CHAP. c.

An Act to enable the Local Board for the district of Ince in Makerfield to provide a supply of Water for the district and its neighbourhood; and for other purposes. A.D. 1871.

[13th July 1871.]

WHEREAS the district of Ince in Makerfield in the county of Lancaster is inadequately supplied with water, and it is expedient that the Local Board for the district of Ince in Makerfield (in this Act called the Local Board) be authorised to make and maintain waterworks and to supply water within their district and the neighbourhood thereof, as by this Act provided:

And whereas plans and sections of the reservoirs, aqueducts, conduits, and works (in this Act called the waterworks) proposed to be made by the Local Board, showing the lines and levels thereof, with a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, streams, and waters in, through, and upon which the waterworks are proposed to be made, which plans and sections and book of reference are in this Act referred to as the deposited plans, sections, and book of reference, have been deposited with the clerk of the peace for the county of Lancaster:

And whereas the objects aforesaid cannot be accomplished without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the "Ince Water Act, 1871."

Provisions of general Acts herein

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Water-

A.D. 1871.

named incorporated.

works Clauses Acts, 1847 and 1863," except the provisions of "The Waterworks Clauses Act, 1847," "with respect to the amount of "profit to be received by the undertakers when the waterworks are "carried on for their benefit," and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of land near the railway during the construction thereof, are incorporated with and form part of this Act.

Same meanings to words in incorporated Acts as in this Act.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act, and also in this Act, the expression "the undertakers" or "the Company" shall mean the Local Board, and the expression "the waterworks" or "the railway" shall mean the waterworks and other works by this Act authorised to be constructed; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Interpretation of terms.

4. In this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "the Local Board" shall mean the Local Board for the district of Ince in Makerfield in the county of Lancaster:

The expression "the district" shall mean the district of the Local Board:

The expression "the Public Health Acts" shall mean and include "The Public Health Act, 1848," "The Local Government Act, 1858," and "The Local Government Act (1858) Amendment Act, 1861," and all other Acts amending those Acts or any of them.

Limits of Act.

5. The limits of this Act for the supply of water shall comprise the township of Ince in Makerfield in the county of Lancaster, and which limits are in this Act referred to as "the water limits."

Act to be executed by Local Board.

6. This Act shall be executed by the Local Board, with the powers and indemnities and according to the provisions of the Public Health Acts, and those Acts shall, in relation to the Local Board and the several objects and purposes of this Act, be read and

construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Public Health Acts are expressly varied or otherwise provided for by this Act.

Power to Local Board to appoint committee.

7. The Local Board may from time to time appoint a committee for the execution of this Act, and the Local Board from time to time may remove any member of the committee, and appoint any other member of the Local Board in his place, and from time to time may delegate to the committee such of the powers, authorities, and duties of the Local Board under this Act as they think fit, and the acts and proceedings of the committee, within the limits of such delegation, shall be deemed the acts and proceedings of the Local Board, and the quorum of such committee shall be three; and the Local Board may from time to time make such regulations as it thinks fit for the guidance of the committee, and the acts and proceedings of the committee shall from time to time be submitted to the Local Board for approval.

Minute books of committee to be open for inspection.

8. All the minutes and other books of the committee, and all documents, writings, and papers in the custody of or belonging to the committee, shall at all times be open to the inspection of any member of the Local Board.

Construction of Waterworks.

Power to make waterworks.

9. Subject to the provisions of this Act, the Local Board may make and maintain the waterworks in the lines, upon the levels, and upon the lands delineated on the said plans and sections and described in the said book of reference, and for those purposes may enter upon, take, and use such of the lands delineated on and described in the deposited plans and sections and book of reference, and also any easement, right, privilege, power, or authority in or over the same lands, as shall be necessary for the purposes of this Act.

Works authorised.

10. The works by this Act authorised to be made and maintained, and the things by this Act authorised to be done by the Local Board, comprise the following works and things, with all such incidental works and conveniences as the Local Board think fit; that is to say,

1. A reservoir wholly in the township of Golborne in the said county, to be situate in and upon certain lands belonging or reputed to belong to William John Legh, and in the occupation of Abel Wiswall, lying at a point four hundred and

A.D. 1871.

eighty yards or thereabouts, measured in an easterly direction, from the house in Factory Lane occupied by the said Abel Wiswall in the same township:

2. An aqueduct or line of pipes commencing from and out of the proposed reservoir, and passing thence, from, along, through, and into the parishes, townships, and places of Golborne, Ashton-in-Makerfield, Abram, Hindley, and Ince, or some or one of them, in the said county, and terminating in such last-mentioned township in the public highway leading from Golborne to Ince at a point adjoining or near to the boundary between the township of Ince and Hindley, and on the northerly side of and near to the bridge which carries the Manchester, Eccles, Tyldesley, and Wigan branch of the London and North-western Railway over the last-mentioned road:

3. To sink wells and shafts, and make borings and other works, for collecting water from the lands in the said parishes, townships, and places, or some or one of them.

Lateral and vertical deviations.

11. The Local Board, in constructing the works by this Act authorised, may make lateral deviations from the line of such works not exceeding the limits of deviation shown on the deposited plans, and may deviate from the levels of the reservoirs to any extent not exceeding three feet, and of other works as delineated on the said sections to any extent not exceeding five feet.

