# CHAPTER xlii.

An Act to authorise the Local Board for the District of Pemberton to construct Waterworks; and for other purposes. A.D. 1875.

[14th June 1875.]

WHEREAS the district of the Local Board for the district of Pemberton, in the county of Lancaster (in this Act called "the Local Board"), has been for several years past very inadequately supplied with water:

And whereas it is expedient to increase and improve such supply in manner and subject to the conditions herein-after proposed, and for such purposes to make and maintain the works herein-after mentioned:

And whereas estimates have been prepared by the Local Board for the purchase of land for and the execution of the waterworks by this Act authorised, and such estimates amount to the sum of thirty-four thousand pounds:

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 57 of the Local Government Act, 1858:

And whereas eleven of the whole number of the members of the Local Board (the whole number being fifteen), at a meeting held on the thirtieth day of July one thousand eight hundred and seventy-four, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Wigan Examiner, a local newspaper published or circulating in the district of the Local Board, such notice being in addition to the ordinary notices required for summoning such meeting, resolved to promote the Bill for this Act:

And whereas such resolution was published twice in the said Wigan Examiner, and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of

A.D. 1875.

the members of the Local Board at a further special meeting held in pursuance of a similar notice on the thirteenth day of January one thousand eight hundred and seventy-five, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district of the Local Board, by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also books of reference containing the names of the owners, lessees, or reputed owners and lessees, and of the occupiers of the lands and buildings required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Lancaster, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

Short title.

**1.** This Act may be cited as "The Pemberton Local Board Water Act, 1875."

Provisions of certain general Acts incorporated.

**2.** "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Waterworks 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 lands near the railway during the construction thereof (except where expressly varied by this Act), and the provisions of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the commissioners (except section 84), shall be incorporated herewith and form part of this Act, and such Acts and parts or provisions of Acts are in this Act referred to as "the incorporated Acts," and the provisions of "The Railways Clauses Consolidation Act, 1845," shall be read so as to apply only to the construction of the reservoirs by this Act authorised and the works immediately connected therewith, and as if such reservoirs and works were therein referred to instead of "the railway," and as if the boundaries of the said reservoirs and works

were therein mentioned instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from the margin of the intended reservoirs.

Interpretation of terms.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction: the expression "the district" shall mean the district of the Local Board; the expression "The Local Government Acts" shall have the same meaning as in "The Public Health Act, 1872." In the provisions of "The Commissioners Clauses Act, 1847," incorporated with this Act, the expression "the Commissioners" shall mean the Local Board; and in the Acts wholly or partially incorporated with this Act, and also in this Act, the expression "the promoters of the undertaking," "the undertakers," or "the Company" shall mean the Local Board; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Water limits.

**4.** The limits of this Act for the supply of water (in this Act called "the water limits") shall be the district of the Local Board.

Act to be executed by Local Board.

**5.** This Act shall be executed by the Local Board, with the powers and indemnities and according to the provisions of the Local Government 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 Local Government Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Local Government Acts are expressly varied or otherwise provided for by this Act.

Power for Local Board to supply water.

**6.** Subject to the provisions of this Act, the Local Board, by means of the works by this Act authorised to be made, or any of them, may from time to time supply water within the water limits, and may sell and dispose of the water within the water limits as they from time to time think fit.

Power to construct waterworks and other works.

**7.** Subject to the provisions of this Act, the Local Board may make and maintain the reservoirs, drains, conduits, and other works shown on the deposited plans, together with all necessary works and conveniences connected therewith or incident thereto, in the

A.D. 1875.

lines and situation, upon the levels, and in, over, or upon the lands delineated on the deposited plans and sections, and described in the deposited books of reference, and for those purposes may enter upon, take, impound, divert, and use all or any of the lands, streams, springs, and waters delineated on the deposited plans and described in the deposited books of reference, or which can or may be intercepted or taken by the said waterworks or works by this Act authorised in connexion therewith.

Reservoirs and works.

**8.** The works by this Act authorised and herein-before referred to are the following; (that is to say,)

1. A reservoir, No. 1, and other works connected therewith necessary for the impounding of water, occupying the site of a disused stone quarry, wholly in the township of Billinge, in that part of the said township called Billinge-Higher-End, in the parish of Wigan, in the county of Lancaster;
2. A reservoir, No. 2, and other works connected therewith necessary for the impounding of water, partly in the township of Billinge-Higher-End, and partly in the township of Winstanley, both in the parish of Wigan aforesaid, and which will occupy the site of the existing reservoir called Moor Mill Dam;
3. A reservoir, No. 3, and other works connected therewith necessary for the impounding of water, partly in the township of Winstanley and partly in the township of Orrell, both in the parish of Wigan aforesaid;
4. A road commencing in the highway to Winstanley aforesaid at a point opposite, or nearly opposite, the south-easterly corner of the public-house called Orrell Station Hotel, and passing over the embankment of the reservoir No. 3, and terminating at a point five statute chains or thereabouts in a south-easterly direction from its commencement by a junction with the existing highway;
5. A road commencing at the junction of the road leading to Moor Mill with the road leading to Green Slate Farm, and passing over the embankment of the reservoir No. 2, and terminating at a point at the westerly corner of the farm-house called Brookfield House;
6. A service tank, No. 1, and filter beds, wholly in the township of Winstanley aforesaid, together with a road of access thereto, forming a junction with Brook Lane;
7. A conduit or line of pipes, commencing at Pingot Well, and terminating in the service tank No. 1, and partly situate in

the township of Winstanley, and partly situate in the township of Orrell;

