CHAPTER ccix.

An Act to amend and enlarge the provisions of the Warrington Waterworks Act, 1855, and the Warrington Waterworks Act, 1868; to extend the limits of the Warrington Waterworks Company for the supply of Water; to enable the Company to construct additional works; and to make further and better provision for supplying the town and borough of Warrington and the adjoining districts with water; and for other purposes. A.D. 1878.

[22d July 1878.]

WHEREAS by the Warrington Waterworks Act, 1855, the Warrington Waterworks Company (herein-after called "the Company"), which had been incorporated by a previous Act, were continued incorporated, and were authorised to maintain the waterworks previously constructed, and to make further works, and to continue to furnish a supply of water to the town and borough of Warrington, and certain other places: 18 & 19 Vict. c. xciii.

And whereas by the same Act the share capital of the Company was declared to be forty-five thousand pounds, consisting of the sum of twenty-four thousand pounds their existing share capital, and a further sum of twenty-one thousand pounds thereby authorised to be raised; and the Company were empowered to borrow on mortgage any sum not exceeding, together with their then existing mortgage debt of eight thousand six hundred and sixty-six pounds thirteen shillings and fourpence, the sum of fourteen thousand pounds:

And whereas by the Warrington Waterworks Act, 1868, the limits of the Company for the supply of water were extended so as to include certain townships in the counties of Lancaster and Chester therein named, and the Company were authorised to make and maintain further works therein particularly mentioned: 31 & 32 Vict. c. lxxix.

And whereas by the said last-mentioned Act the Company were authorised to raise additional share capital to the extent of thirty

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thousand pounds, and to borrow on mortgage any further sum not exceeding in the whole six thousand pounds:

And whereas the Company have raised and expended the whole of the share and loan capital aforesaid:

And whereas the population and trade of the town and borough of Warrington and the neighbourhood have since the passing of the said recited Acts greatly increased, and are still increasing, and the demand for water, both within and without the limits of supply of the Company, has also greatly increased, and is still increasing, and the present works of the Company are insufficient for supplying the same, and it is expedient that the Company should be authorised to obtain and provide an additional supply of water, and for that purpose to construct additional works, and purchase additional lands, and to raise further moneys by shares and by borrowing:

And whereas it is also expedient that the limits within which the Company are authorised to supply water should be extended, and the powers of the Company in various respects enlarged, and the Acts relating to the Company extended and amended:

And whereas plans and sections showing the lines, situations, and levels of the works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands 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 also with the clerk of the peace for the county of Chester, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

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

Short title.

1. This Act may be cited as the Warrington Waterworks Act, 1878; and this Act and the recited Acts may be cited together as the Warrington Water Acts, 1855 to 1878.

Construction of Act.

2. The provisions of the recited Acts, so far as they are not expressly repealed, and are not varied by or inconsistent with the provisions of any subsequent Act or of this Act, shall be incorporated with this Act, and this Act and the recited Acts shall (save as aforesaid) be read and construed together as one Act.

3. The following Acts and parts of Acts (as far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act; namely,

Incorporation of general Acts.

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,) — 8 & 9 Vict. c. 16.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for the nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provisions to be made for affording access to the special Act:

Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869; — 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869; — 8 & 9 Vict. c. 18.

The Waterworks Clauses Acts, 1847 and 1863; and — 23 & 24 Vict. c. 106.

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and with respect to the crossing of roads or other interference therewith; provided that in construing the provisons of the latter Act for the purposes of this Act the expression "the railway" and "the centre of the railway" shall respectively mean the works and the boundaries of the works by this Act authorised, and that such provisions shall apply only to the respective reservoirs, road, and diversion of road hereby authorised, and the works immediately connected therewith. — 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20.

Interpretation of terms.

4. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; 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

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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.

Extension of limits for supply of water.

5. The limits within which the Company may supply water shall extend to and include, in addition to the parishes, townships, and places within the limits of the recited Acts, the townships of Culcheth, Kenyon, Burtonwood, Great Sankey, Penketh, Woolston-with-Martinscroft, and Rixton-with-Glazebrook, all in the county of Lancaster, and the townships of Thelwall, Acton Grange, Daresbury, Hatton, Keckwick, Moore, and Stretton, all in the county of Chester; and the recited Acts shall, subject to the provisions of this Act, be in force within the said townships in the same manner as within the existing limits of the Company.

Power to make works according to deposited plans.

