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An Act to incorporate a Company for better supplying with Gas and Water the township of Rainhill in the parish of Prescot and county palatine of Lancaster; and for other purposes. [20th June 1870.] A.D. 1870.

WHEREAS the township of Rainhill in the parish of Prescot in the county palatine of Lancaster is now supplied with gas and water by Thomas Melling, from works situate upon the land set forth in the schedule hereto:

And whereas the population of Rainhill is increasing, and it would be to the public advantage that the said township should be supplied with gas and water by a Company, to whose undertaking the provisions of the "Gasworks Clauses Act, 1847," and of the "Waterworks Clauses Act, 1847," should be applicable, and the persons herein-after named, and others, in that behalf, are desirous of being and it is expedient that they should be incorporated into a Company for the purpose of affording such supply:

And whereas it is expedient that the Company hereby incorporated should be authorised to purchase, acquire, and hold by agreement the said lands and works, and the fixed plant, engines, machinery, and goodwill of or belonging to or occupied with the said works:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most 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,

Short title.

1. This Act may be cited for all purposes as "The Rainhill Gas and Water Act, 1870."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," parts one and three of "The Companies Clauses Act, 1863," as amended by

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"The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845," (except the clauses of that Act with respect to the purchase and taking of lands otherwise than by agreement,) "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Gasworks Clauses Act, 1847," and "The Waterworks Clauses Acts, 1847 and 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

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 shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act, and the Acts and parts of Acts incorporated herewith, the expression "the Company" shall mean the Company incorporated by this Act; the expression "the works," or "the gasworks," or "the waterworks," shall mean the gasworks or waterworks, and the works connected therewith, by this Act authorised to be purchased, maintained, and enlarged and improved, or any part thereof; and the expression "superior court," or "court of competent jurisdiction," or any other like expression, 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.

Limits of Act.

4. The limits of this Act shall comprise and include the township of Rainhill in the parish of Prescot and county of Lancaster, except that so far as relates to gas they shall not comprise so much of the said township as lies within the following boundary, that is to say, a point where the London and North-western Railway intersects the boundary line of the townships of Whiston and Rainhill, thence along the said railway in an eastwardly direction to the point where the said railway is crossed by the public footpath leading from Stoney Lane to the Liverpool, Prescot, Ashton, and Warrington turnpike road, thence along and including that footpath to the said turnpike road, and thence across that turnpike road due north to the boundary line of the townships of Eccleston and Rainhill, thence along the boundary of the townships of Rainhill and Whiston to the first-mentioned point, except by agreement with the Prescot Gas Company, which agreement it shall be lawful for the Company and the Prescot Gas Company to enter into.

Company incorporated.

5. William Silk Harris, Edmund Henry Harris, William Roscoe, James Roscoe, Thomas Chatterton Smith, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a Company

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for the purpose of purchasing and maintaining gasworks and waterworks, and of manufacturing and supplying gas, and raising and supplying water within the limits of this Act, and for other the purposes by this Act and the incorporated Acts authorised, and for doing all acts necessary for those purposes, and for those purposes shall be incorporated by the name of "The Rainhill Gas and Water Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and shall and may sue and be sued by that name.

Company may purchase existing gas and water works.

6. The Company may, by agreement, purchase and acquire, and may hold and enjoy, the pieces of land and the works set forth in the schedule hereto, and the fixed plant, apparatus, and goodwill of or belonging to or occupied with the works, for the supply of the township aforesaid with water and gas, and may pay for the same, either wholly or in part, by shares, which shall be deemed for all purposes to have been bonâ fide subscribed for, issued, and accepted, and fully paid up.

Iron foundry to be removed.

7. The said Thomas Melling shall, within twelve months after the passing of this Act, remove all apparatus, fixtures, appliances, and tools used in and for the purposes of his foundry now existing on the premises mentioned in the schedule hereto, so that the business of an ironfounder shall thereafter cease to be carried on upon the said premises.