8. A service tank, No. 2, and water tower, together with a road of access thereto, forming a junction with Ormskirk Road, situate wholly in the township of Orrell aforesaid;

9. A conduit or line of pipes commencing in the channel or stream called Pimbo Bushes, in the township of Upholland, in the parish of Wigan aforesaid, at a point five statute chains or thereabouts in a northerly direction from the point of issue of such stream, and terminating in the reservoir No. 2 herein-before described;

10. A conduit or line of pipes commencing at a point in the brook or stream called or known as Sand Brook four statute chains or thereabouts to the south of the corner of Gerard's House in Dark Lane, and terminating in the reservoir No. 3 at a point measuring four statute chains or thereabouts south of the south corner of the Colliers' Arms Inn, at the easterly end of Sandy Lane;

11. A conduit or line of pipes commencing at a point in the brook or stream called or known as the Withington Brook at a point fourteen statute chains or thereabouts in a southerly direction from the north-easterly corner of Moor Mill Dam, and terminating in the brook on the easterly side of the said highway to Winstanley at a point two chains or thereabouts north-east of the bridge carrying the said brook under the said highway;

12. A conduit, cut, watercourse, or pipe commencing in the said Withington Brook, in the said township of Billinge-Higher-End, at a point in the said township thirty-five statute chains or thereabouts, measured in a southerly direction, from Longshaw Bottom, and terminating in the conduit lastly herein-before described at its commencement in the township of Winstanley aforesaid;

13. A conduit, cut, watercourse, or pipe commencing at a point two chains or thereabouts on the west side of Moor Lane, and ten chains in a south-easterly direction from Alker's Farm, and terminating in the work lastly herein-before described at a point thirty chains or thereabouts from the termination of such work;

14. A conduit, cut, watercourse, or pipe commencing at a point twenty chains or thereabouts, measured in a south-westerly direction, from the junction of Longshaw Lane with Moor Lane, and terminating in the work twelfthly herein-before

A.D. 1875.

described at a point eight statute chains in a north-easterly direction from the junction of such roads;

15. An aqueduct, conduit, or lines of pipes commencing in the reservoir No. 1, and terminating in the township of Orrell, in the parish of Wigan, at the reservoir No. 3;

16. An aqueduct, conduit, or line of pipes commencing in the reservoir No. 2, and terminating at the storage tank and filter beds herein-before described;

17. An aqueduct or line of pipes commencing in the service reservoir No. 1, and terminating at the service reservoir No. 2;

18. An aqueduct, conduit, or line of pipes commencing in the storage tank and filter beds herein-before described, and terminating in the said township of Pemberton, in the parish of Wigan, at Robbing-Lane-End in that township;

19. An aqueduct or line of pipes commencing in the service tank No. 2 aforesaid, passing down and along and within the limits and for the whole length of the street or road now called Enfield Street, but on the plan of land in Pemberton and Orrell belonging to the trustees of the late Duke of Bridgewater published in 1868 called "road from Lamberhead to the railway station," and terminating in a junction with the lastly-described aqueduct at or near Pemberton Station;

together with all such wells, shafts, borings, conduits, and other works, approaches, roads, ways, embankments, tanks, filtering beds, dams, sluices, conduits, channels, drains, pipes, engines, and conveniences as may be necessary for collecting, raising, filtering, drawing, and distributing water in connexion with the above works.

For the protection of Meyrick Bankes, Esquire.

**9.** Nothing in this Act contained shall empower the Local Board to take, impound, or divert, under the powers of this Act, any waters flowing through or arising upon the lands, containing forty-five acres or thereabouts, coloured red upon the plan signed in duplicate by William John Laverick Watkin on behalf of the Local Board, and Thomas Shortrede on behalf of Meyrick Bankes, of Winstanley, in the county of Lancaster; but the Local Board shall not be debarred from receiving into their reservoirs any waters which may from time to time actually flow from any part of such lands.

Power to stop up existing roads.

**10.** From and after the completion of the embankments of the respective reservoirs No. 3 and No. 2 herein-before described, the Local Board may stop up so much of the existing roads called or

known as Winstanley Road and the road to Moor Mill as lies between the points mentioned as the commencement and termination of the works respectively fourthly and fifthly described in the last preceding section, and may appropriate and use for the purpose of their undertaking the site and soil of the portions of road so stopped up. A.D. 1875.

Lateral and vertical deviation.

**11.** The Local Board, in constructing the works by this Act authorised, may make deviations from the line of such works, but not exceeding the limits of lateral deviation shown on the deposited plans, and may deviate from the levels delineated on the deposited sections to any extent not exceeding two feet upwards and five feet downwards: Provided always, that the heights of the embankments of the reservoirs, as shown on the deposited sections, shall not be increased by reason of any such lateral deviation as aforesaid.

Powers for compulsory purchases limited.

**12.** 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.

**13.** 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 five acres, or any easement or right (not being an easement or right to take water in which other than the parties to the agreement have any right or interest) in or over such additional lands which they may from time to time think requisite for any of the purposes of this Act.

Power to take easements, &c. by agreement.

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

Period or completion of waterworks.

**15.** The works hereby authorised shall be completed within five years from the passing of this Act, and on the expiration of such period the powers by this Act granted to the Local Board for

A.D. 1875.

making the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be 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, tanks, filter beds, mains, and pipes in such way and manner as shall be necessary for supplying water within their limits.