For protecting property of Mrs. Mary Ann Maddock.

12. The powers by this Act conferred upon the Local Board shall be exercised only subject to and in accordance with the following provisions; that is to say,

1. In laying down the aqueduct or line of pipes through the lands in the parish of Ashton-in-Makerfield belonging or reputed to belong to Mrs. Mary Ann Maddock, the Local Board shall not deviate from the course or direction thereof shown on the deposited plans to any greater extent than three feet (except so far as may be necessary for carrying the aqueduct or line of pipes by the side of instead of over Hey or Aye Bridge) without the previous consent in writing of the said Mrs. Mary Ann Maddock, or other the owner or owners from time to time of those lands; and the aqueduct or line of pipes shall be water-tight, and so constructed and laid as to prevent the percolation of any water into the same from the said lands:

2. The Local Board shall not, without such consent as aforesaid, enter upon, take, or use any greater quantity of the aforesaid lands than is actually required for the laying down, slinging, and maintaining of the aqueduct or line of pipes and works

connected therewith, and they shall not, without such consent, purchase and take the same, but they may purchase and take, and the said Mary Ann Maddock, or other such owner or owners as aforesaid, may and shall sell and grant to the Local Board an easement or right of using the lands so required as aforesaid:

3. The Local Board shall not, without such consent as aforesaid, sink any well or shaft or make any boring or any other work for collecting water in or upon any of the lands aforesaid, and shall not, by those or by any other means, take or abstract any water from any stream or brook flowing through or abutting upon the aforesaid lands:

4. The Local Board shall at all times be at liberty to enter upon the lands of the said Mary Ann Maddock for repairing the said aqueduct or line of pipes and works connected therewith.

Confirmation of heads of arrangement in schedule.

13. The heads of arrangement set forth in the schedule to this Act are by this Act confirmed and made binding on the parties thereto, and shall have full effect according to the terms and intent thereof.

Powers for compulsory purchases limited.

14. The powers of the Local Board for the compulsory purchase of lands for any of the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to acquire additional lands by agreement.

15. In addition to the lands, streams, and waters which the Local Board are by this Act authorised to purchase compulsorily, they may, for any of the purposes of this Act, but subject to the provisions of this Act, from time to time, by agreement, purchase in fee, either absolutely or in consideration of any yearly or other rent, or take on lease, any additional quantity of land not exceeding in the whole three acres, or any easement or right in or over such additional lands, which they may from time to time think requisite for any of the purposes of this Act.

Streets under control of Local Board may be taken up without notice.

For the protection of Lancashire and Yorkshire Railway Company, and the London

16. It shall not be necessary for the Local Board, before they proceed to open or break up for any of the purposes of this Act any street, bridge, sewer, drain, or tunnel under the control of the Local Board, and not being over or under or affecting any railway, to give any notice of their intention so to do: Provided that nothing contained in this Act shall authorise the Local Board to interfere with the Lancashire and Yorkshire Railway, or the Manchester, Eccles, Tyldesley, and Wigan Branch Railway, or any other railway of the London and North-western Railway Company, or the works connected therewith respectively, except upon the following conditions: The Local Board shall give to the Lancashire and Yorkshire

A.D. 1871.

and North-western Railway Company.

Railway Company and the London and North-western Railway Company, as the case may be, fourteen days notice of their intention to open or break up any street, bridge, sewer, drain, or tunnel passing over or under the Lancashire and Yorkshire Railway, or the Manchester, Eccles, Tyldesley, and Wigan Branch Railway, or any other such railway, accompanied by a plan showing the mode in which such respective railways and works will be affected: The plan shall be agreed upon by the surveyor of the Local Board and the engineer of the railway company affected; and if they cannot agree upon such plan, then by an engineer to be mutually agreed upon, or failing agreement to be appointed by the Board of Trade: The works shall be so constructed and maintained that the respective traffic of the Lancashire and Yorkshire Railway, and the Manchester, Eccles, Tyldesley, and Wigan Branch Railway, or any other such railway, shall not be in anywise impeded, and the Local Board shall make good all damage and injury that may be occasioned to the respective railways of the Company affected, or the works connected therewith.

As to well at Parkside station.

17. The Local Board shall not, without the consent of the London and North-western Railway Company in writing under their common seal, sink or make any wells, shafts, or cuts within a radius of one thousand yards of the Parkside Railway Station, for the purpose of obtaining a supply of water.

Owners may grant easements.

18. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell or convey or lease lands, shall, subject to the provisions of those Acts respectively, have full power to grant to the Local Board in fee, either absolutely or in consideration of any yearly or other rent, any lands, streams, or waters, or any easement, right, privilege, power, or authority in, over, or affecting any lands, streams, or waters, by this Act authorised to be purchased by the Local Board compulsorily or by agreement, and which the Local Board from time to time think requisite for any of the purposes of this Act.

Certain parts of 23 & 24 Vict. c. 106. extended to this Act.

19. For the purposes of this Act, the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Lands to vest in Local Board as a body corporate.

20. All the waterworks, lands, easements, and other property which may be purchased or acquired by the Local Board under this Act shall be vested in and held by the Local Board and their suc-

cessors in trust for the purposes of this Act, and shall be held by them and their successors as or in the nature of a body corporate.