Power to maintain works, &c.

8. The Company may, upon the pieces of land specified in the schedule to this Act, or any part thereof, and subject to the provisions contained in this Act and the Acts incorporated herewith, maintain and use the existing gas and water works, with all the necessary engines, pumps, reservoirs, buildings, retorts, machinery, apparatus, and conveniences, and roads and approaches to the same, and from time to time alter, enlarge, and improve the same, and erect additional works; and may maintain, alter, remove, and renew existing mains and pipes within the limits to be supplied with gas and water, and lay down, maintain, alter, remove, and renew other mains and pipes, and do all such other acts as they may consider necessary or proper for supplying the inhabitants, and all public and private buildings, and all public and private lamps, within the limits of this Act, with gas and water respectively, as the case may be, and may also raise, manufacture, or purchase, and contract for gas and water respectively, and for the supply thereof, and demand and take rents and charges for the supply of gas and

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water, and may purchase and sell coal and lime, and may manufacture, purchase, and dispose of coke, tar, gas, lime, ammoniacal liquor, and other residual products arising from the manufacture of gas, and may take and hold licenses to use (but so as not to acquire exclusive rights thereto) patents or patent rights relating to the manufacture and distribution of gas and water, and may make or purchase, and sell or let for hire, gas and water meters, fittings, tubes, pipes, and other articles and things in any way connected with gas and water works, or with the supply of gas and water to the consumers thereof, in such manner as the Company may think proper; provided always, that it shall not be lawful for the Company to use any works for the manufacture of gas elsewhere than in or upon the first piece of land in the schedule hereto, or some part or parts thereof.

Company to erect a high service reservoir on land mentioned in schedule.

9. The Company shall, within eighteen months after the passing of this Act, erect or cause to be erected on the second piece of land mentioned in the schedule to this Act a high service reservoir and water tower, suitable for the constant supply of water within the limits granted by this Act.

Company to give notice before interfering with property of London and North-western Railway Company.

10. The Company shall not begin any work in any way affecting any railway of the London and North-western Railway Company, in this Act called the railway company, or any of the bridges or works thereof, or any of their lands or property, unless at least fourteen days previous notice in writing of the intention so to do, describing the manner in which it is proposed to execute any such work, be given to the railway company (except in cases of pipes bursting or other accidents); and in any case any such works shall be executed only according to plans to be approved to the reasonable satisfaction and under the superintendence of the engineer for the time being of the railway company, but in all things at the expense of the Company, and so as to cause no injury to or interference with any such railway, bridges, works, lands, or property, or the passage or conduct of traffic over any such railway or at any station thereof, and if any such injury or interference shall arise to any such railway, bridges, works, lands, or property, or to the passage or conduct of such traffic, the Company shall make full satisfaction in respect of such injury or interference.

Company liable for nuisance.

11. Nothing in this Act shall exonerate the Company from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

Power to purchase additional lands.

12. The Company may purchase, by agreement, for any purposes of their undertaking, except the manufacture of gas, any quantity

of land not exceeding three acres, in addition to the lands which they are herein-before authorised to acquire: Provided that the Company shall not store gas on any lands situate within three hundred yards of any dwelling-house erected at the time of the acquisition by the Company of the lands used for such storage works, without the consent in writing of the owner and occupier of such house.

Company may take easements over lands.

13. The Company may take by agreement, for the purposes of their undertaking, any easements, rights, or privileges in, over, or affecting any lands, not being an easement, right, or privilege of water, in the said township of Rainhill, and the persons empowered by "The Lands Clauses Consolidation Act, 1845," respectively, to sell and convey or release lands, shall have full power to grant to the Company any such easement, right, or privilege, and if they shall so think fit, in consideration of an annual rentcharge, and all provisions of the last-mentioned Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to the purchase of lands by agreement and to rentcharges shall extend and apply to such easements, rights, and privileges, and to rentcharges granted for the same.

Capital.