6. Subject to the provisions of this Act, the Company may make, construct, and maintain, in the lines and situations and according to the levels shown on the deposited plans and sections, the several works shown on those plans and sections, and for that purpose may purchase absolutely, for a sum in gross or in consideration of an annual rentcharge, and may enter upon, take, and use, such of the lands described in the deposited plans and books of reference as may be required for the purposes of this Act, and may take, use, and appropriate for the purposes of the works authorised by this Act, and of the existing and authorised works of the Company, all waters found in, on, or under any of the said lands which shall be acquired by the Company, and other the lands for the time being belonging to the Company, and may divert or widen such turnpike roads and public carriage-roads, or any of them, as are marked for those purposes respectively upon the deposited plans, and may stop up all other roads and ways within the limits of deviation defined on the deposited plans, and within the limits of the lands acquired by the Company under the powers of this Act, which would interfere with the construction or use of the works by this Act authorised, and may appropriate for the purposes of this Act the sites of the roads and ways so diverted and stopped up.

The works herein-before referred to and authorised by this Act are as follows:

(1.) A reservoir upon a stream known as the Dennow Brook, at or about the junction of three tributary streams which collectively form the said brook (one of these streams flowing from the east, another from the south-east, and the third from the south), and upon lands adjacent to and intersected by these streams, in the occupation of Joseph Pennington, William Robinson, Joseph Ellam, and Thomas Worrall:

(2.) A square service reservoir to be situate upon a field called

or known as the House Field, in the occupation of Job Moulsdale, and belonging or reputed to belong to the trustees of the Warrington Blue Coat Charity School:

(3.) A well or shaft in connexion with and on the line of the intended tunnel fourthly herein described, and a pumping station to be constructed in the said House Field near the north-easterly angle and in line with the northerly embankment of the intended reservoir thirdly herein described:

(4.) An aqueduct, conduit, or line of tunnel commencing in the bed of the Dennow Brook, and terminating in the well or shaft thirdly herein described:

(5.) An aqueduct or conduit commencing in the township of Hatton and parish of Runcorn in a field known as the Sand Meadow and Sutton Croft, in the occupation of John Blackshaw, and belonging or reputed to belong to the trustees of the Warrington Blue Coat Charity School, and terminating in the intended reservoir firstly herein described at or near the south-westerly end of the embankment across the small stream flowing in a northerly direction at a point three yards or thereabouts from the point at which the embankment crosses the said stream:

(6.) An aqueduct or conduit commencing in the intended reservoir firstly herein described at the point at which the three tributary streams which collectively form the Dennow Brook unite, and terminating in the line of the twelve-inch main now supplying water to the filters belonging to the Company at a point in the said main in line with the southerly margin of the filters:

(7.) An extension and enlargement of the Appleton Reservoir of the Company:

(8.) A diversion of the public carriage-road at present traversing the top of the principal embankment of the Appleton Reservoir, and the formation of a new road in lieu thereof along the outer or northerly slope of the reservoir embankment commencing in the present road in the township of Walton Superior and parish of Runcorn, and terminating in the same road in the township of Appleton and parish of Great Budworth:

(9.) A reservoir to be situate on the Daresbury Brook to be formed by an embankment constructed so as to cross such brook at a point one hundred and sixteen yards or thereabouts, measured along the line of the existing conduit

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which conveys the waters of the Daresbury Brook to the Appleton Reservoir of the Company, from the point at which the said conduit leaves the Daresbury Brook:

(10.) An aqueduct or conduit commencing in the township of Hatton in a stream known as the Hatton Brook, and terminating in the township of Daresbury in the intended reservoir ninthly herein described:

The whole of the works herein-before described, and the lands to be taken for the purposes thereof, and which are more particularly described and delineated on the deposited plans and sections, are situate in the townships of Hatton, Daresbury, Acton, Grange, and Walton Superior, all in the parish of Runcorn, and in the township of Appleton, in the parish of Great Budworth, and all in the county of Chester:

(11.) A reservoir occupying about fifty acres, situate partly in the hamlet of Middleton and partly in the hamlet of Houghton, in the township of Houghton-Middleton-and Arbury, in the parish of Winwick, on lands in the occupation of the Reverend Sir George Shiffner, Baronet, or his wife, or their trustees, and of George Mather, Eve Howard, William Howard, John Howard, John Stanier, and George Jackson, lying between the Spa Brook and the public carriage-road known as Houghton Lane:

