends hereby authorized to be paid in respect of each Share in the said Undertaking, the Excess beyond the Sum which may be necessary for the Purposes aforesaid shall accumulate until the Fund so formed shall amount to the Sum of Two thousand Pounds, which Sum shall form a contingent or reserved Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits of the Company, or to meet any extraordinary Claim or Demand which may at any Time arise against the Company, or for the further Improvement of their Works, or for the Formation of a Fund for the Purchase of the Interest of any Person in any Springs or Works, or for reducing any Charge upon the Company.

Providing for  
Reduction  
of Price of  
Water in a  
certain  
Event.

LXXIX. And be it enacted, That when and so soon as such Fund shall, by Accumulation or otherwise, amount to the Sum of Two thousand Pounds, an Account of the said contingent Fund, and of the Receipts and Expenditure and Profits of the Company, shall be laid before the Justices assembled at the Quarter Sessions of the Peace for the County of *Lancaster*, and be filed with the Clerk of the Peace of the said County; and if it shall thereupon appear to such Justices that the Profits of the Company for the preceding Year shall have exceeded the Sum herein-before authorized to be divided amongst the several Proprietors of Shares in the said Undertaking, the Company shall make such a rateable Reduction in the Rents of Water to be supplied by the Company for the then current Year as the Company may deem prudent, or as in the Judgment of the Justices shall be proper, until by the Expenditure and Payments of the Company the contingent Fund shall have been reduced below the said Sum of Two thousand Pounds, when the Rents of the Water may, if necessary, be again raised, and so from Time to Time as often as such Event shall happen.

LXXX. And



LXXX. And be it enacted, That no Dividend shall be paid in respect of any Share until all Calls then due in respect of that or of any other Share held by the Person to whom such Dividend may be payable shall have been paid. Dividend not to be paid unless all Calls paid.

LXXXI. And whereas there are at present certain Waterworks in the Neighbourhood of the said Town of *Saint Helens*, belonging to *Thomas Greenall*, *Peter Greenall*, and *Gilbert Greenall*, constructed for the Supply of the Brewery and Works carried on under the Firm of *Thomas Greenall* and Brothers, and also for the Supply of a Part of the said Town, and there are also certain Lands and Springs belonging to *Samuel Taylor* Esquire; and it is expedient that the Company should be enabled to raise a further Capital, in case it should hereafter be agreed that the Company should purchase, for a Sum in gross, the entire Interest of the said *Thomas Greenall*, *Peter Greenall*, and *Gilbert Greenall* in the said Waterworks, and of the said *Samuel Taylor* in the said Lands and Springs; be it therefore enacted, That in case the Company shall purchase, for a Sum in gross, the said Waterworks and the said Lands and Springs, or either of them, or any Part thereof respectively, it shall be lawful for the Company, by an Order of any Ordinary or Extraordinary Meeting, to raise for the Purposes of such Purchases, by the Creation of new Shares from Time to Time, in addition to the Sum which they are herein-before authorized to raise, any further Sum of Money, not exceeding in the whole the Sum of Five thousand Pounds; and the Capital so to be raised shall be considered as Part of the general Capital, and subject to the same Provisions in all respects, with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, and the voting of the Subscribers, or otherwise, as if it had been Part of the original Capital herein-before authorized to be raised. If Company purchase certain existing Waterworks, they may raise additional Capital.

LXXXII. And with respect to the Service of Notices upon the Company, be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Company, may be served by the same being given personally to the Secretary of the Company, or being left at the Office of the Company, or being delivered to some Inmate at the Place of Abode of such Secretary, or in case there be no Secretary, or the Place of Abode of the Secretary respectively shall not be found, then by being given to any Shareholder of the Company, or by being delivered to some Inmate at the Place of Abode of any such Shareholder. Service of Notices upon the Company.

LXXXIII. And with respect to any such Notice required to be served by the Company upon the Shareholders, be it enacted, That unless any such Notice be expressly required to be served personally it shall be sufficient to transmit the same by Post, directed according to the registered Address or other known Address of the Shareholder, within such Period as to admit of its being delivered, in the due Course of Delivery, within the Period (if any) prescribed for the giving of such Notice, and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was so put into the Post Office. Service by Company on Shareholders.

[Local.]

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LXXXIV. And



Notice by  
Advertisement.

LXXXIV. And be it enacted, That all Notices required by this Act to be given by Advertisement in a Newspaper shall be advertised in some Newspaper circulating in the District within which the Company's principal Place of Business shall be situated.

Authentica-  
tion of  
Notices.

LXXXV. And be it enacted, That every Summons, Demand, or Notice, or other such Document requiring Authentication by the Company, may be signed by One of the Shareholders, or by the Treasurer or Secretary of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Releases to  
Witnesses.

LXXXVI. And be it enacted, That in all legal Proceedings under this Act general or other Releases for the Purpose of qualifying any Person in the Service of the Company to give Evidence as a Witness may be granted by any Two or more of the Shareholders, and every such Release or Discharge under the Hands and Seals of Two of the Shareholders shall be as effectual for the Purpose aforesaid as if made under the Common Seal of the Company.

Proof of  
Debts in  
Bankruptcy.

LXXXVII. And be it enacted, That if any Person against whom the Company shall have any Claim or Demand become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Secretary or Treasurer of the Company, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Company and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of such Secretary or Treasurer, and not of the Company.