Period for completion of waterworks.

21. If the waterworks shall not be completed within seven years from the passing of this Act, then on the expiration of that period the powers of the Local Board under this Act for making the waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much as is then completed: Provided always, that, subject to the provisions of this Act, the Local Board from time to time may alter, enlarge, and extend their engines, machinery, wells, mains, and pipes in such way and manner as shall be necessary for the purpose of carrying this Act into effect.

As to damage by breakage of pipes occasioned by working mines.

22. And whereas, as there are within Ince aforesaid extensive mines and minerals which cannot without great loss and inconvenience be worked subject to the provisions of "The Waterworks Clauses Act, 1847:" Therefore no owner, lessee, occupier, or worker of any mine within that township shall be liable for or to make good any damage occasioned to the waterworks, or the mains or pipes of the Local Board, by working in the usual and ordinary course there any of those mines, and nothing in this Act contained shall prevent the Local Board from being liable to any action or other legal proceeding to which they would have been liable for any damage or injury done or occasioned to any mines or minerals by means or in consequence of the waterworks, or the breakage of any mains or pipes, or any flow of water therefrom, in case the same works, mains, and pipes respectively had not been laid or maintained by virtue of this Act.

For the protection of water mains of the corporation of Liverpool.

23. The Local Board shall not remove, displace, or in any way alter or interfere with any water main or pipe belonging to the corporation of Liverpool which is now laid, or with any main or pipe of the same dimensions and laid in the same position in substitution for any existing main or pipe, without their permission, and the board shall not be entitled to any compensation from the corporation in consequence of any injury to any pipe or other work of the board by reason of the bursting, fracture, defect, or giving way of any water main or pipe of the corporation which is now laid, or with any main or pipe of the same dimensions and laid in the same position in substitution for any existing main or pipe, unless the same shall happen through the neglect or default of the corporation: Provided that nothing herein contained shall affect the powers of the Local Board under the Public Health and Local Government Acts.

Saving rights of the justices of the peace for

24. Nothing herein contained shall tend to lessen or control any right, power, or authority now vested in the justices of the peace for the county palatine of Lancaster for altering or rebuilding any

A.D. 1871.

county palatine of Lancaster.

bridge, and the lengths of roadway adjacent thereto repairable by the inhabitants of the said county, or any hundred therein, which may be crossed or affected by the works of the Local Board, but all such rights, powers, and authorities shall remain in as full force as if this Act had not passed; and the said justices shall not be liable to make any compensation whatever for any damage or injury to the Local Board by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto: Provided that in altering or rebuilding such bridge, or lengths of roadway adjacent thereto, nothing shall be done to impede or interfere with the works of the Local Board for any greater length of time or in any other manner than shall be necessary for the execution of the work, and before commencing such alteration or rebuilding ten days notice thereof shall be given to the said Local Board, and the said justices shall afford to the said Local Board all necessary and reasonable temporary facilities for enabling them to continue the supply of water during such alteration or rebuilding.

As to alteration of pipes on alteration or rebuilding of a bridge.

25. If any bridge repairable by the inhabitants of the said county or of any hundred therein, upon or along which any pipe of the Local Board is laid, be altered or rebuilt by the justices of the said county, the said justices may require the Local Board to alter any such pipes in such manner as the circumstances of the case may reasonably require: Provided that in case of any difference between the said justices and the Local Board as to such alteration, the same shall be referred to an arbitrator to be agreed upon between the parties, or to be appointed for that purpose by the Board of Trade on the application of either party.

Supply of Water.

Power for Local Board to supply water.

26. Subject to the provisions of this Act, the Local Board may supply water within the water limits for domestic purposes, and for purposes other than domestic purposes, and may supply water by measure.

Provision respecting constant pressure and level.

27. The water supplied by the Local Board need not be constantly laid on under pressure or be continuously supplied.

Supply of water for domestic purposes.

28. The Local Board are hereby authorised to cause either main pipes or service pipes, as circumstances shall require, to be laid down and water to be brought through every street within the water limits, and, save as herein-after mentioned, shall, at the request of the owner or occupier of any house in any street in which such pipes shall have been so laid down, furnish to such person within such house, by means of branch or communication pipes and other necessary and proper apparatus, to be provided, laid down, and maintained as herein-after mentioned, at the cost of such

person, a sufficient supply of water for domestic purposes; and, save as herein-after mentioned, the owner of any house within the water limits shall, when thereunto required by the Local Board, provide a branch or communication pipe and other necessary and proper apparatus to convey the water into such house from any main or service pipe which now is or hereafter may be laid in any street in which such house may be situate, in such manner as to afford an actual supply of water within such house to the occupier thereof, and, except as herein-after provided, the occupier of such house shall be liable to pay and shall pay the water rates in respect of the same.

In case of neglect, Local Board may introduce water into houses.

29. If for sixty days after demand in writing made by the Local Board to the owner of any house in any street within the water limits in which main pipes or service pipes have been laid down such owner shall refuse or neglect to provide branch or communication pipes and other proper and necessary apparatus for introducing water into such house, as herein-before directed, it shall be lawful for the Local Board to enter such house, and introduce such pipes and other apparatus into same, and to sue for and recover from such owner the amount of the expense thereby incurred by the Local Board.