**For protection of Lancashire and Yorkshire Railway Company.**

**16.** In the exercise of the powers of this Act with respect to any works affecting the railways, works, or lands of the Lancashire and Yorkshire Railway Company, the Local Board shall be subject to and shall observe and fulfil the following conditions:

1. All such works shall be executed at the expense of the Local Board, under the superintendence and to the satisfaction of the engineer for the time being of the Company, and according to plans and specifications previously submitted to him:
2. If the engineers of the Local Board and of the Company differ concerning the said plans and specifications, or concerning the execution of the said works or operations, every such difference shall be settled by an engineer to be appointed by the said two engineers, or if they cannot agree on such appointment, then by an engineer to be appointed by the Board of Trade on the application of either party:
3. The said works shall be constructed and maintained so that the traffic upon the said railways shall not be in anywise impeded or interfered with:
4. If by reason of the construction or maintenance of the works by this Act authorised, or any act or operation of the Local Board, the railways of the Company or any of the works connected therewith shall be damaged or injured, or the traffic thereon impeded, the Local Board shall compensate the Company for any loss or expense occasioned thereby:
5. The Local Board shall acquire only an easement in and upon such of the lands, works, and property of the Company as may be used or interfered with:
6. The amount to be paid to the Company for the acquisition of any such easement, including the compensation (if any) for damage or injury to the said railway or works of the Company, or impediment to the traffic of the Company, shall from time to time be settled, in case of difference, in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.

A.D. 1875.

For protection of London and North-western Railway Company.

**17.** In the exercise of the powers of this Act with respect to any works crossing or affecting the railways, works, or lands of the London and North-western Railway Company, or in which that Company is interested, the Local Board shall be subject to and shall observe and fulfil the following conditions:

1. All such works shall be executed and maintained at the expense of the Local Board, under the superintendence and to the satisfaction of the principal engineer for the time being of that Company, and according to plans and specifications previously submitted to and approved by him in writing:
2. If the engineers of the Local Board and of that Company differ concerning the said plans and specifications, or concerning the execution of the said works or operations, every such difference shall be settled by an engineer to be appointed by the engineers of the Local Board and of that Company, or if they cannot agree on such appointment, then by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party, the costs of and incident to the arbitration being in the discretion of the arbitrator:
3. The said works shall be constructed and maintained so that the traffic upon the said railways shall not be in anywise impeded or interfered with:
4. If by reason of the construction or maintenance of any such works, or any act or operation of the Local Board, the said railways or any of the works connected therewith shall be damaged or injured, or the traffic thereon impeded, the Local Board shall compensate that Company for any loss or expense occasioned thereby:
5. The Local Board shall acquire only an easement in and upon such of the said lands, works, and property as may be used or interfered with:
6. The amount to be paid to that Company for the acquisition of any such easement, including the compensation (if any) for damage or injury to the said railways or works of that Company, or impediment to the traffic, shall from time to time be settled, in case of difference, in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of land otherwise than by agreement.

For protection of Sir Robert Tolver Gerard.

**18.** For the protection of Sir Robert Tolver Gerard, Baronet, his heirs, sequels in estate, and assigns (all of whom are for this purpose included under the name of Sir Robert Tolver Gerard when

A.D. 1875.

herein-after used), and his and their lessees and tenants, the following provisions shall have effect; namely,

The Local Board shall not, without the previous consent in writing of Sir Robert Tolver Gerard, enter upon, take, or use, or in any way interfere with, any of the lands numbered 147 to 153, both inclusive, in the township of Billinge-Higher-End on the deposited plans.

The Local Board shall not take any water from the brook flowing through the before-mentioned lands at any point therein situate more than one hundred and thirty-two yards, measured along the bed of such brook upwards, from the line of intersection of the brook and the boundary of Longshaw Lane.

The Local Board shall not be deemed to have acquired any right or interest in or power over any water in, under, or falling on the said lands or any part thereof, or flowing in or into the said brook before it reaches the said point, but the whole right of the Local Board to any of the water of the said brook shall be deemed to commence at and attach to such waters only as shall from time to time be found at or below the said point.

The Local Board shall not at any time take, collect, or appropriate from the Withington Brook or any of its tributaries more than two thirds of the waters flowing down that brook or its tributaries at the point at which they take or collect the same, and shall at all times permit not less than one third of the whole of the water from time to time flowing down that brook, and also not less than one third of the whole of the water from time to time flowing down any of its tributaries at that point, to flow continuously and uninterruptedly down that brook in the same manner and course as the whole of such water would, but for the passing of this Act, flow theredown.

The Local Board shall not at any time take, collect, or appropriate from the quarry numbered 19 on the deposited plans, or from the brook flowing through the field numbered 19 B on the deposited plans, more than two thirds of the water flowing into, through, or out of the said quarry and also down the said brook, and shall at all times permit not less than one third of the whole water from time to time flowing into, through, or out of the quarry, and also not less than one third of the whole water from time to time flowing down that brook, to flow continuously and uninterruptedly into, through, and out of the quarry and also

down the said brook (as the case may be) in the same manner and course as the whole of such respective waters would flow but for the passing of this Act.

The said one third of all the waters in this enactment mentioned shall be for the use and benefit of the said Sir Robert Tolver Gerard, his lessees and tenants, and other the riparian owners who but for the passing of this Act would be entitled to the respective waters of which such one third forms part.

The Local Board shall erect and construct and for ever thereafter maintain in good repair and condition, to the reasonable satisfaction of and at such point or points as shall be determined by the surveyor of the said Sir Robert Tolver Gerard (herein called the surveyor of the Gerard estates), suitable measuring gauges or meters over or through which all the said several quantities of water to flow down the said brooks, or through or out of the said quarry, shall respectively flow, and such gauges or meters shall at all times be open to the inspection and examination of the said surveyor and of all persons interested in the flow of such waters.