14. The capital of the Company shall be fifteen thousand pounds, and shall be divided into fifteen hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

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

Calls.

16. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt of guardians, &c. to be sufficient discharge.

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

Power to borrow on mortgage.

18. The Company may, when five thousand pounds, part of the capital of the Company, has been bonâ fide subscribed for, issued, and accepted, and one half thereof has been paid up, borrow on mortgage such sum or sums of money, not exceeding in the whole one thousand two hundred and fifty pounds, as may from time to time be authorised to be borrowed by order of a general meeting of the

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Company, and when each additional amount of five thousand pounds beyond the said amount of five thousand pounds of the capital of the Company has been bonâ fide subscribed for, issued, and acccpted, and one half of the amount thereof respcctively has been paid up, the Company may borrow on mortgage such further sum or sums of money, not exceeding in the whole one thousand two hundred and fifty pounds in respect of each such amount of five thousand pounds, as may from time to time be authorised to be borrowed as aforesaid, but in none of the before-mentioned cases shall any part of the said sums of one thousand two hundred and fifty pounds respectively be borrowed until the Company shall have proved to the justice who is to certify, under the provisions of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all the shares in respect of which the power to borrow the said sums of one thousand two hundred and fifty pounds respectively hereby granted is sought to be exercised have been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue and acceptance thereof, and that such shares were issued bonâ fide, and are held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same, and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proofs aforesaid have been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Application of moneys.

20. All moneys raised under this Act, whether by shares, debenture stock, or by borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Number of directors.

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

Qualification of directors.

23. The qualification of a director shall be the possession in his own right of not less than ten shares.

Quorum.

24. The quorum of a meeting of directors shall be three, unless the number of directors shall be reduced to three, and then the quorum shall be two.

First directors.

25. William Silk Harris, Edmund Henry Harris, William Roscoe, James Roscoe, and Thomas Chatterton Smith shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Election of directors.

Power to lay pipes against buildings.

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

Consumers may be required to consume by meter.

27. Every consumer of gas supplied by the Company shall, on being required by the Company so to do, consume such gas by meter, and all such meters shall be subject to the provisions of the Act for regulating measures used in sales of gas, and until a meter be examined and stamped under the provisions of that Act it shall be approved by the Company, and may from time to time be examined and tested by them, and meters may be provided, sold, or let for hire by the Company to the consumer.

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Register of meters primâ facie evidence.

28. The register of the meter shall be primâ facie evidence of the quantity of gas, or, where water shall be supplied by meter, of the water consumed by any customer of the Company, and in respect of which any rent is charged and sought to be recovered by the Company.

Limiting the price of gas.

29. The price to be charged by the Company for gas supplied to persons who shall burn the same by meter shall not exceed for the first three years from the passing of this Act five shillings per one thousand cubic feet, and after the first three years the price shall not exceed four shillings and sixpence per one thousand cubic feet.

Quality and purity of Company's gas.

30. All the gas supplied by the Company shall be of such quality as to produce from an Argand or other suitable burner consuming five cubic feet of gas per hour a light equal in intensity to the light produced by fourteen sperm candles of six in the pound burning one hundred and twenty grains per hour, and shall be so far free from sulphuretted hydrogen as not to discolour moistened test paper imbued with acetate or carbonate of lead, when such test paper is exposed for one minute to a current of gas issuing under a pressure of five tenths of an inch of water, and shall not contain more than five grains of ammonia, nor more than twenty grains of sulphur of any form in one hundred cubic feet of gas.

Company to erect a meter to test quality of gas.

31. The Company shall, within twelve months from the passing of this Act, cause to be erected in some convenient part of their works an experimental meter furnished with an Argand or other suitable burner, together with other necessary apparatus, so situated and arranged as to test the illuminating power of all the gas supplied to the consumers, and shall at all times keep and maintain the experimental meter and apparatus in good repair and working order, and, when necessary, renew the same.