Tender of  
Amends.

LXXXVIII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before Action brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority hereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Limits of  
Act.

LXXXIX. And be it enacted, That the Limits of this Act shall be deemed and taken to extend to and include the Town of *Saint Helen's* otherwise the Hamlet of *Hardshaw-within-Windle* in the County of *Lancaster*, and also the several Townships of *Windle*, *Parr*, *Sutton*, and *Eccleston*, in the Parish of *Prescot* in the same County.

Power to  
purchase  
Lands.

XC. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Company to agree with the Owners of  
the



the Lands, Springs, and Streams which they are hereby authorized to enter into, purchase, and use for the Purposes of the Waterworks, and also with the Owners and Lessees of any existing Waterworks, Pipes, or other Works, for the absolute Purchase, for a Consideration in Money, of any such Lands, Springs, and Streams, Waterworks, Pipes, or other Works, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands, of what Kind soever.

XCI. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose of and convey or release the same to the Company, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act as if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femmes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Parties under Disability enabled to sell and convey.

XCII. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Consideration to be a gross Sum.

XCIH. And be it enacted, That the Owner of any such Lands, or of any such Estate or Interest as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained

Acceptance of Compensation for Price of or Damage to Lands.



sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of  
Compensa-  
tion to be as-  
certained by  
Valuation, in  
case of Par-  
ties under  
Disability.

XCIV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Company, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Purchase of  
Lands on  
chief Rents.

XCV. And be it enacted, That if any Person seised in Fee of, or entitled to dispose of absolutely for his own Benefit, any Lands, Springs, Streams, or Works, or any existing Waterworks, Pipes, or other Works authorized to be purchased for the Purposes of this Act, shall be willing to sell such Lands, Waterworks, Pipes, or other Works for a perpetual annual Rent-charge in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands, Waterworks, Pipes, or other Works, or any Part thereof, unto the Company, in consideration of an annual Rent-charge payable by the Company to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of  
such Rents  
to be charged  
on the Water  
Rents.

XCVI. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Water Rents payable under this Act, and shall be paid by the Company as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Company, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the Company.

Form of Con-  
veyances.

XCVII. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedules (G.) and (H.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Company, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein

men-



mentioned ; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Company, to attend the Reversion and Inheritance.

XCVIII. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The *Saint Helens Waterworks Company*," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His Majesty King George the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King George the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court* ; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes ; (that is to say,)

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in Bank of England.

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes ; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled ; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct ; or

In Payment to any Party becoming absolutely entitled to such Money.

[*Local.*]

6 I

XCIX. And



Order for  
Application.

XCIX. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold, or converted into Money, for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from  
20*l.* to 200*l.*  
to be depo-  
sited or in-  
vested in  
Trustees.

C. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Company approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Common Seal; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not  
exceeding  
20*l.* to be  
paid to Par-  
ties.

CI. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Court of  
Chancery  
may direct  
Investment  
or Payment  
of Money  
in respect of

CII. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the  
Petition



Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Leases for  
Lives, Years,  
&c., or Re-  
versions, as  
they may  
think just.

CIII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands being purchased shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown, as aforesaid, the Parties so in Possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Party in  
Possession  
to be deemed  
the Owner.

CIV. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Company; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities purchased therewith in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Costs in  
Cases of  
Money de-  
posited.

CV. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax occasioned by the making of the Waterworks, be it enacted, That if the Company become possessed by virtue of this Act of any Lands charged with the Land Tax, the Company shall from Time to Time, until the Works shall be completed and assessed to such Land Tax, be liable to make good the Deficiency in the several Assessments for Land Tax by reason of such Lands having been taken or used for the Purposes of the Waterworks, and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the Company shall pay all such Deficiencies to the Collector of the said Assessments; nevertheless, if at any Time the Company think fit to redeem such Land Tax, they may

Land Tax  
to be made  
good.



may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Plans and Books of Reference to be kept by the Clerk of the Peace, who shall permit the Inspection thereof.

CVI. And whereas a Plan and Section, describing the Line and Levels of the intended Channels, Cuts, and Aqueducts, and the Lands through which the same are intended to be carried, and the Situation of the intended Reservoirs and Works, and a Book of Reference containing a List of the Owners, Lessees, and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace of the County of *Lancaster*; be it enacted, That such Plan and Section shall be kept by the Clerk of the Peace for the said County, and such Clerk of the Peace shall permit all Persons to inspect the same at seasonable Times, and shall make out Copies and Extracts therefrom for all Persons requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Errors and Omissions to be corrected.

CVII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plan or in the said Book of Reference, be it enacted, That the Correction of any such Matter may be referred by the Company to the Determination of Two Justices, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County, and Copies or Extracts thereof with the Clerk of the Parish in which the Lands affected thereby shall be situate; and such Certificate and such Extracts or Copies respectively shall be kept by such Clerk of the Peace and Clerk of the Parish respectively along with the Documents to which they relate, and thereupon such Document shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Waterworks in accordance with such Certificate.

Copies to be Evidence.

CVIII. And be it enacted, That true Copies of such Plan and Book of Reference, or of any Correction thereof or Extracts therefrom, certified by such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Power to enter on Lands, and construct Works.