Power to Local Board to make regulations for preventing waste of water.

30. Subject to the provisions of this Act, the Local Board from time to time may make and enforce such reasonable regulations as they find expedient for preventing the waste or misuse of water, and among other things may prescribe the size, nature, make, strength, and arrangement of the pipes, cocks, cisterns, and other apparatus used for the purposes of the supply, and may prescribe the mode, manner, and time of connecting the service pipes with the pipes belonging to the board.

Power to Local Board to refuse supply where regulations not complied with.

31. In the event of any of such regulations not being observed by any person having or requiring a supply of water, the Local Board may refuse to supply water, or cut off the water supplied by them to him, unless and until the regulations be complied with; and if and whenever any difference arises as to whether the regulations are reasonable, or have been complied with by any person whose supply of water is so cut off, the difference may be referred by either party to and shall be settled by two justices of the county of Lancaster.

For preventing waste of water.

32. The Local Board shall not be compellable to supply with water any watercloset or private bath, or the apparatus connected therewith, unless the same be made to the satisfaction of the Local Board, and used so as to prevent the waste or undue consumption

A.D. 1871.

of the water of the Local Board, or, with respect to a private bath, if it contain when filled for use more than eighty gallons of water.

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

33. Every person supplied with water by the Local Board who wilfully suffers any pipe, cock, cistern, or other apparatus used for purposes of the supply to be out of repair, so that the water supplied to him by the Local Board is wasted, shall for every such offence forfeit to the Local Board not exceeding five pounds over and above the loss which the Local Board sustain by reason of the waste.

Pipes, &c. out of repair to be repaired.

34. In every such case the Local Board, by notice in writing under the hand of their clerk or surveyor, delivered to the person allowing the pipe, cock, cistern, or other apparatus to be out of repair, or left for him at the house where the apparatus is, may require him to repair the apparatus so as to prevent the waste of water, and if he fail to do so within three days after the service of the notice the Local Board may repair the apparatus, and the expense thereof shall be repaid to them by the person so in default, and may be recovered as damages.

Power for Local Board to remove water pipes.

35. If and whenever any house, building, or premises which shall have been supplied with water by the Local Board shall be unoccupied, the Local Board, their agents, servants, or workmen, after giving twenty-four hours previous notice to the owner, by serving the notice on him, or sending the same by post addressed to him at his usual place of abode or business, or, if the owner or his usual place of abode or business be not known to the Local Board, by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into such house, building, or premises, between the hours of eight o'clock in the forenoon and eight o'clock in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Local Board.

Restriction on supply for other than domestic purposes.

36. No person shall be entitled to have under this Act a supply of water for any purpose other than domestic purposes when the supply would interfere with the proper supply, under this Act, of water for domestic purposes.

Public drinking fountains.

37. The Local Board from time to time, when and as they think it expedient, may put up and continue, and from time to time remove or discontinue, drinking places, with proper conveniences for the gratuitous supply of water to the public (but for drinking only), in such public places within the water district as the Local Board think fit, but not against any private dwelling-house, warehouse, counting-house, or shop, except with the consent of the owner or occupier thereof, or against any public building, unless the building shall be the property of the Local Board.

Charges for supply of water for other than domestic purposes.

38. The Local Board may supply water for purposes other than domestic purposes, on such terms, pecuniary and otherwise, and conditions as are agreed on between the Local Board and the person requiring the supply, and the moneys payable for the supply shall be water rates, and recoverable accordingly.

Supply of water beyond water limits.

39. The Local Board may from time to time, on terms mutually agreed on, supply water in bulk for domestic or other purposes, at places beyond the water limits, provided the same can be supplied without prejudice to a full supply for the inhabitants within the water limits.

Supply of water by agreement.

40. The Local Board may supply water, within the water limits, for other than domestic purposes, upon such terms and conditions as shall be agreed upon between the Local Board and the person desirous of having the supply: Provided always, that no person shall be entitled to a supply of water for other than domestic purposes if the Local Board shall be of opinion that such supply would be likely to diminish the sufficiency of the supply of water for domestic purposes.

Penalty on wrongful use of water.

41. Every person who, not having agreed to be supplied with water by the Local Board, shall wrongfully take or use any water from any reservoir, watercourse, conduit, or pipe of the Local Board, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to the Local Board, or supplied by them for the use of any consumer of the water of the Local Board, shall for every such offence forfeit to the Local Board a sum not exceeding ten pounds, besides paying for the water used; and every person who, having agreed to be supplied with water by the Local Board, wrongfully takes or uses any water from any such reservoir, watercourse, conduit, or pipe, or from any such pipe, cistern, or other like place, for any purpose other than the purpose for which he so agreed to be supplied, shall for every such offence forfeit to the Local Board not exceeding ten pounds; and in any of the cases aforesaid the Local Board may, in addition, recover from the person in default, by action in any court of competent jurisdiction, the value of the water improperly used, and the amount of any loss or injury sustained by them by or in consequence of any such wrongful act.

For supply of water to Golborne.