Power to test the illuminating power of the gas.

32. It shall be lawful for any two justices from time to time, on the application of any of the consumers of the gas of the Company, not being less than five in number, by order in writing, to appoint some competent person to test the illuminating power and purity of the gas; and the person so appointed may, at any reasonable hour not later than eight o'clock in the evening, and on producing and delivering up his order or authority, enter on the said works of the Company, and, in the presence of the person in charge of the works of the Company, make experiment of the illuminating power and purity of the gas then flowing through the mains of the Company, or otherwise, by means of the experimental meter or other apparatus before mentioned; and the Company and

their officers and servants shall afford all reasonable facilities and assistance for the making of such experiment; and if it shall be proved to the satisfaction of any two justices, after hearing the parties, that the illuminating power and purity of the gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating power and purity by this Act prescribed, or that the Company or the person in charge of the works refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, then and in every such case the Company shall forfeit such sum not exceeding twenty pounds as the justices shall determine.

Costs of experiment to be paid according to events.

33. The costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the costs of proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the Company shall be paid, together with such penalty, by the Company; but in the event of no penalty being imposed such costs shall be awarded to be paid to the Company by the consumers making such application as aforesaid, and shall be paid or levied accordingly.

Contracts for supplying gas for public purposes.

34. The Company on the one hand, and any duly constituted local authority on the other hand, may from time to time enter into and carry into effect any contract or arrangement for the supply of gas or water by the Company for public purposes, within the limits of this Act, for any period not exceeding under any one such contract or arrangement seven years, and may from time to time, by mutual consent, vary, suspend, or rescind any such contract or arrangement, or enter into or carry into effect other contracts or arrangements in lieu thereof or in addition thereto, and any local authority so agreeing may apply for the purposes of any such contract or arrangement, and in payment of any periodical or other remuneration or other consideration payable to the Company under or by virtue thereof, any funds or moneys which they have raised or may raise under the powers of any Act of Parliament.

Power to agree with other bodies corporate for supply of gas and water.

35. It shall be lawful for the Company on the one hand, and the Prescot Gas Company, the Saint Helen's Gas Company, the Widnes Local Board of Health, and any other body corporate having parliamentary powers for the supply of gas or water, on the other hand, to make agreements for the supply by the Company of gas or water, where such body is empowered to supply gas or water, to any places within their respective limits which may be more conveniently supplied with gas or water by the Company than by such other body corporate respectively, on such terms and

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conditions as shall be agreed between them; and such supply shall be as between the Company and the consumer deemed for all purposes to have been made by such body corporate, and subject to the conditions provided by their special Acts respectively: Provided that, notwithstanding any such agreement, the Company shall not be at liberty to supply water to any places as aforesaid whenever and so long as the same interferes or is likely to interfere with the proper supply of water for domestic purposes under this Act.

Company to supply gas in certain events at request of owner or occupier.

36. The Company shall, at the request in writing of any owner or occupier of any premises within twenty-five yards of which any main gas pipe of the Company shall be then laid, furnish to him a sufficient supply of gas for such premises, together (if so required) with a meter and so much of the service pipe as shall be necessary to communicate between the main pipe of the Company and such meter; provided that the expense of so much of the service pipe as shall be laid upon the property of such owner or occupier, or in any other case as shall be laid beyond fifteen feet in length, and the cost of such meter, shall be defrayed by such owner or occupier; and if the Company shall, after having received such a request in writing, by their wilful default fail to supply the gas within a reasonable time, then, on proof of such default, the Company shall be subject to a penalty not exceeding forty shillings.

Security for payment of rate.

37. Any person having or requesting to have a supply of gas from the Company shall (if and when so required, in writing, by them, and before he is entitled to have such service pipes and meter provided and fixed or to have a supply of gas,) give to the Company such security for the payment to them of the cost of the necessary works, and of such meter, and of the gas supplied or to be supplied, as he and the Company agree on, or as, in default of agreement, shall be determined as by this Act provided; and the Company shall be liable to a penalty not exceeding forty shillings if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the Company, or there are any arrears due in respect of gas supplied, or any security herein-before provided for has run out or ceased to remain in force.