CIX. And for the better effecting the Purposes aforesaid, be it enacted, That it shall be lawful for the Company to enter into any Lands, Waters, or other Places mentioned in the said Plan and Book of Reference, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the Works hereby authorized to be made, and to dig and break up the Soil of such Lands, Waters, and Places, and to trench and sough the same, and to remove or use all Soil, Trees, or other Things dug or gotten out of the same: Provided always, that it shall not be lawful for the Company to enter into or use any Land or Water for the Purposes of this Act without the Consent of the Owners thereof,

CX. And



CX. And be it enacted, That, subject to the Provisions and Restrictions in the last preceding Enactment contained, it shall be lawful for the Company from Time to Time to divert or alter the Course of and to take the Water from the several Streams and Springs in and upon the Lands of the said *Samuel Taylor* delineated on the said Plan and mentioned in the said Book of Reference respectively deposited with the Clerk of the Peace of the said County of *Lancaster*, as herein-before mentioned.

Company  
empowered  
to take  
Springs.

CXI. And be it enacted, That it shall be lawful for the Company, subject to the Restrictions herein contained, from Time to Time to make, construct, lay down, maintain, alter, or discontinue such Waterworks, Steam Engines, Water Wheels, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Conduits, Engines, Waste Gates, Stop Gates, Stop Cocks, Sluices, Banks, Bridges, Pipes, Tunnels, Machinery, and other Works, and also such Houses and Buildings upon the Lands and Streams hereby authorized to be purchased by the Company, as they shall think proper for supplying the Inhabitants within the Limits of this Act with Water.

Company  
empowered  
to construct  
Waterworks,  
&c.

CXII. And be it enacted, That it shall be lawful for the Company to form, lay down, alter, repair, or remove, in or under any Street, Turnpike Road, or Highway within the Limits of this Act, any Aqueducts, Conduits, Pumps, Pipes, Tunnels, and other Works for the Purpose of supplying the Inhabitants within such Limits with Water, and for that Purpose to break up or open the Pavement or Soil of any such Street, Turnpike Road, or Highway, and any public Sewer or Drain therein, they the Company doing as little Damage as may be in the Execution of the said Powers, and making Compensation for any Damage caused thereby.

Power to  
break up  
Streets, &c.

CXIII. And be it enacted, That before any Street, Turnpike Road, Highway, public Sewer or Drain, shall be opened or broken up by the Company, they shall give to the Persons under whose Control or Management such Street, Turnpike Road, Highway, Sewer, or Drain may be Notice in Writing of their Intention to open or break up the same Two Days before the Commencement of such Operation.

Notice to be  
served before  
breaking up  
Streets.

CXIV. And be it enacted, That every such Street, Turnpike Road, Highway, Sewer, or Drain shall be opened or broken up under the Superintendence of the Persons having the Control or Management of the same, or their Officer, and according to such Plan as shall be agreed upon between such Persons or their Officer and the Company, or in case of any Difference respecting such Plan then according to such Plan as shall be determined by a Justice; and such Justice is hereby required, on the Application of the Company, to determine the Plan according to which such Street, Turnpike Road, Highway, Sewer, or Drain shall be opened or broken up; provided that Two Days Notice of the Time and Place at which such Determination is to be made shall be proved to have been served on the Person having the Control or Management of the Street, Turnpike Road, Highway, Sewer, or Drain proposed to be broken up: Pro-

Streets to be  
broken up  
under Super-  
intendence,

[Local.]

6 K

vided



vided always, that if the Person having such Control or Management as aforesaid shall neglect or refuse to superintend the opening of any such Street, Turnpike Road, Highway, Sewer, or Drain, after having had Notice of the Company's Intention as aforesaid, or shall not propose any Plan for breaking up or opening the same, the Company may perform the Work specified in such Notice without the Superintendence of such Person.

Streets  
broken up to  
be reinstated  
without De-  
lay.

CXV. And be it enacted, That when the Pavement or Soil of any Street, Turnpike Road, or Highway, or when any Sewer or Drain, shall be opened or broken up by the Company, they shall with all convenient Speed complete the Work on account of which the same shall be broken up, and fill in the Ground and make good the Pavement or Soil, Sewer or Drain, so opened or broken up, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Soil shall be so opened or broken up to be fenced and guarded, and shall set up and maintain upon or against the Part of the said Pavement or Soil so broken up or opened a sufficient Light during every Night that such Pavement or Soil shall be continued open or broken up.

Penalty for  
Delay in  
reinstating  
the Street.

CXVI. And be it enacted, That if the Company shall open or break up any Street, Turnpike Road, Highway, Sewer, or Drain without giving such Notice as aforesaid, or shall break up any Street, Turnpike Road, Highway, Sewer, or Drain in any other Manner than such as shall be agreed upon or determined as aforesaid, except in the Cases in which the Company are hereby authorized to perform such Works without any Superintendence or Notice, or if the Company shall make any Delay in completing any such Work, or in filling in the Ground or making good the Pavement or Surface so opened or broken up, or in carrying away the Rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the Place where such Pavement or Surface shall have been broken up, they shall forfeit a Sum not exceeding Five Pounds for every such Offence, and they shall forfeit an additional Sum of Forty Shillings for every Day that any such Delay as aforesaid shall continue after the Expiration of Twenty-four Hours from the Time that such Delay shall have commenced.