42. The powers by this Act conferred upon the Local Board shall be exercised only in accordance with and subject to the following provisions; (that is to say,)

Subject to the approval of William John Legh, Esquire, and to the provisions of the agreement between the Local Board and the said William John Legh, dated the seventeenth day of March one thousand eight hundred and seventy-one, so far

A.D. 1871.

as the same are applicable, except as to the payment of any rent which is to be paid by the Local Board, and subject to any further provisions to be agreed upon between the parties, with the consent and approval of the said William John Legh, the said Local Board shall transfer to the sewer authority, or other the local authority for the time being of the township of Golborne, (herein-after in this section designated and comprised in the term "the local authority,") all the rights and interests of the Local Board in a portion of the surface of the land included in the said agreement (to be selected by the local authority within a distance of two hundred yards from the reservoir before mentioned, but so as not to interfere with the works of the Local Board), sufficient for the purpose of a water tank calculated to contain fifty thousand gallons being constructed thereon, and also all rights of road to the said portion of land, to be used in common by the Local Board and the local authority, and also the right for the local authority to lay water pipes along the land and roads of the Local Board, free of any charge by the Local Board :

The Local Board shall, at any time after the expiration of two years from the passing of this Act, as and when required by the local authority, in the first place, pump or otherwise convey into any tank, at a height not exceeding sixty feet from the surface, which may be constructed by the local authority upon the portion of the land before mentioned, or at any other place which may be provided for that purpose by the local authority within a distance of five hundred yards, (the local authority in such case providing and laying the extra length of pipes required to such tank beyond the distance of two hundred yards,) such quantity of water as shall from time to time be required by the local authority to be supplied, not exceeding twenty-five gallons per day per head of the population for the time being of the said township of Golborne :

The price to be paid to the Local Board for such supply of water shall be after the rate of fivepence per one thousand gallons, the same to be paid half-yearly on the first day of January and the first day of July :

The local authority shall, after the expiration of the said period of two years, continually take or pay for at least fifteen thousand gallons per day, at the price aforesaid :

The Local Board shall not supply any water within the township of Golborne (except as provided for in the said agreement) without the consent in writing of the local authority for the said township :

The Local Board shall have the exclusive right of the supply of water to the local authority for the use of the township of Golborne: A.D. 1871.

Provided nevertheless, that if the township of Ince shall cease to be supplied with water for domestic purposes under the powers contained in this Act, then the local authority shall be at liberty to put an end to this arrangement, and this clause shall thereafter be of no effect.

Payment for Supply of Water.

Rates for supply of water for domestic purposes.

43. The Local Board shall be entitled to demand for a supply of water for domestic purposes rates not exceeding the following rates, estimated according to the full net annual value of the dwelling-house or part of a dwelling-house occupied as a separate dwelling; (that is to say,)

Where the full net annual value of such dwelling does not exceed twenty pounds, an annual rate of six per centum of such rent or value:

Where the full net annual value of such dwelling exceeds twenty pounds, five and a half per centum of such rent or value:

Provided always, that the Local Board shall not be compellable to furnish a supply of water to the owner or occupier of any such dwelling for any less sum than twopence per week: Provided also, that a supply for domestic purposes shall not include more than one watercloset, and shall not include a bath in any dwelling of less than the annual value of fifteen pounds.

Ascertainment of yearly value.

44. The yearly value shall be the annual rackrent or gross value as shown by the assessment from time to time in force of the respective house to the general district rate of the Local Board.

Composition for water rates for large houses.

45. Provided that where the yearly value of any house exceeds one hundred pounds the Local Board may agree with the owner or occupier of the house for the supply to the house of water for domestic purposes at a rate agreed on between the Local Board and the owner or occupier, but in no such case shall the rate be less than the rate for a house of the yearly value of one hundred pounds.

Rate payable by owner for small houses, &c.

46. Where the yearly value of a house supplied with water does not exceed eight pounds, or the house is let to monthly or weekly tenants, or tenants holding for any other period less than a quarter of a year, the owner, instead of the occupier, shall pay the rate for the supply, but the rate may be recovered in the first instance from the occupier, and may be deducted by him from rent from time to time due from him to the owner.

A.D. 1871.

Restriction on reduction of water rates.

47. Provided that, if and when any money is due from the waterworks account in respect of moneys paid for purposes of this Act out of the general district rate, the Local Board shall not take less than the full amount of the rates by this Act authorised for water supplied by them.

Power to levy Rates.

Power to levy rate.

48. The Local Board may from time to time, when and as often as occasion requires, and according to the powers, provisions, and limitations of the Public Health Acts, make and levy a general district rate, to be called the Ince Water Rate, for defraying the charges and expenses of carrying into execution the several powers by this Act vested in the Local Board: Provided always, that the Local Board shall not for these purposes levy in any one year a greater rate than two shillings in the pound upon the yearly value of the property within the district, as shown by the assessment from time to time in force and made for the purposes of the general district rate: Provided also, that the Local Board shall not levy such rate or any part thereof during such time as they charge less than the maximum price for water in any part of their limits.

Water rates may be collected with general district rates.

49. For the purpose of diminishing the expense of assessing, making, levying, and collecting the water rates under this Act, it shall be lawful for the Local Board to include the same in any general district rates under the Public Health Acts, and to make, levy, collect, and recover such water rates as part of any such general district rates.