If at any time any gauge or meter over or through which the said waters or any of them are to pass shall be in an unfit state of repair or condition for the purposes for which it is intended, the Local Board shall forthwith, at their own cost, put the same into a proper and efficient state of repair, and if they fail so to do after three days notice in writing in that behalf given to them by letter sent to the office of the Local Board by the surveyor for the Gerard estates, the said Sir Robert Tolver Gerard may cause such works to be done in connexion with such gauge or meter as shall be necessary to put the same in a proper and efficient state of repair, and may recover the costs of and incident to such works in any court of competent jurisdiction.

In case of any wilful or negligent act or omission of the Local Board, by or in consequence of which the quantity of water by this Act required to flow over or through any such gauge or meter for the use of Sir Robert Tolver Gerard, his lessees and tenants, shall not so flow, the Local Board shall (in addition and without prejudice to all other liability in respect thereof) for and during every day on which such failure, neglect, or default shall occur forfeit and pay the sum of five pounds by way of penalty to Sir Robert Tolver Gerard, and to each and every of his lessees and tenants, who may sue for and recover the same penalty without being required to prove actual damage or loss having been sustained by reason of such act or omission; and the Local

A.D. 1875.

Board shall, in addition, make compensation for any loss, damage, or injury sustained by him or them, and in respect of which the penalties paid to him or them shall not form a sufficient compensation, and such compensation may be recovered, with costs of suit, in any court of competent jurisdiction.

Any cut or watercourse which may be made by the Local Board in or through the land of Sir Robert Tolver Gerard shall be constructed as a covered conduit, and at such a depth that the top thereof shall not be in any place less than two feet below the surface of the land, except in the fields respectively numbered on the deposited plans 163, 164, and 165, in which fields the top of the said conduit shall not be in any place less than one foot below the surface of the land; and the Local Board alone shall be responsible for any damage or injury to any such conduit, or which may be caused by any such conduit to any persons, animals, or things in the fields respectively numbered 163, 164, and 165 aforesaid by reason of the depth at which such conduit shall be so constructed.

The foregoing provisions shall not prejudice or affect the right of Sir Robert Tolver Gerard, his lessees or tenants, to compensation for any lands taken or easement in lands acquired by the Local Board, or for any water to be taken, collected, or appropriated from the said brooks or either of them, or the tributaries thereof, or the said quarry, under the powers of this Act, or to the making and maintaining of proper and sufficient works for the accommodation of the lands of the said Sir Robert Tolver Gerard in respect of such waterworks.

If any dispute shall arise between the Local Board and Sir Robert Tolver Gerard, or their respective engineers or surveyors, touching the construction of any of the provisions of this section, or anything to be done or not to be done thereunder, such dispute (not being a difference as to accommodation works to be determined under section 16 of the Waterworks Clauses Act, 1847,) shall be settled by an arbitrator to be appointed (in default of agreement between the parties) under and according to the provisions of the Lands Clauses Consolidation Act, 1845, or the Common Law Procedure Act, 1854, as the case may require, and all costs of and incident to such arbitration shall be paid as the arbitrators so appointed, or their umpire, may direct.

For the protection of the Duke of Bridgwater's

**19.** And whereas the trustees of the will of the late Francis Duke of Bridgwater and Henry Blundell Hollinshead Blundell are or claim to be respectively the owners of considerable estates in the

township of Pemberton, under which estates there are extensive mines, be it enacted, that neither the said trustees nor the said Henry Blundell Hollinshead Blundell, nor any lessee, occupier, or worker of any of the said mines of the said trustees or of the said Henry Blundell Hollinshead Blundell within that township, shall be liable for or to make good to the Local Board any damage occasioned by the fracture of the mains or pipes of the Local Board, or to any consumer of water supplied by means thereof, or by the escape of water therefrom respectively, which shall be respectively occasioned by working in the usual and ordinary course pursued in that township any of those mines.

A.D. 1875.

*trustees and H. B. H. Blundell.*

**20.** For the benefit and protection of Henry Blundell Hollinshead Blundell, his heirs and assigns, and other the owners for the time being of his estates, collieries, and works in the township of Pemberton (all of whom are in this section referred to as Henry Blundell Hollinshead Blundell), the following provisions shall have effect:

*For the protection of Colonel Blundell.*

1. The Local Board shall not take any water from the Withington Brook or its tributaries for the supply of the district until they shall have completed reservoirs No. 2 and No. 3:
2. Any conduit or watercourse which may be made by the Local Board in or through the land of Henry Blundell Hollinshead Blundell shall be water-tight, and covered and laid at such depth that the top thereof shall not in any place be less than two feet below the surface of the land:
3. The foregoing provisions shall not prejudice or affect the right of Henry Blundell Hollinshead Blundell, his lessees or tenants, to compensation for any lands taken or easements in lands acquired by the Local Board:
4. Nothing in this Act contained shall relieve the Local Board from liability for any damage or injury done or occasioned to any mines or minerals of Henry Blundell Hollinshead Blundell by means or in consequence of the waterworks, or the breakage or leakage of any works, mains, or pipes, or the flow of water therefrom.