In case of  
Delay other  
Parties may  
reinstale, and  
recover Ex-  
pences.

CXVII. And be it enacted, That if any such Delay as aforesaid shall take place it shall be lawful for the Persons having the Control or Management of the Street, Turnpike Road, Highway, Sewer, or Drain in respect of which such Delay shall take place to cause the Matter or Thing so delayed to be done; and the Expense of doing the same, together with the Costs of recovering such Expence, shall be recovered from the Company in the same Manner as any Damages for the Recovery of which no special Provision is made by this Act are hereby directed to be recovered, and the Money so recovered shall be applied by the Persons having the Control or Management of the Street or Highway for the Purposes of the same.

Power to  
Inhabitants  
to lay Service  
Pipes.

CXVIII. And be it enacted, That it shall be lawful for such of the Inhabitants within the Limits of this Act as shall be desirous of having



having Water from the Waterworks of the Company conveyed into their Premises, to open, with the Consent of the Owners and Occupiers thereof, the Ground between the Main and Branch Pipes of the Company and their respective Houses, Buildings, and Premises, and to lay any Leaden or other Service Pipes from such Premises to communicate with the Main or Branch Pipes of the Company: Provided always, that every such Inhabitant shall, before he shall commence laying any Service Pipe to communicate with the Service Pipes of the Company, give to the Company Fourteen Days Notice of his Intention so to do.

CXIX. And be it enacted, That before any Service Pipe is made to communicate with the Main or Branch Pipes of the Company the Inhabitant intending to lay such Service Pipe shall give Six Days Notice to the Company of the particular Day and Hour when such Pipe is intended to be made to communicate with the Pipes of the Company; and every such Service Pipe shall be so made to communicate under the Superintendence and according to the Directions of the Surveyor or other Officer appointed for that Purpose by the Company, unless such Surveyor or Officer shall not attend at the Time mentioned in the said Notice.

Communi-  
cation to be  
made under  
the Superin-  
tendence of  
the Com-  
pany's Sur-  
veyor.

CXX. And be it enacted, That the Bore of any such Service Pipe as aforesaid shall not exceed Three Fourths of an Inch, except with the Consent of the Company.

Bore of Ser-  
vice Pipes.

CXXI. And be it enacted, That no Owner or Occupier of any Dwelling House or Part of a Dwelling House shall make any Service Pipe for such Dwelling House or Part of a Dwelling House to communicate with the Pipes of the Company, except he shall have paid the Portion of the yearly Water Rent payable in respect of such Dwelling House hereby directed to be paid in advance,

Occupiers of  
Dwelling  
Houses not  
to make Ser-  
vice Pipes  
until Water  
Rent paid.

CXXII. And be it enacted, That no Inhabitant within the Limits of this Act (except the Owner or Occupier of a Dwelling House or Part of a Dwelling House, laying any Service Pipe for the Supply of Water to the same,) shall make any Service Pipe to communicate with the Pipes of the Company, except he shall have agreed with the Company for a Supply of Water to his Buildings and Premises.

Inhabitants  
other than  
Occupiers to  
make Agree-  
ment for  
Supply of  
Water.

CXXIII. And be it enacted, That it shall be lawful for any Person who shall have laid down any Pipe, or who shall have become entitled to the same, to remove the same, and the Cocks and other Apparatus belonging thereto, after having first given Fourteen Days Notice in Writing to the Company of his Intention so to do, and of the Time of such proposed Removal; and every such Person shall make Compensation to the Company for any Injury or Damage to their Pipes or Works which may be caused by such Removal.

Removal of  
Service Pipes.

CXXIV. And for the Purpose of enabling the Inhabitants within the Limits of this Act to lay down Service Pipes in any Streets, Turnpike Roads, and Highways within the same, and to repair, renew, and remove the same, be it enacted, That it shall be lawful for

Power to  
Inhabitants  
to break up  
Pavements.



for any such Inhabitant to open or break up the Pavement and Soil of any such Street, Turnpike Road, and Highway as shall be between any Main or Branch Pipe of the Company and his House, Building, or Premises, and any Sewer or Drain therein, for any such Purpose as aforesaid, doing as little Damage as may be, and making Compensation for any Damage done in the Execution of any such Work: Provided always, that every such Inhabitant desiring to break up the Pavement or Soil of any Street, Turnpike Road, or Highway, or any Sewer or Drain therein, shall be subject to the same Necessity of giving previous Notice, and be subject to the same Control, Restriction, and Provisions, in and during the Time of breaking up the same, and for reinstating the same, and to the same Penalties for any Delay in regard thereto, as the Company are subject to by virtue of this Act.

Rates at which Company are to supply Water.

CXXV. And be it enacted, That the Company shall, at the Request of the Owner or Occupier, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House in any Street within the Limits of this Act, in which or within Twenty-five Yards of which any Pipe of the Company shall be laid, a sufficient Supply of Water for the domestic Uses of every such Occupier, at the following Rates *per Annum* on the annual Rack Rent or Value of the Premises; (that is to say,)

When the annual Rack Rent or Value of the Premises so supplied with Water shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds:

When such Rent or Value shall be above Twenty Pounds and not exceeding Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings:

When such Rent or Value shall be above Forty Pounds, at a Rate *per Centum per Annum* not exceeding Eight Pounds:

Provided nevertheless, that the Company shall not be entitled to receive from any such Owner or Occupier more than the Sum of Ten Pounds in any One Year for such Supply, nor shall the Company be obliged to furnish such Supply to any Owner or Occupier for any less Sum than Twelve Shillings in any One Year; provided also, that a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths, Horses, and Cattle, or for washing Carriages.