Justices may determine nature of security.

38. Where any such person and the Company do not agree on the security to be given the same shall be determined by two justices, and such justices shall, on the application of the person and the Company, or either of them, determine the nature and

amount of security to be given, and the security may, as the justices think fit, be the deposit with the Company or the prepayment to the Company of a sum of money or any other security which the justices think sufficient and reasonable, and the determination of the justices shall be binding on all parties.

Fraudulently injuring meters.

39. Every person who shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any pipe, meter, or fittings belonging to the Company, or shall fraudulently alter the index to any meter, or shall prevent any meter from duly registering the quantity of gas or water supplied, shall, without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender, for every such offence forfeit and pay to the Company a sum not less than forty shillings and not exceeding five pounds, and the Company may in addition thereto recover the amount of any damages by them sustained, in a summary way, before the justices who shall hear the charge; and in any case in which any person shall have wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Company, or shall have fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of gas or water supplied, the Company may also discontinue the supply of gas or water to the person so offending (notwithstanding any contract previously existing) for the space of six months from the commencement of such discontinuance; and the existence of artificial means for causing such alteration or prevention when such meter shall be under the custody or control of the consumer shall be primâ facie evidence that such alteration or prevention (as the case may be) has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Price of gas supplied to public lamps.

40. The Company shall supply gas to the public lamps within the limits of this Act in such quantities as the local authorities may in writing under the hand of their clerk from time to time require to be supplied; and the price to be charged by the Company, and to be paid to them, for all gas so supplied to or for any such public lamps, shall always be calculated and fixed at and according to the lowest price for the time being charged by the Company to any other consumer or consumers within the limits in which such public lamps shall be situated.

Mode of consuming gas supplied to the public lamps.

41. The gas supplied to the public lamps within the limits of this Act shall be consumed either by meter or otherwise, at the option of the local authority or the Company respectively, and in case of its being consumed by meter the meter shall be provided

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and fixed by the Company, and be paid for by the party requiring it, but neither party shall be entitled to require that a meter be affixed to more than one in every twelve lamps then supplied with gas under this Act: Provided always, that if the gas shall under the provisions of this Act be supplied to the public lamps by average meter indication, the Company shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps, at the cost of the local authority, with proper self-acting pressure regulators and burners to the satisfaction of the local authority, or, in case of difference, as from time to time shall be settled by any two justices.

As to meters for public lamps.

42. The average amount of the indications of all the meters attached to the public lamps shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp.

As to testing accuracy of meters.

43. If either the Company or the local authority dispute the accuracy of the registration of any meter used for measuring the gas supplied to the public lamps, then such meter shall be tested in the manner provided by the Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating measures used in the sales of gas," and if found to register erroneously within the meaning of the said Act, or in case any such meter shall be shown at any time to have ceased to register, notwithstanding gas may have passed through it to the burners, and notwithstanding such meter shall, on being submitted to the test, then act correctly, it shall not be deemed to be one of the meters from which the average aforesaid shall be determined.

As to the gas supplied to public lamps.

44. The gas supplied to any such public lamps shall be permitted to pass unrestricted to and from such self-acting regulator for the whole of the period during which such public lamps shall be lighted.

Power to remove meters and fittings.

45. The Company by their agents or workmen, after giving forty-eight hours notice in writing to the occupier, or if unoccupied then to the owner or lessee of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the Company are laid or fixed, and through or in which the supply of gas or water shall from any cause other than the neglect or default of the Company or their servants be discontinued, may enter such land, house, or building between the hours of nine in the forenoon and four in the afternoon, and may remove such pipes, mains, meters, or fittings, but repairing all damages caused by such removal; and every such notice shall be served by being delivered to the person for whom it

is intended, or left at his usual or last known place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Company, and cannot after due inquiry be found or ascertained, then by being affixed on some conspicuous part of such land or building.