Amount of rate to include expenses of recovering it.

50. The amount of any rate made by the Local Board under this Act may, if they think fit, be of such amount as in their judgment will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred in and about making and recovering the rate.

Power to borrow.

Power for Local Board to borrow on mortgage of waterworks, water rates, and general district rate.

51. In addition to any other moneys which under the Public Health Acts they may borrow, the Local Board from time to time, for any of the purposes and under the authority of this Act, may borrow at interest on mortgage of their waterworks, and the water rates and charges for water supplied under this Act, and of their general district rate, such moneys as they think fit, not exceeding thirty thousand pounds, and may secure the repayment of the same, with interest, by mortgage accordingly.

Priority of now existing mortgages affecting general district rate.

52. The moneys so borrowed may be borrowed for such time, not exceeding one hundred years, as the Local Board shall think fit; provided that the mortgages of the Local Board granted before the passing of this Act and now in force shall, while in force, and so far as they affect the general district rate, have priority over all mortgages granted under this Act by the Local Board.

Mortgages under Act to be in accordance with Public Health Acts.

53. Subject to the provisions of this Act, the mortgages from time to time granted by the Local Board under this Act shall be granted in accordance with the provisions of the Public Health Acts with respect to mortgages of the general district rate, and all the powers and provisions of the Public Health Acts applicable with respect to mortgages of the general district rate, and transfer of mortgages, and the repayment of moneys borrowed on the security of mortgages, and otherwise, shall apply and have effect with respect to the mortgages granted under this Act by the Local Board as if those mortgages were mortgages of the general district rate alone.

Restriction of Public Health Acts as to borrowing moneys not to apply.

54. The powers of the Local Board of borrowing under this Act given shall not be in any way restricted by any of the provisions of the Public Health Acts, and in calculating the amount which the Local Board may borrow under the Public Health Acts the amount which they may borrow under this Act shall not be reckoned.

Form of mortgage, &c.

55. Any mortgage under this Act, and any transfer of the mortgage, may be made in accordance with the respective forms of mortgage and transfer by the Public Health Acts authorised, with such modifications thereof as shall render them applicable to the purposes of this Act: Provided always, that the sum to be set apart yearly by the Local Board as a sinking fund shall be a sum equal to one hundredth part of the moneys borrowed by the Local Board under this Act; but it shall not be obligatory to set apart or appropriate any moneys to or for the purposes of the said sinking fund until the expiration of five years from the passing of this Act.

Receiver for mortgagees.

56. The mortgagees of the Local Board under this Act may enforce the payment of arrears of interest or of principal, or of principal and interest, due to them by the appointment of a receiver, and the amount of principal and interest in arrear to authorise the appointment of a receiver shall be one tenth of the mortgage debt.

Application of moneys borrowed.

57. All moneys from time to time borrowed under this Act shall be applied by the Local Board only as follows:

First, for paying the costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act:

Secondly, for making the waterworks by this Act authorised:

A.D. 1871.

Thirdly, for maintaining and extending the waterworks by this Act authorised, and in other respects carrying this Act into effect:

Fourthly, for repaying moneys advanced for purposes of this Act out of the general district rate, and not repaid:

Fifthly, for paying off the principal moneys borrowed under this Act by the Local Board, and from time to time remaining due.

Application of other moneys.

58. All moneys from time to time received from the water rate, and all water rates, rents, revenue, and other moneys under this Act carried to the credit of the waterworks account, except moneys borrowed, shall be applied by the Local Board as follows:

First, for paying the costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act:

Secondly, for paying the interest from time to time payable on moneys borrowed under this Act by the Local Board, and from time to time remaining due:

Thirdly, for making the works by this Act authorised:

Fourthly, for setting apart the sinking fund:

Fifthly, for maintaining and extending the waterworks, and in other respects carrying this Act into execution:

Sixthly, for repaying moneys advanced for purposes of this Act out of the general district rate, and not repaid:

Seventhly, for paying off the principal moneys borrowed under this Act by the Local Board, and from time to time remaining due:

Eighthly, for reducing the rates and charges by this Act authorised for the supply of water.

Water Accounts.

Separate accounts for waterworks.

59. For the purposes of this Act, the Local Board shall keep a distinct and separate account (to be called the Water Account) of all their receipts, credits, payments, and liabilities under this Act, with respect to the execution thereof for the purposes of waterworks and the supply of water.

Income of Local Board under Act.

60. All the moneys from time to time borrowed by the Local Board under this Act, and all moneys from time to time received by or for the use of the Local Board under this Act, or in carrying it into execution, shall from time to time forthwith, after the receipt thereof, be paid to the treasurer of the Local Board, and be carried by him to the credit of the proper account.

Charge for water supplied for watering streets, &c.

61. The general district rate shall be debited and the water fund shall be credited with a reasonable charge, to be determined by the Local Board, for all water supplied for watering streets and for other public purposes within the district.

General district rate and estimate to include sums payable thereout under this Act.

62. After any money is borrowed under this Act by the Local Board, the amount of the general district rate, and of the estimates of the money required for the purposes of the general district rate, shall respectively include all sums required for payment of any moneys from time to time due or accruing upon or in respect of the mortgages and the sinking fund for the discharge thereof.