**21.** And whereas Samuel Stock is or claims to be the owner of estates in the townships of Upholland and Orrell, under which estates there are extensive mines, be it enacted, that neither the said Samuel Stock, nor any lessee, occupier, or worker of any of his mines within those townships respectively, shall be liable for or to make good to the Local Board any damage occasioned by the fracture of the mains or pipes of the Local Board, or to any consumer of water supplied by means thereof, or by the escape

*For the protection of Samuel Stock.*

A.D. 1875.

of water therefrom, which shall be occasioned by working in the usual and ordinary course pursued in those townships any of those mines; and nothing in this Act contained shall relieve the Local Board from liability for any damage or injury done or occasioned to any mines or minerals of the said Samuel Stock by means or in consequence of the waterworks, or the breakage or leakage of any works, mains, or pipes, or the flow of water from such works, mains, or pipes.

Supply of water to Orrell.

**22.** Within the period of this Act limited for the completion of the works herein authorised, and after the completion of the service tank No. 2, the Local Board shall at all times afford a supply of water in bulk from the said service tank No. 2 to the Local Board for the district of Orrell, in the county of Lancaster (herein-after called "the Orrell Board"), subject to the terms and conditions following; that is to say,

1. Within one month after the receipt of notice in writing from the Local Board of the completion of the said tank the Orrell Board shall give to the Local Board written notice of their intention to take such supply, and shall in such notice state the quantity of water they require, such quantity being not less than thirty-five thousand gallons nor more than seventy thousand gallons daily, and the delivery of such water shall commence within six weeks next after the delivery of the said last-mentioned notice:
2. The water supplied by the Local Board to the Orrell Board shall at all times be equal in purity and quality to that supplied by the Local Board to the district:
3. The main or pipe from the service tank No. 2 up to the Ormskirk Road to afford such supply, and any works connected therewith, shall be laid and maintained by the Local Board, who shall also provide the Orrell Board with a site free of cost for a meter house at or near Orrell Mount, or at such other place as may be mutually agreed upon:
4. The Orrell Board shall at their own cost erect on such site a meter house and meter, and the Local Board may also, if they so desire, erect at their own cost a meter in the same meter house:
5. The water to be supplied by the Local Board shall be measured by meter, and for this purpose, if so desired, both the said meters may be used, and the Local Board and the Orrell Board shall at all reasonable times, by themselves and their servants, have access to and inspect such meter house and meters:

6. The Local Board shall not be required to supply to the Orrell Board a greater quantity of water than seventy thousand gallons per day, and if by reason of accident, drought, or otherwise the supply of water shall partially fail, then and in such case the quantity of water supplied to Orrell shall be such total quantity as shall equal pro ratâ the quantity per head of the population using the water both in Pemberton and Orrell:

7. The price to be paid for such supply shall be sixpence per one thousand gallons:

8. The Local Board shall not be required to furnish such supply unless the Orrell Board are willing to pay for a minimum quantity of not less than thirty-five thousand gallons per day:

9. Any roads diverted or interfered with by the Local Board shall be left in no worse condition, as to gradients or otherwise, than such roads are now in, and all roads diverted by the Local Board shall when so diverted be vested in the Orrell Board:

10. If any differences arise between the Local Board and the Orrell Board as to the interpretation of this section, or as to any matters arising thereunder, the same shall be determined by arbitration in manner provided by the Lands Clauses Consolidation Acts incorporated with this Act:

11. The Orrell Board may demand and take for the supply of water for domestic purposes within their district the rates and charges authorised by this Act to be taken by the Local Board within their district.

For protection of the Leeds and Liverpool Canal Company and others.

**23.** For the protection of the Company of Proprietors of the Canal Navigation from Leeds to Liverpool (hereafter in this Act called the Leeds and Liverpool Canal Company) and others, the following provisions shall have effect; that is to say,

1. Before the Local Board shall be entitled to supply any water within the water limits they shall discharge and for ever continue to discharge from and out of the reservoirs by this Act authorised, or some or one of them, during every day of twenty-four hours, by a continuous and regular supply, one hundred and fifty-two thousand gallons of compensation water into Withington Brook, and twenty-four thousand gallons of compensation water into Sand Brook: Provided that any part of the water in this Act mentioned as intended for the use of Sir Robert Tolver Gerard which shall be discharged out of the said reservoirs through or over the gauges

A.D. 1875.

next herein-after mentioned shall be taken as part of the compensation water by this Act secured to the Leeds and Liverpool Canal:

2. The Local Board shall at their expense make and for ever thereafter maintain such gauges as may be necessary for the purpose of ascertaining the actual quantity of compensation water passing out of the said reservoirs into Withington Brook and Sand Brook under the provisions of this section, and the Leeds and Liverpool Canal Company, by their engineer or other officer, shall at all times have the right of access to the said gauges for the purpose of ascertaining the state of repair and efficiency thereof, and of gauging, measuring, and ascertaining the quantity of water passing through or over the same, and he is hereby empowered, by himself or his agents, to draw or cause to be drawn off from the said reservoirs such quantity of water as may be necessary to make up the deficiency:

3. In case of failure by the Local Board to discharge the quantity of water required as aforesaid to be discharged out of the said reservoirs into the said Withington Brook and Sand Brook, or one of them, the Local Board shall for every day on which such failure shall occur pay, by way of ascertained damages, to the Leeds and Liverpool Canal Company the sum of five pounds, such sum to be recovered in the manner in which penalties not specially provided for are directed to be recovered by "The Waterworks Clauses Act, 1847:"

4. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the rights, privileges, property, powers, or authorities of the Leeds and Liverpool Canal Company with respect to any brooks, streams, springs, and waters which may be taken or interfered with under the powers of this Act; and all such rights, privileges, property, powers, and authorities shall extend to the water to be discharged out of the said reservoirs under the provisions of this section.