Incoming tenant not liable to pay arrears of gas.

46. In case any consumer of the gas or water of the Company shall leave the premises where such gas or water has been supplied to him without paying to the Company the gas rent, water rent, or meter rent due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Reservation of water rights, &c., on sale.

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

Constant pressure, &c.

48. Water supplied under this Act need not, for the space of eighteen months after the passing hereof, be constantly laid on under high pressure, or be supplied during such period at a level above that at which water can be supplied from the existing works by this Act transferred to the Company; but after the erection of the reservoir and water tower herein-before mentioned, water shall (except in cases of accident) be constantly laid on under high pressure, as defined by the thirty-fifth section of "The Waterworks Clauses Act, 1847;" provided that the Company shall not be bound to supply water at such high pressure to any house situate above the level of the said water tower.

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

49. The Company shall, at the request of the owner or occupier of any house or part of a house in any street in which any pipe of the Company is or shall be laid, or on the application of any person who, under the provisions of this Act, is entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic use, at the following annual rates upon the yearly value (according to the gross estimated rental in the poor rate assessment) of such houses for the time being; that is to say, for any house of which the yearly value does not exceed ten pounds, eight shillings and eightpence; for any house

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of which the yearly value exceeds ten pounds, five pounds per centum per annum on such value.

Rates for waterclosets and baths.

50. In addition to the rates for the supply of water for domestic purposes, the Company may demand and receive for every watercloset beyond the first in a house a yearly sum not exceeding five shillings, and for every private fixed bath in any house any yearly sum not exceeding seven shillings and sixpence.

For preventing fouling water.

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

Penalty for using water for other than domestic purposes, without agreement.

52. Every person using for other than domestic purposes any water supplied by the Company, and not having previously agreed with the Company for a supply for other purposes, and every person having agreed with the Company for a supply of water for any other than domestic purposes, and using for any purposes other than the purposes so agreed on the water so supplied by the Company, shall respectively for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Certain consumers may be required to consume by meter.

53. The Company may require any persons who shall be supplied by them with water for other than domestic purposes, or any school, hotel, or public institution which shall be supplied by them, to consume the same by meter: Provided that the charge for such supply shall not exceed the amount for the time being charged by the corporation of the borough of Liverpool for water supplied by them by meter beyond the limits of such borough.

Power to Company to agree for supplies of water.

54. Subject to the provisions of this Act, the Company from time to time may enter into and carry into effect such agreements with any railway companies and other companies and persons with respect to the supply of gas and of water for other than domestic purposes, and all matters incidental and accessory thereto, as the Company think fit, and every agreement may be for such period and on such terms, pecuniary or otherwise, and on such conditions, as the Company think fit; but, notwithstanding any such agreement, no person shall be entitled to such a supply whenever and as long as the same interferes or is likely to interfere with the proper

supply of water for domestic purposes under this Act; and every such agreement shall be, by virtue of this Act, determinable by the Company on one month's notice in writing, and shall contain an express condition to that effect.

Entry on premises to cut off supply of water in certain cases.

55. In all cases in which the Company are, by the "Waterworks Clauses Act, 1847," or the "Waterworks Clauses Act, 1863," or by this Act, authorised to cut off the pipe to or turn off water from any premises, the Company, their agents and workmen, after giving notice to the owner or occupier as herein-after provided, may enter into any such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water of the Company shall be supplied to such premises. The notice to be given previously to such entry shall be in writing, and shall be served in manner following; that is to say,

Mode of giving notice.

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

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

If such premises be unoccupied, and the owner thereof or his usual place of abode be not in England, or be not known to the Company after due inquiry, then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry; and for the purposes of this provision any person receiving the rents of any such premises, either on his own account or as agent for any other person, shall be deemed the owner of such premises.

Service pipes.