Valuation to be according to the Poor's Rate.

CXXVI. And be it enacted, That such Water Rates shall be paid by the Owner or Occupier requesting the Supply of Water, and shall be payable according to the annual rateable Value at which the Premises shall be assessed to the Poor's Rate, if the same shall be so assessed, or, if not, according to the net annual Value of the Premises.

Where several Houses supplied by One Pipe each to pay.

CXXVII. And be it enacted, That where several Houses or Parts of Houses in the Occupation of several Persons shall be supplied by One common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses shall be liable to the Payment of the same Rates for the Supply of Water as they would have been liable to if each of such several Houses or Parts of Houses had been separately supplied



supplied with Water from the Works of the Company by a distinct Pipe.

CXXVIII. And be it enacted, That the Rates payable to the Company for the Supply of Water to any Dwelling House or Part of a Dwelling House shall be paid in advance by equal quarterly Payments at the Four usual Feasts in the Year, and the first Payment shall be made at the Time at which the Service Pipe from such Dwelling House or Part of a Dwelling House shall be made to communicate with the Pipes of the Company, or at the Time when any Occupier of a Dwelling House or Part of a Dwelling House shall contract to take Water from the Company, and the Amount of such first Payment shall be such Proportion of a quarterly Payment as the Length of Time that shall intervene between such Day of Payment and the next quarterly Feast shall bear to a Quarter of a Year.

Rates to be paid quarterly.  
First Payment.

CXXIX. And be it enacted, That the Occupier of any Dwelling House or Part of a Dwelling House liable to the Payment of any Rate for Water supplied under the Provisions herein-before contained, who shall remove from such Dwelling House or Part of Dwelling House, or shall give Notice of his Intention to discontinue the Use of the Water supplied by the Company between any Two Feasts, shall pay the Water Rate in respect of such Dwelling House or Part of a Dwelling House becoming due on the Feast next following his quitting the same or giving such Notice.

Parties removing to pay to the next Quarter Day.

CXXX. And be it enacted, That it shall be lawful for the Company to supply any Person with Water for other than domestic Purposes at such Rent and upon such Terms and Conditions as shall be agreed upon between the Company and the Person desirous of having such Supply of Water.

Supply of Water for other than domestic Purposes.

CXXXI. And be it enacted, That if any Person supplied with Water by the Company shall neglect to pay any Water Rate or Rent due to them at any of the said Times of Payment thereof, it shall be lawful for the Company to stop the Water from flowing into the Premises of such Person, by cutting off the Service Pipe to such Premises, or by such Means as the Company shall think fit, and to recover the Rate or Rent due from such Person, if less than Twenty Pounds, together with the Expences of cutting off the Water, and Costs of recovering the same, by the same Means as any Damages for the Recovery of which no special Provision is contained in this Act are hereby directed to be recovered; or if the Rate or Rent so due shall amount to Twenty Pounds or upwards, it shall be lawful for the Company to recover the same, together with the Expences of cutting off the Water, in any of the Superior Courts, by Action of Debt or on the Case.

Recovery of Rates.

CXXXII. And be it enacted, That if the Company shall neglect or refuse to furnish a sufficient Supply of Water for domestic Purposes, at the Rate aforesaid, to any Owner or Occupier of any Dwelling House or Part of any Dwelling House in any Street or

Penalty for refusing a Supply of Water.

[*Local.*]

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Place



Place where the Pipes of the Company shall be laid, or within Twenty-five Yards of any such Pipe, for Seven Days after Demand in Writing made to the Secretary or Surveyor of the Company, and Tender made to such Secretary or Surveyor of the Amount of the Portion of the Rate payable in advance, the Company shall forfeit to the Owner or Occupier making such Demand Treble the Amount of the Rate so tendered, and also the further Sum of Twenty Shillings for every Day during which they shall refuse or neglect to furnish such Supply: Provided always, that the Company shall not be obliged to supply any Water to any such Owner or Occupier, or be liable to any Penalty for not supplying the same, if such Supply cannot be made by the Company without lessening the Quantity of Water required by other Owners or Occupiers of Houses and Parts of Houses supplied with Water by the Company previously to the Demand made by such Occupier.

Penalty for  
Failure of  
Supply of  
Water.

CXXXIII. And be it enacted, That if the Company shall neglect or refuse to furnish a sufficient Supply of Water for domestic Purposes during any Part of the Period for which the Rate for such Supply shall have been paid, they shall forfeit to the Person having paid such Rate the Sum of Twenty Shillings for every Day during which such Refusal or Neglect shall continue after Notice shall have been given to the Company of the Want of such Supply; but no Penalty shall be payable by the Company if the Want of such Supply shall arise from Frost, unusual Drought or dry Weather, or other unavoidable Accident.

Fire-plugs  
to be pro-  
vided by the  
Company.