Compensation water to mills and works on Withington Brook.

**24.** The before-mentioned quantity of one hundred and fifty-two thousand gallons of water shall be the compensation water to the mills and works on Withington Brook situated below the reservoirs of the Local Board on that brook.

Compensation water to mills and works on Sand Brook.

**25.** The before-mentioned quantity of twenty-four thousand gallons of water, including such part of the water before mentioned as intended for the use of Sir Robert Tolver Gerard, as is defined in

sub-section 1 of section 23 of this Act, shall be the compensation water to the mills and works in Sand Brook situate below the reservoir of the Local Board on that brook.

Inspection of gauges.

**26.** It shall be lawful for the owners and occupiers of such mills and works as aforesaid, situate on the Withington Brook and the Sand Brook respectively, to have access at all times to such of the said gauge or gauges in the sub-section 2 of section 23 of this Act mentioned as determine the quantity of any water sent directly or derivatively into the said brooks respectively, for the purpose of measuring and gauging the quantity of water from time to time passing through or over the same.

Penalty on failure to supply the stipulated quantity of water.

**27.** In case the Local Board wilfully, or after written notice negligently, shall either fail to discharge the quantity of water required as aforesaid to be discharged from and out of the said reservoirs into the Withington Brook and Sand Brook respectively, the Local Board shall for and during every day on which such failure shall occur forfeit and pay, by way of penalty, to the occupier or occupiers of any of the mills and works which shall be affected thereby, and the occupier or occupiers of which shall actually have received damage and incurred loss by reason of such failure, the sum of five pounds, and such penalty shall be recoverable in the manner in which penalties not otherwise provided for are directed to be recovered by "The Waterworks Clauses Act, 1847;" and the Local Board shall also make compensation for any loss, damage, or injury sustained by such occupiers, or any of them, in respect of which such penalties are an insufficient compensation, and such occupiers may respectively from time to time recover such compensation, with costs, from the Local Board by proceedings in any court of competent jurisdiction: Provided that in case of any mill or other work so injuriously affected being in the occupation of several persons, no greater penalty than five pounds per day shall be payable by the Local Board in respect of that mill or other work, and the failure to supply compensation water thereto; and any costs and expenses to be paid by the Local Board in pursuance of this section shall be deemed to be expenses necessarily incurred in carrying this Act into execution; provided further, that the provisions of this and the next preceding sections shall be taken by all parties interested as full compensation for all water which the Local Board can collect or divert from the lands draining to the works authorised by this Act.

As to arrangement with Roger Leigh.

**28.** Subject to the provisions of this Act, the Local Board, on the one hand, and Roger Leigh of Barham Court, Teston, in the

A.D. 1875.

county of Kent, the owner or reputed owner of the Abbey Mill herein-after mentioned, on the other hand, shall observe and comply with the following provisions; that is to say,

(1.) The Local Board shall pay to the said Roger Leigh as and for compensation in respect of water to the Abbey Mill in Upholland the sum of four hundred and fifty pounds:

(2.) The said Roger Leigh shall expend the whole of the said sum of four hundred and fifty pounds under the superintendence and to the satisfaction of the Local Board in enlarging the capacity of the reservoir attached to that mill. So soon as such works are completed the Local Board shall be at liberty to store, and for ever maintain, as much water in the said reservoir as it will contain, and shall have power to withdraw therefrom for the use of the owners of works down the stream, or for the purposes of the Local Board, all water beyond a reserve supply for the use of the said mill of not less than three million gallons:

(3.) The said Roger Leigh, or other the owner or owners for the time being of the said mill, shall use, and, as far as practicable, compel the tenant or tenants for the time being to use the said three million gallons of water as economically as practicable for the purposes of working the said mill, and shall not for any other purpose use or waste it or any part of it; nevertheless, the said Roger Leigh shall not be compelled to introduce any improved machinery for the purpose, but shall be at liberty to introduce any new machinery not requiring a greater supply of water than the wheel hitherto in use.

Power to agree with sanitary authorities as to sewerage works.

**29.** The Local Board may from time to time enter into agreements with any adjoining sanitary authority concerning the construction and maintenance of any sewer or drain, or for the contribution to the expense thereof, made for the purpose of intercepting or carrying off the sewage or foul water which might otherwise flow into the conduits and waterworks of the Local Board, or otherwise foul the waters of the Local Board.

Pressure need not be constant.

**30.** The water to be supplied by the Local Board need not be laid on under constant pressure, nor shall the Local Board be bound at any time to lay on the supply of water at any elevation at which, having regard to the general supply of the district, the water cannot be supplied by gravitation from the reservoirs to be constructed under the powers of this Act.

What to be deemed domestic purposes.

**31.** A supply of water for domestic purposes shall not include a supply for more than one watercloset, or for cattle, or for horses, or for washing carriages, where such horses or carriages are kept for sale or hire or by a common carrier, or a supply for steam engines, or for working any machine or apparatus, or for any trade, manufactory, or business, or for watering gardens, or for fountains, or for any ornamental use.

Rates for supply of water.