56. The service pipes to communicate with the mains and pipes of the Company, and the fittings connected therewith, shall be laid, placed, and removed under the superintendence of the Company, and at the expense of the persons requiring or having the supply, and at their option either by themselves or by the Company.

Penalty for waste of water.

57. Every person supplied with water by the Company who shall wilfully suffer any meter, pipes, valves, cocks, cisterns, bath, soil-pan, watercloset, or other apparatus to be out of repair, or

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wilfully leave the same open so that the water supplied to him by the Company shall be wasted, shall forfeit and pay to the Company a sum not exceeding five pounds, over and above the loss which the Company may sustain by reason of such waste, the same to be recoverable in a summary way before justices.

Regulations for preventing waste of water.

58. For preventing waste, misuse, undue consumption, or contamination of the water of the Company, the following provisions shall have effect; namely,

(1.) The Company may from time to time make such reasonable regulations as they think necessary for the objects aforesaid to be observed by persons supplied with water:

(2.) By any such regulations the Company may direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soil-pans, water-closets, and other apparatus, or any of them, to be used by such persons respectively for conveying, delivering, and receiving water, and may interdict any arrangement, and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water:

(3.) The Company shall not be bound, under any agreement or otherwise, to supply or to continue to supply water to any person unless such regulations as are for the time being in force are duly observed by him:

(4.) The Company may in any such cases require such person, by a notice in writing under the hand of their secretary or other duly authorised person, to repair any such meter, pipe, valve, cock, cistern, soil-pan, watercloset, or other apparatus, so as to prevent any such waste of water, and in case of failure so to do within three days the Company may repair the same, and in such case the expense of such repair shall be repaid to them by the person so allowing the same to be out of repair, and may be recovered as liquidated damages, or in case the amount thereof be not disputed may be levied by distress; and any justice having jurisdiction where such person shall then reside, or where such waste shall have occurred, shall, on the application of the Company, issue his warrant for the distress and sale of the goods and chattels of such person for the amount so due from him, together with such costs as to the same justice shall seem fit:

(5.) If any dispute arises between the Company and any person as to whether any such regulations have been complied with by such person, such dispute shall be referred, on the application of either party, to the determination of two justices in petty session, whose decision thereon shall be final, and binding on both parties.

When several houses are supplied by one pipe each to pay.

59. Where several houses or parts of houses in the occupation of several persons shall be supplied by one pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the Company's mains by a separate and distinct pipe: Provided always, that the Company shall not be compelled to supply water to the owner or occupier of any dwelling-house or premises unless the water rate is paid for the whole of such dwelling-house and premises; and provided also, that the Company shall not be bound to supply more than one house by means of the same pipe, but they may, if they think fit, require that a separate pipe be laid into each house supplied by them with water.

For preventing frauds and waste of gas and water.

60. If and whenever any person supplied with gas or water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, or undue consumption of gas or water, the Company may cut off or stop any pipe by or through which gas or water is supplied to him, and may cease to supply him with gas or water as long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all damages sustained by them by reason thereof, and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Provisions as to letting meters.

61. The Company may let for hire any meter for ascertaining the quantity of gas or water consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to repair of such meter and fittings, and for securing the safety and return to the Company of such meter, as may be agreed upon between the hirer and the Company; and such remuneration shall be recoverable in the same manner as the gas rents or, as the case may be, water rents due to the Company; and such meters and fittings shall not be subject to distress for rent of the premises

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where the same are used, or to be taken in execution under any process of any court of law or equity, or any proceedings in bankruptcy against the persons having possession thereof.

Repair of meters.

62. Every consumer of gas or water of the Company shall, at all times, at his own expense, keep all meters belonging to him, whereby any gas or water of the Company is registered, in proper order for correctly registering such gas or water, in default whereof the Company may cease to supply gas or water through such meters; and the Company shall at all reasonable times have access to and be at liberty to take off, remove, inspect, test, and replace any meter belonging to a consumer, such taking off, removal, testing, and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer, to be recovered summarily before two justices, as if the same were a penalty, in addition to any other remedy.