CXXXIV. And be it enacted, That the Company shall, at the Time of laying down any Main Pipe for supplying any Street, Highway, or Place within the Limits of this Act with Water, fix, and from Time to Time repair or renew, Fire-plugs in such Street, Highway, or Place, for the Supply of Water in extinguishing Fire; and as soon as any such Fire-plug shall have been completed the Company shall deposit a Key of such Fire-plug at each Place within the Limits of this Act where any public Engine shall be kept for extinguishing Fire, and affix a public Notification in some conspicuous Place by the Side of the said Street, Highway, or Place, to denote the Situation and Distance of such Fire-plug.

Water to be  
taken to  
extinguish  
Fires.

CXXXV. And be it enacted, That it shall be lawful for all Persons at all Times to take and use the Water of the Company in extinguishing any Fire which may happen within the Limits of this Act, without making Compensation for such Water.

Persons  
using the  
Water to pro-  
vide Cisterns  
and Cocks.

CXXXVI. And be it enacted, That every Person supplied with Water under the Provisions of this Act shall, when required by the Company, provide a proper Cistern to receive and retain the Water with which he shall be so supplied, with a Ball and Stop Cock affixed to the Pipe conducting the Water from the Works of the Company to such Cistern, and shall keep such Cistern, Ball and Stop Cock, in good Repair, so as effectually to prevent the Water from running to Waste; and in case any such Person shall neglect to provide, when required by the Company, such Cistern, Ball or Stop Cock, or to



keep the same in good Repair, it shall be lawful for the Company, or for any Person acting under their Authority, to cut off the Pipe or turn off the Water from the Premises of such Person, until such Cistern, and Ball and Stop Cock, shall be provided or repaired, as the Case may require.

CXXXVII. And be it enacted, That if any Person supplied with Water by the Company shall suffer any Cistern, Place for Water, Pipe or Cock, belonging to him, to be out of repair, so that the Water supplied to him by the Company shall be wasted, he shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Penalty for suffering Cisterns, &c. to be out of repair.

CXXXVIII. And be it enacted, That it shall be lawful for the Company to repair any such Cistern, Place for Water, Pipe or Cock, and the Expences of such Repair shall be payable by the Person so allowing the same to be out of repair, and be recovered in manner herein provided for Recovery of the Water Rate or Rent.

Company may repair, and recover the Expences.

CXXXIX. And be it enacted, That it shall be lawful for the Surveyor, or any other Person acting under the Authority of the Company, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, upon giving Twelve Hours previous Notice of their Intention, to enter into any House, Building, or Premises supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste or improper Use of such Water; and if such Surveyor or other Person acting by the Authority of the Company shall at any such Time be refused Admittance into such Dwelling House, Building, or Premises, for the Purpose aforesaid, or shall be prevented from making such Inspection and Examination as aforesaid, it shall be lawful for the Company to turn off the Water supplied by the Company from such House, Building, or other Premises.

Power to Company's Surveyor to enter Houses to inspect.

CXL. And be it enacted, That every Person supplied with Water under the Provisions of this Act who shall supply to any other Person, or wilfully permit any other Person to take any Water supplied by the Company from any Cistern, Pipe, or Place for Water belonging to him, shall forfeit for every such Offence a Sum not exceeding Five Pounds: Provided always, that the Supply of Water for the Purpose of extinguishing any Fire, or in any sudden Emergency, or to any Person supplied with Water by the Company, during any Time that the Pipes or Cock belonging to such Person may be out of repair, if such Pipe or Cock shall not have been out of repair during a longer Time than was necessary for the Repair thereof, shall not be deemed an Offence within the Meaning of this Act.

Penalty for allowing Persons to use the Company's Water.

CXLI. And be it enacted, That if any Person, not having agreed to be supplied with Water by the Company, shall take any Water from any Reservoir or Aqueduct belonging to the Company, or any Pipe affixed or leading to any such Aqueduct or Reservoir, or from any Cistern or other like Place containing Water belonging to the Company, he shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Penalty for taking the Company's Water without Agreement.

CXLII. And



Penalty for  
destroying  
Valves, &c.

CXLII. And be it enacted, That every Person who shall wilfully or carelessly break, injure, or open any Valve, Pipe, or Clow belonging to, or shall flush or draw off the Water of the Company, or shall do any other wilful Act whereby such Water shall be wasted, shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Penalties for  
Offences re-  
specting the  
Water of the  
Company.

CXLIII. And be it enacted, That every Person who shall commit any of the following Offences shall for every Offence forfeit a Sum not exceeding Forty Shillings; (that is to say,)

First.—Every Person who shall cause any Dog or other Animal to go into any Reservoir or Water belonging to the Company, or shall bathe or wash any such Dog or Animal therein :

Second.—Every Person who shall throw any Gravel, Stone, Rubbish, Filth, or other offensive Thing into, or wash or cleanse any Cloth, Wool, Leather, or Skin of any Animal, or any Wearing Apparel or other Thing in any such Reservoir or Water as aforesaid :

Third.—Every Person who shall cause or permit the Water of any Sink, Sewer, or Drain, or other filthy Water belonging to him or under his Control, to run or be conveyed into any of the Water belonging to the Company, or into any Spring, Drain, or Watercourse communicating therewith, or shall commit or cause any Act whereby the Water of the Company shall be fouled or corrupted.

Penalty on  
Gas Makers  
for corrupt-  
ing Water  
within the  
Limits of the  
Act.