**32.** The Local Board may demand and take for the supply of water for domestic purposes within the district any rates and charges not exceeding the rates and charges following; (that is to say,)

Where the annual rackrent or value of the premises so supplied with water shall not exceed twenty pounds, at a rate per centum per annum not exceeding seven pounds and ten shillings;

Where such annual rackrent or value shall exceed twenty pounds and not exceed forty pounds, at a rate per centum per annum not exceeding seven pounds;

Where such annual rackrent or value shall exceed forty pounds and not exceed sixty pounds, at a rate per centum per annum not exceeding six pounds and ten shillings;

Where such annual rackrent or value shall exceed sixty pounds and not exceed eighty pounds, at a rate per centum per annum not exceeding six pounds;

Where such annual rackrent or value shall exceed eighty pounds and not exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds and ten shillings;

Where such annual rackrent or value shall exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds:

Provided always, that the Local Board shall not be compellable to afford a supply of water for domestic purposes to any such owner or occupier for any less sum than ten shillings and tenpence during the period of eight years from and after the passing of this Act, or for any less sum than nine shillings and sixpence during the period of five years thence next ensuing, or thereafter for any less sum than eight shillings and eightpence in any one year for every dwelling-house or part of a dwelling-house:

Rates for watercloset and private baths.

In addition to the rates computed as above specified the Local Board may charge for a second watercloset, and for any private bath in any private dwelling-house, or part of such

A.D. 1875.

dwelling-house or appurtenant thereto, the following rates; (that is to say,)

When the annual rackrent or value shall not exceed ten pounds, the sum of five shillings per annum;

When the annual rackrent or value shall exceed ten pounds but shall not exceed twenty pounds, the sum of six shillings per annum;

When the annual rackrent or value shall exceed twenty pounds but shall not exceed forty pounds, the sum of eight shillings per annum;

When the annual rackrent or value shall exceed forty pounds but shall not exceed eighty pounds, the sum of ten shillings per annum;

When the annual rackrent or value shall exceed eighty pounds, the sum of twelve shillings per annum;

And for every additional watercloset beyond the second, and for every additional bath beyond the first, the sum of five shillings a year respectively.

Incoming tenant not to be liable for arrears of water rent except by express agreement.

**33.** If any consumer leave the premises to which water has been supplied without paying to the Local Board the water rate or charges due from him, the Local Board shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant shall have agreed with the defaulting consumer to pay the arrears.

Supply of water for domestic purposes.

**34.** The Local Board are hereby authorised and required 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 or 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.

**35.** 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, and which house shall in the opinion of the medical officer of the Local Board be not properly supplied with water, 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 the 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 supply fittings, &c.

**36.** The Local Board may, if requested by any person supplied or about to be supplied by them with water, furnish to him at his costs and charges, and from time to time repair and alter, any such pipes, valves, meters, cocks, cisterns, baths, soil-pans, watercloset apparatus, and receptacles as may be required, and may provide all materials and do all works necessary or proper in that behalf.

For preventing waste of water.

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

Public drinking fountains.

**38.** 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 limits 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 and 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.

**39.** The Local Board may supply water within the water limits for purposes other than domestic purposes on such terms, pecuniary and otherwise, and conditions as shall be 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: 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.

A.D. 1875.

Rate payable by owner for small houses, &c,

**40.** 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.

Power to Local Board to borrow on mortgage.

**41.** The Local Board may from time to time, under the authority of this Act, in addition to any moneys they have borrowed or are authorised to borrow under any other Act, borrow at interest on mortgage of the water rates and other revenue of the Local Board arising from their water undertaking and of the general district rate under the Local Government Acts, or of any of such securities, either together or separately, all such sums as they may from time to time think requisite for all or any of the purposes of this Act, not exceeding in the whole thirty-four thousand pounds, and no person advancing money to the Local Board on mortgage under the powers of this Act shall be bound to see to the application thereof.

Existing mortgages to have priority.

**42.** All mortgages granted by the Local Board in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages granted by virtue of this Act.

General district rates to be increased.

**43.** After any money is borrowed under this Act the estimate for and the amount raised by the general district rates leviable by the Local Board shall comprise the sums for the time being required for the payment of interest or repayment of principal on or in respect of the money so borrowed.

Priority of mortgages over other mortgages and debts.

**44.** All mortgages granted by the Local Board under the provisions of this Act for raising the said sum of thirty-four thousand pounds, or any part thereof, shall have priority over all other mortgages granted by the Local Board, and over all other claims on account of any debt incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Local Board in respect of any rentcharge granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860; nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Local Board for the purposes of the waterworks, or injuriously affected by

the construction thereof, or by the exercise of any powers conferred on the Local Board.

Appointment of receiver

**45.** The mortgagees of the Local Board may enforce payment of arrears of interest or principal, or principal and interest, due on their respective mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Mortgages, &c. to be under provisions of Local Government Acts, but certain restrictions not to apply.

**46.** Subject to the provisions of this Act, the provisions of the Local Government Act, 1858, with respect to mortgages by the Local Board, and to the payment thereof by means of a sinking fund, shall apply to all money borrowed by the Local Board under this Act; but the powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Local Government Acts, and in calculating the amount which the Local Board may borrow under the Local Government Acts any sums which they may borrow under the provisions of this Act shall not be reckoned.

Application of moneys borrowed.

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

First, in payment of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or such proportion thereof as the Local Board think fit;

Secondly, in paying the expenses of and incident to the construction of the reservoirs, drains, and waterworks by this Act authorised, and in providing and laying main pipes and other conveniences for the supply of water;

Thirdly, in the exercise of the powers of this Act with respect to the paying off of moneys borrowed on mortgage otherwise than by means of the sinking fund, and of re-borrowing.

Application of water revenue of Local Board.