Company's officers to enter buildings.

63. The Company's agent or other officer duly appointed for the purpose by the Company may, between the hours of nine in the forenoon and four in the afternoon, enter any buildings or place supplied with gas or water by the Company, in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of gas or water, and to see whether the meters, pipes, fittings, cisterns, or other apparatus provided be in good repair, and if such agent or other officer at any such time be refused admittance into such premises for the purpose aforesaid, or be prevented making such examination, the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds, to be recoverable in a summary way before two justices, by way of penalty.

Notice to Company of putting up meters.

64. Before any person connects or disconnects any meter through which any of the gas or water of the Company is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so; and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings, on conviction before two justices.

Power to remove meters and fittings.

65. The Company, after forty-eight hours notice in writing, under the hand of the secretary or some other officer of the Company, to the occupier, or if there be no occupier, then to the owner or lessee of any building or lands in which any pipe, meter, or fittings belonging to the Company are laid or fixed, and through or in which the supply of gas or water is from any cause other than the default of the Company discontinued, may enter such buildings

or lands between the hours of nine in the morning and four in the afternoon, or at any other time with the authority in writing of a justice, for the purpose of removing, and may remove, every such pipe, meter, and fitting, repairing all damage caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of business or abode in England, or if such person or his usual place of abode or business is unknown to the Company, after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Power for Company to supply materials, &c.

66. The Company may, if requested by any person supplied or about to be supplied by them with water or gas, furnish to him, and from time to time repair or alter, any such pipes, cocks, valves, gas fittings, cisterns, baths, soil-pans, waterclosets, apparatus and receptacles, as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf.

Notice of discontinuance.

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

Sums undisputed may be recovered by distress.

68. All sums of money due to the Company for the supply of gas or water, or for the hire or fixing of meters or fittings, and all damages, costs, and expenses by this Act directed to be paid, and the amount of which shall not be bonâ fide disputed, may (the party in default being first duly summoned) be levied by distress, and any justice, on application, may issue his warrant accordingly.

Contents of warrant.

69. Any one summons or warrant 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.

Warrant may include costs.

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

Recovery of sums by action.

71. Whenever any person neglects to pay any rent or sum due to the Company, the Company may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the Company under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

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Penalties not cumulative.

72. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Liability to gas rate not to disqualify justices.

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

Expenses of Act.

74. All the costs, charges, and expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

A piece of land in the parish of Prescot and township of Rainhill, bounded on the north by land in the occupation of James Heyes, on the east by the highway leading from Rainhill to St. Helen's, on the south by a road in the occupation of Thomas Melling, John Roby, and others, and adjoining or near the Liverpool and Manchester Railway of the London and North-western Railway Company, on the west in part by a brass foundry, dwelling-house, and premises in the occupation of the said John Roby, and in other part by cottages in the occupation of John Lowe, Donald Ross, John Fildes, Ann Blackburne, John Williams, Arthur Forster, Jonathan Yarwood, Thomas Bullen, Roger Roby, Robert Death, Sarah Smith, Martin Cox, George Ashton, John Lewis Price, William Lovely, John Hayes, and Robert Lovey respectively.

For Water Purposes only.

A piece of land situate at Rainhill in the county of Lancaster, being part of the lands and hereditaments comprised in an indenture bearing date the 24th day of March 1857, and which piece of land adjoins the eastern boundary of an estate at Rainhill aforesaid, called the Lawton estate, and is at a distance of 161 yards 2 feet from the township road on the southwardly side of the said estate, running from Prescot to Warrington, and contains the dimensions following; that is to say, on the northwardly and southwardly sides 20 yards respectively, and on the eastwardly and westwardly sides 40 yards respectively, and in the whole 800 square yards, be the said several dimensions respectively a little more or less.

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