Waterworks fund to be primarily liable.

63. As between the waterworks account and the general district rate, the waterworks fund shall be primarily liable to be applied in satisfaction of all moneys so borrowed under this Act and the interest thereon, and in setting apart the sinking fund for the discharge thereof; and all moneys from time to time paid out of the general district rate for purposes of this Act shall from time to time be reimbursed and repaid out of the balance from time to time of the water fund, after satisfaction of the purposes for which moneys carried to that fund are under this Act to be applied; but nothing in this section shall prejudice the security of any person lending under this Act any money to the Local Board, and every such person may enforce all his rights and remedies as if this section were not enacted.

Miscellaneous.

Payment of wages under Act.

64. The salaries, wages, and allowances of all officers or servants employed by the Local Board solely for the purposes of this Act, and any additional salaries, wages, and allowances allowed by the Local Board for services under this Act to any officers or servants employed by them for other purposes, shall be payable out of the income of the Local Board arising under this Act.

Contracts for supply of water, &c. not to disqualify members of the Local Board.

65. No person shall be disqualified for being, continuing, or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of water or for the sale or purchase of any land for the purposes of this Act, or of his being a proprietor of or interested in any newspaper in which advertisements are inserted for the Local Board, unless he discuss, act, or vote as a member of the Local Board on any question touching any matter in which he is directly or indirectly so interested, in which case and immediately thereupon he shall be disqualified and cease to be a member of the Local Board.

A.D. 1871.

Members of the Local Board not to be disqualified as justices.

66. No person shall be incapable of acting as a justice in the execution in any respect of this Act by reason of his being a member of the Local Board, or being interested in any contract under this Act for a supply of water, or being liable under this Act to the payment of any rate or any other money.

Forms of Public Health Acts may be used.

67. The forms provided by any of the Public Health Acts may be used for purposes of this Act, with such modifications thereof respectively as are expedient for referring to this Act, and for rendering them applicable to those purposes.

Authentication of notices, &c.

68. Any summons, demand, or notice, or other such document, under or for the purposes of this Act or the Public Health Acts, or any of them, may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Local Board the signature thereof by the clerk of the Local Board shall be a sufficient authentication thereof.

Several names in one warrant.

69. Any number of names or sums may be included in any information, summons, warrant of distress, or notice obtained or given by the Local Board for any of the purposes of this Act, and may be stated either in the body of the information, summons, warrant, or notice, or in a schedule thereto.

Costs of distress.

70. Any warrant of distress under this Act may order that the costs of the proceedings for the recovery of the rate or sum be paid by the person liable to pay the rate or sum, and the costs shall be ascertained by the justice or justices issuing the warrant, and shall be included in the warrant of distress for the recovery of the rate or sum.

Penalties not cumulative.

71. For the purposes of this Act, penalties imposed by several Acts for the same offence shall not be cumulative, and for this purpose this Act and the several Acts in whole or in part incorporated therewith shall be deemed several Acts.

Application of penalties.

72. The justices by whom any penalty is imposed under this Act shall, where the penalty is payable by any person other than the Local Board, and the application thereof is not otherwise provided for, award the penalty to the Local Board.

Expenses of Act.

73. All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Local Board out of the first moneys at their disposal.

SCHEDULE.

Articles of Agreement made the seventeenth day of March in the year of our Lord one thousand eight hundred and seventy-one, between the Ince Local Board of Health (herein-after called "the Board") of the one part, and William John Legh, of Lyme Park in the county of Chester, Esquire, of the other part.

Whereas the Board are intending to promote a Bill in Parliament for supplying with water the township of Ince in Makerfield, and, if deemed expedient, the adjacent townships of Hindley and Abram, in the county of Lancaster, and for that purpose to authorise them to bore, sink, pump, and impound water from such lands, called the Lightshaw Hall Estate, situate in Golborne in the county of Lancaster, as are described and delineated on the plan hereunto annexed, being part of the estate of which the said William John Legh is tenant for life in possession: And whereas the Board have agreed with the said William John Legh the terms upon which he shall consent to the said Bill, and are desirous that he should enter into and execute these presents by way of agreement as herein-after appearing: Now, therefore, these presents witness, that, for the considerations herein appearing, it is hereby mutually agreed by and between the Board, for themselves and all other the promoters of the intended Bill, on the one hand, and the said William John Legh, for himself and all other the owners from time to time of the said estate, on the other hand, in manner following; that is to say,

Article 1. That the Board shall be at liberty to bore and sink and search for water on any part of such lands, and to erect such buildings, machinery, and reservoirs as may be necessary for the pumping and impounding of the water, and to lay pipes for the service thereof, and at all times, by themselves, their servants and workmen, to have free access to such works and pipes.

Article 2. That the Board shall have power to take land for the purpose of making a road or roads to their works, the course of such road or roads to be subject to the approval of the said William John Legh or his agent, whose tenants shall have the right to use the same for agricultural purposes only, the Board keeping such road or roads in repair.