CXLIV. And be it enacted, That if any Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the Limits of this Act, or belonging to the Company, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be  
sued for in  
Superior  
Courts within  
Twelve  
Months.

CXLV. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty  
during the  
Continuance  
of the Of-  
fence.

CXLVI. And be it enacted, That, in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not) the Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day such Washing, Substance, or Thing shall be conveyed



conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby, and such Penalty shall be paid to such last-mentioned Person.

CXLVII. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act, such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Person shall not, within Twenty-four Hours next after the Service of such Notice, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Daily Penalty during Escape of Gas after Notice.

CXLVIII. And be it enacted, That whenever the Water supplied by the Company, or any other Water within the Limits of this Act, shall be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Penalty on Gas Makers if Water contaminated.

CXLIX. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected, served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be contaminated or affected, a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Daily Penalty during the Continuance of the Contamination after Notice.

CL. And whereas it may become a Question, upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, or Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceeding so to dig and examine Twelve Hours Notice shall be given to the Person making or supplying such Gas of the Time at which such Digging and Examination are intended to take place.

Power to examine Gas Pipes, to ascertain Cause of Contamination.



The Expences to abide the Result of the Examination.

CLI. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of the Digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Amount of the Expences to be ascertained and recovered as other Damages.

CLII. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

Person supplying Gas to be liable to Indictment for Nuisance.

CLIII. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas within the Limits of this Act from an Indictment for any Nuisance or any other legal Proceeding to which he may be liable in consequence of the making or supplying such Gas.

Provision for Damages not otherwise provided for.

CLIV. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices, and when by this Act any Damages or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence, and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

For ascertaining Compensation.

CLV. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him, or before any other Justices, at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Justices to examine Parties and Witnesses.

CLVI. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justices, it shall be lawful for such Justices to examine the Parties to such



such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justices; and if either Party to any such Question fail to appear at the Time and Place appointed by any Justices for going into such Question, without reasonable Excuse, to the Satisfaction of such Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justices to proceed *ex parte*.

CLVII. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justices to be paid by the Company, for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the Company to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount may be recovered by Distress, and the Justices by whom such Sum of Money shall have been ordered to be paid, or any other Justices, on Application, shall issue their Warrant accordingly; and if sufficient Goods or Effects of the Company cannot be found whereon to levy such Sum of Money, the same may be recovered by Distress of the Goods of the Treasurer of the Company, and the Justices aforesaid, or any other Justices, on Application, shall issue their Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

Distress  
against the  
Company.

Distress  
against the  
Treasurer.

CLVIII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid, he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Company coming into his Custody or Control, or he may sue for the same against the Company by Process of Law.

Reimburse-  
ment of the  
Treasurer.

CLIX. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, be it enacted, That from Time to Time the Company shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company; and such Particulars shall be renewed as often as the same or any Part thereof are obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Publication  
of Penalties.

CLX. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the

Defacing  
Boards put  
up for Pub-  
lication of  
Penalties.



the Expences attending the Restoration of such Board ; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to  
be summarily  
recovered  
before Two  
or more  
Justices.

CLXI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before Two or more Justices, and on the Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode ; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them ; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to  
be levied by  
Distress.

CLXII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

Imprison-  
ment in  
default of  
Distress.

CLXIII. And be it enacted, That it shall be lawful for any Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of keeping such Security ; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to Two or more Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

CLXIV. And



CLXIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Township in which the Offence shall have been committed, for the Benefit of the Poor of such Township; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Half to be applied for the Benefit of the Poor of such Extra-parochial Place, or of any adjoining Township or District, and shall order the same to be paid over to the proper Officer for that Purpose.

CLXV. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

CLXVI. And be it enacted, That Service of any Summons personally on the Person to whom the same is addressed, or upon the Wife or Child (not being less than Fourteen Years of Age) or Servant of such Person, at his usual Place of Abode, shall, if the Effect of such Summons be explained at the Time of such Service, be deemed sufficient Service for the Recovery of any Penalty under this Act.

CLXVII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth of such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence; and every Person who in any Examination upon his Oath shall wilfully and corruptly give false Evidence may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall by Law be subject.

CLXVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (I.) to this Act annexed.

[*Local.*]

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CLXIX. And



Informalities.

CLXIX. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CLXX. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CLXXI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

CLXXII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLXXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Costs.

Interpretation of Act.

CLXXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned



assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Word " Month " shall mean Calendar Month :

The Word " Person " shall extend to a Corporation, whether aggregate or sole :

The Expression " Superior Courts " shall mean Her Majesty's Superior Courts of Record at *Westminster* :

The Word " Oath " shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath :

The Word " Secretary " shall include the Word " Clerk :"

The Word " Lands " shall extend to Messuages, Lands, Springs, Streams, Tenements, and Hereditaments of any Tenure :

The Word " Justice " shall mean Justice of the Peace of the County or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter :

The Expression " the Company " shall mean the Company incorporated by this Act :

And the Expression " the Secretary " shall mean the Secretary of such Company.

CLXXV. And be it enacted, That this Act shall be a Public Act, Public Acts and shall be judicially taken notice of as such.



SCHEDULES referred to by the foregoing Act.

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SCHEDULE (A.)

*Form of Certificate of Share.*

“The Saint Helens Waterworks Company.”