**48.** All water rates or sums received by the Local Board for the supply of water, and all other receipts and credits on account of the waterworks of the Local Board, shall in each and every half year be applied as follows:

First, in payment of the expenses properly chargeable to revenue of establishing, conducting, managing, and maintaining the waterworks, and otherwise carrying on the water undertaking of the Local Board;

Secondly, in payment of the interest upon mortgages under the provisions of this Act;

A.D. 1875.

Thirdly, in from time to time providing the instalments or setting apart and appropriating the sinking fund required by this Act for paying off mortgages under the provisions of this Act as and when each such instalment or such sinking fund is required to be provided or set apart and appropriated;

Fourthly, in maintaining the waterworks; and,

Lastly, as to any surplus remaining after the purposes aforesaid are effected, for the public benefit of the inhabitants of the district of the Local Board.

Amount and period for sinking fund and instalments.

**49.** The Local Board shall pay off the moneys raised by mortgage under the provisions of this Act by means of the sinking fund, or by annual instalments, or partly by the sinking fund and partly by annual instalments, as they think fit, and the sum or sums to be yearly set apart for the sinking fund or instalment shall be of such an amount as will in the opinion of the Local Government Board enable the Local Board to pay off the amount raised by such mortgages under the powers of this Act in the course of sixty years; but the Local Board shall not be bound to commence the formation of the sinking fund or the payment by instalment by setting apart or applying any portion of their revenue for the purpose until the expiration of five years from the passing of this Act.

Application of sinking fund.

**50.** The sums set apart for any sinking fund under the provisions of this Act, and the interest thereon, shall be invested in the purchase of Exchequer bills or other Government securities, or may be applied by the Local Board in paying off mortgages granted under the provisions of this Act; and the Local Board may from time to time, as they think fit, sell all or any Exchequer bills or securities which shall have been so purchased, and apply the proceeds in paying off mortgages granted under the provisions of this Act.

Separate accounts.

**51.** The Local Board shall keep a separate account of all their receipts, credits, payments, and liabilities in respect of their water undertaking, to be called the "Water Account," and such account shall be subject to the same provisions as to audit, examination, report, inspection, copies and extracts, and production of vouchers, as other accounts of the Local Board under the Local Government Acts.

Apportionment of items.

**52.** In all cases in which the Local Board keep separate accounts for separate purposes, they may apportion between those accounts, or carry to any of them, any receipts, credits, payments, and liabilities which from time to time it appears to them ought to be so apportioned or carried.

Audit of accounts.

**53.** Section 60 of the Local Government Act, 1858, relating to the audit of accounts, shall apply to the water account under this Act, except that any additional remuneration payable for audit of the water account shall be charged to the water account.

Annual return to Local Government Board with respect to sinking fund.

**54.** The clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be paid by instalment or set apart for a sinking fund under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid by instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return, or otherwise, that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus, to be obtained by the Local Government Board out of the Court of Queen's Bench.

Recovery of water rates, &c.

**55.** In case default shall be made by any person in payment of any water rate or sum for the supply of water due to the Local Board under the authority of this Act, it shall be lawful for the Local Board to separate the pipe supplying with water the person so making default and communicating with the waterworks of the Local Board, and to stop the water from flowing or passing into the premises of such person; and if any person shall neglect or refuse to pay the amount due from him to the Local Board in respect of water rates or rents, or the sale or hire of water meters, meters, mains, pipes, or tubes, for the space of fourteen days after the demand thereof by the Local Board, their agent or collector, it shall be lawful for any justice to issue his summons to such person requiring him to appear at a time and place therein named, and then and there to show cause why the amount so demanded should

A.D. 1875.

not be paid; and if on the appearance of such person, or, in default of appearance, after proof of service of the summons either personally or at the last known place of abode or business of such person, no sufficient cause can be shown to the contrary, it shall be lawful for any justice to issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the water, if the same shall have been cut off by the Local Board, as to such justice shall seem just and reasonable, or the Local Board may recover such rents in any manner in which private improvement expenses may be recovered by Local Boards.

Power of Local Board to remove water pipes from unoccupied premises.

**56.** If and whenever any house, building, or premises which shall have been supplied with water by the Local Board shall be unoccupied for the space of three months, 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 after inquiry, 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 ten o'clock in the forenoon and four o'clock in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Local Board.

Settlement of disputes as to compensation, &c. not otherwise provided for.

**57.** Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount thereof is not provided for, such amount shall, in case of dispute, be ascertained and determined as provided by the Lands Clauses Consolidation Act, 1845, for settling cases of disputed compensation.

Application of penalties.

**58.** Every penalty imposed by this Act, or by any byelaw under this Act (except where the Local Board shall be the party by whom the penalty has to be paid), shall be paid to the treasurer of the Local Board, and shall be carried by him to the credit of the waterworks account or of the general district account, as the case may require.

Penalties not cumulative.

**59.** Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the incorporated Acts and the Local Government Acts shall be deemed several Acts.

Authentication of notices.

**60.** Any summons, demand, or notice, or other such document to be given by the Local Board under this Act, or under the Local Government 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.

Contents of summons or warrant.

**61.** Any summons, warrant, notice, demand, or other process issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Saving rights of Local Board.

**62.** Except as is by this Act expressly provided, this Act or anything herein contained shall not take away, lessen, alter, or prejudice any of the estates, rights, powers, or privileges of the Local Board or of the Local Government Board under the Sanitary Acts as defined by the Public Health Act, 1872.

Expenses of Act.

**63.** 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 any funds belonging to them, and may be charged by them to the water account or the general account, or either or both, and in such proportions as the Local Board think fit.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1875.