Article 3. That the Board shall pay or cause to be paid to the said William John Legh, or other the person or persons being owner or owners from time to time of the said estate, the annual rent or sum of ten pounds for every acre of land, and so in proportion for any less quantity than an acre of the said estates, permanently taken or used by the said Board as aforesaid, such rent to commence from the respective times of entering upon and using such lands respectively, and in addition shall be paid by the Board a yearly rentcharge or sum of fifty pounds for the said township of Ince in Makerfield, and a further yearly rentcharge or sum of twenty-five pounds for the water (if any)

A.D. 1871.

which shall be supplied by the said Board from the said estate for the townships of Abram and Hindley, and for compensation purposes for the water supply taken by them from the said estate, and a further yearly sum of five pounds for the right of laying pipes through any lands the surface whereof is not required to be retained by the Board, and a further yearly sum of ten pounds for the water supply to be taken by them from the said estate for the supply of Golborne.

Article 4. That in the event of any of the farm tenants of the said Golborne estate, described in the schedule hereto, being deprived of water by reason of the works of the Board, then, and so often as the same shall occur, and at all times thereafter, the said Board shall, at their own expense, and free of all cost to the said William John Legh, or his successor or successors aforesaid, and at the request of the said William John Legh, or his successor or successors as aforesaid, or his or their agent, lay on and supply water where required by him or them sufficient for all domestic or agricultural purposes except irrigation; provided nevertheless, that in case of any deprivation of water alleged on the part of any such farm tenant, it shall be lawful for the Board and their agents to enter at all reasonable times upon the lands of such tenant, to inspect and gauge the wells or other storages of water therein, and to ascertain whether he has really been deprived of water by means of the works of the Board, the said Board making good or paying for, on demand, to the tenant, any damage incurred or expenses caused by reason or in consequence of such entry, inspection, or gauging.

Article 5. That the Board shall dress and keep all the lands in their hands properly and effectually weeded and cleaned, so that noxious seeds may not be blown upon property adjoining thereto.

Article 6. So soon as the quantity of land the Board shall require for the purposes of their said undertaking can be accurately ascertained, the rentcharge for the same shall be formally confirmed by surveyors in manner prescribed by any Acts relating to the sale of settled estates for public works at the aforesaid rate of ten pounds per acre per annum, and thereupon such rentcharge of ten pounds, together with the further annual sum of fifty pounds or seventy-five pounds, as the case may be, and five pounds sterling, before mentioned, shall be properly secured to the said William John Legh, or other the person or persons as aforesaid, and in consideration thereof a conveyance in fee of the said lands to the Board shall be procured by the said William John Legh to be executed by all proper parties.

Article 7. The Board shall also make proper satisfaction for all damage occasioned at any time to the said estate and to the tenants thereof in constructing the works, laying the pipes, or repairing the same.

Article 8. The mines and minerals under the land required by the said Board shall be reserved to the said William John Legh and his successors, who shall be entitled to work the same wholly out without making compensation for any damage to the surface or to the Board's works thereby occasioned.

Article 9. If from working the said mines the supply of water shall become inadequate or unsuitable for the supply of the said district of Ince in Makerfield, then the said Board shall be at liberty, upon giving six months notice in writing to the said William John Legh, or other the owner from time to time of the said estate, or his or their agent or agents in England, and upon the said

Board, at their own expense, during such six months, removing all such works, English pipes and appliances, (except brick or stone buildings,) and restoring the said land in good and arable condition into its original level with the adjacent surface, absolutely to put an end to this agreement, and every stipulation herein contained, except as to the recovery of damages for any previous breach of any stipulation herein contained, and upon the expiration of such notice the said land so restored as aforesaid, with all brick and stone buildings thereon, shall absolutely revert to the said William John Legh, or other the owner or owners as aforesaid, free from all easements hereby created.

Article 10. The Board shall not be entitled to take any water from the aforesaid estate for any purpose whatsoever, save the supply of the townships of Ince, Hindley, Golborne, and Abram, and for the supply herein provided for, and also for such supply by way of compensation as Parliament may impose on the said Board.

Article 11. An agreement embodying the above clauses and conditions, and with any other incidental provisions, and all necessary details and additions to secure the same being duly carried into effect, to be settled, in case of difference, by John Horatio Lloyd, whom failing, by Roger Gadsden, shall be entered into, and, if required by the said William John Legh, scheduled to the Bill before the same is passed into law.

Article 12. That the whole of the costs, charges, and expenses of the agent, solicitor, engineer, and surveyor of the said William John Legh, incurred in and about the premises, and relating to the special Act, before the passing thereof, and of carrying the provisions hereof into effect, shall be paid by the said Board, without any deduction whatsoever, the legal expenses as between solicitor and client.

Article 13. This agreement is provisional, and subject to the said Bill passing both Houses of Parliament, and receiving Her Majesty's Assent.

The SCHEDULE referred to.

Farms.	Present Tenants.
Lightshaw Hall Farm - - -	Richard Livesley.
Holts Well Brow Farm - - -	William Reeves.
Farm, Windy Bank Lane - -	Samuel Hayes.
Windy Bank Farm - - -	Richard Monks.
Farm, Windy Bank Lane - -	James Dunn.
Golborne Smity Farm - - -	Thomas Widdons.
Rothwell's Farm - - - -	John Pimblett.
Farm in Factory Lane - - -	Abel Wiswall.
Croachley Hayes Farm - - -	James Hurst.
	William Taylor.

W. J. Legh
pper. J. E. Pardey.

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