Number

THIS is to certify, That *A.B.* of \_\_\_\_\_ is the Proprietor of the Share, Number \_\_\_\_\_ of “The Saint Helens Waterworks Company,” subject to the Regulations of the said Company. Given under the Common Seal of the said Company, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_.

SCHEDULE (B.)

*Form of Transfer of Shares.*

I \_\_\_\_\_ of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to me by \_\_\_\_\_ do hereby transfer to the said \_\_\_\_\_ Share [*or* Shares] numbered \_\_\_\_\_ in the said Undertaking called “The Saint Helens Waterworks Company,” to hold unto the said \_\_\_\_\_ his Executors, Administrators, and Assigns, [*or* Successors and Assigns,] subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said \_\_\_\_\_ do hereby agree to take the said Share [*or* Shares], subject to the same Conditions. As witness our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_.

SCHEDULE (C.)

*Form of Mortgage Deed.*

“The Saint Helens Waterworks Company.”

Mortgage, Number

£

By virtue of an Act passed, &c., intituled, &c., we, “The Saint Helens Waterworks Company,” in consideration of the Sum of \_\_\_\_\_ Pounds paid to us by *A.B.* of \_\_\_\_\_ do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the said Undertaking, and all the Rates and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of \_\_\_\_\_ Pounds, together with Interest for the same at the Rate of \_\_\_\_\_ for every One hundred Pounds by the Year, be satisfied [the



[the Principal Sum to be repaid at the End of                      Years from  
the Date hereof (*in case any Period be agreed upon for that Pur-  
pose*)]. Given under our Common Seal, this                      Day  
of                      in the Year of our Lord .

## SCHEDULE (D.)

### Form of Bond.

**“The Saint Helens Waterworks Company.”**

Bond, Number . £

By virtue of an Act passed, &c., intituled, &c., we, "The Saint Helens Waterworks Company," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, on the \_\_\_\_\_ Day of \_\_\_\_\_ which will be in the Year One thousand eight hundred and \_\_\_\_\_ the Principal Sum of \_\_\_\_\_ Pounds, together with Interest for the same at the Rate of \_\_\_\_\_ Pounds per Centum per Annum, payable half-yearly on the \_\_\_\_\_ Day of \_\_\_\_\_ and \_\_\_\_\_ Day of \_\_\_\_\_ then the above-written Obligation is to become void, otherwise to remain in full Force. Given under our Common Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

### SCHEDULE (E.)

*Form of Transfer of Mortgage or Bond.*

I *A.B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
paid to me by *G.H.* of \_\_\_\_\_ do  
hereby transfer to the said *G.H.*, his Executors, Administrators, and  
Assigns, a certain Bond [*or Mortgage*] Number \_\_\_\_\_ made by  
“*The Saint Helens Waterworks Company*” to \_\_\_\_\_ bearing  
Date the \_\_\_\_\_ Day of \_\_\_\_\_ for securing the Sum  
of \_\_\_\_\_ and \_\_\_\_\_ Interest [*or, if such Transfer*  
*be by Indorsement*, the within Security], and all my Right, Estate,  
and Interest in and to the Money thereby secured [*and if the*  
*Transfer be of a Mortgage*, and in and to the Rents, Money, and  
Property thereby assigned]. In witness whereof I have hereunto  
set my Hand and Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ One  
thousand eight hundred and \_\_\_\_\_

## SCHEDULE (F.)

### Form of Proxy.

*A.B.* of \_\_\_\_\_ one of the Proprietors of  
 "The Saint Helens Waterworks Company," doth hereby appoint  
*C.D.* of \_\_\_\_\_ to be the Proxy of the said *A.B.*, in his  
 [Local.] [6 O] Absence



Absence to vote in his Name upon any Matter relating to the Undertaking proposed at the Meeting of the Proprietors of the said Company to be held on the                      Day of                      next, in such Manner as he the said C.D. doth think proper. In witness whereof the said A.B. hath hereunto set his Hand [*or, if a Corporation, say, the Common Seal of the Corporation*], the                      Day of                      One thousand eight hundred and                      .

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### SCHEDULE (G.)

#### *Form of Conveyance.*

I                      of                      in consideration of the Sum of                      paid to me [*or, as the Case may be, into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Saint Helens Waterworks Company," or to A. B. of                      and C. D. of                      Two Trustees appointed to receive the same*], pursuant to an Act passed, &c., intituled, &c., by the [*here name the Company*], incorporated by the said Act, do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of                      in the Year of our Lord                      .

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### SCHEDULE (H.)

#### *Form of Conveyance on Chief Rent.*

I                      of                      in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by "The Saint Helens Waterworks Company," established and incorporated by virtue of an Act passed, &c., intituled, &c., do hereby convey to the said Company, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Company, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Company, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of                      by equal quarterly [*or half-yearly, as agreed upon,*] Portions henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, the                      Day of                      in the Year of our Lord                      .

SCHE-



## SCHEDULE (I.)

*Form of Conviction.*

to wit.

BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in  
the Year of our Lord \_\_\_\_\_ A. B. is convicted before  
us, C. D. and E. F., Two of Her Majesty's Justices of the Peace for  
the County of L. [*here describe the Offence generally, and the Time,  
Place, when and where committed,*] contrary to the Saint Helens  
Waterworks Act, 1843. Given under our Hands and Seals, the Day  
and Year first above written.

*C. D.*

*E. F.*

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1843.