(12.) An aqueduct or conduit commencing in the hamlet of Southworth, in the township and parish of Southworth-with-Croft, at an angle in the Cockshot Brook at the south-east corner of the wood known as the "Island Plantation," and terminating in the intended reservoir eleventhly hereinafter described:

(13.) An aqueduct or conduit commencing in the hamlet of Croft in a stream or brook forming a tributary of the Cockshot Brook, called or known as the Stone Pit Brook, and terminating in the hamlet of Southworth, in the Cockshot Brook:

(14.) A reservoir to be situate partly in the hamlet of Arbury and partly in the hamlet of Houghton, both in the township of Houghton-Middleton-and-Arbury and parish of Winwick, on certain lands in the occupation of John Warburton and John Stanier adjoining the Spa Brook:

(15.) A reservoir to be situate in the same hamlets, township, and parish, and on the course of the Spa Brook, on lands in the occupation of John Stanier, Joseph Swinton, Eve Howard, William Howard, John Warburton, John

Howard, and George Jackson, and immediately to the north of the reservoir fourteenthly herein described:

(16.) A tunnel or conduit commencing in the hamlet of Houghton, in the township of Houghton-Middleton-and-Arbury, at an intended shaft to be sunk in land in the occupation of John Stanier, and terminating in the hamlet of Croft, in the township and parish of Southworth-with-Croft:

(17.) A well or shaft and pumping station to be constructed in a field in the occupation of John Stanier, at or near the commencement of the tunnel sixteenthly herein described:

(18.) A tunnel or conduit commencing in the hamlet of Winwick, in the township of Winwick-with-Hulme at the No. 3 shaft of the Winwick pumping station of the Company, and terminating in the hamlet of Arbury, in the township of Houghton-Middleton-and-Arbury, in an intended shaft to be sunk in a field in the occupation of Joseph Swinton:

(19.) An aqueduct or conduit commencing in the township and parish of Southworth-with-Croft in a stream or brook known as the Cockshot Brook, at a point in such stream or brook one hundred yards or thereabouts, measured in a direct line and south-easterly direction, from the point at which the tunnel sixteenthly herein described passes under the said Cockshot Brook, and terminating in the township of Houghton-Middleton-and-Arbury, in the parish of Winwick, in the intended reservoir eleventhly herein described:

(20.) An aqueduct or conduit to commence in the hamlet of Hulme and township of Winwick-with-Hulme in a stream or brook called or known as the Spring Pit Brook, and terminating in the said hamlet of Arbury in the intended reservoir fourteenthly herein described:

(21.) An aqueduct or conduit commencing in the said hamlet of Houghton in the intended reservoir eleventhly herein described, and terminating in the hamlet of Orford and parish of Warrington, in the public road from Warrington to Winwick near the Clam Brook Farm:

(22.) An aqueduct or line of pipes commencing in the said hamlet of Arbury in the reservoir fourteenthly herein described, and terminating in the said hamlet of Orford in the public road from Warrington to Winwick in the

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line of main pipe from the pumping station at Winwick to Warrington.

The whole of the works described under the numbers 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and which are more particularly described and delineated in the deposited plans and sections, are situate in the hamlet of Orford, in the township of Warrington and parish of Warrington, in the hamlet of Hulme and township of Winwick-with-Hulme, in the hamlets of Middleton, Houghton, and Arbury, in the township of Houghton-Middleton-and-Arbury, all in the parish of Winwick, in the hamlets of Southworth and Croft, in the township and parish of Southworth-with-Croft; all which said hamlets, townships, and parishes, except the hamlet of Orford, township of Warrington, and parish of Warrington, are in the ancient parish of Winwick, all in the county of Lancaster.

For protection of springs at Pillmoss.

With a view to the protection of the springs at Pillmoss, the waters of which now flow into the River Weaver, the sides of so much of the shaft or well thirdly herein described, from the top thereof through the sand until it reaches a water-tight stratum, shall be so constructed, protected, and for ever maintained throughout as to exclude all surface and subterranean waters from entering the said portion of the said well or shaft through the sides or down the back of the lining thereof; and such well or shaft shall be so constructed and maintained to the reasonable satisfaction of the engineer for the time being of the trustees of the River Weaver Navigation, who shall have the right to inspect the works during their progress, and at all reasonable times thereafter: Provided that any difference which may arise between the said engineer and the engineer of the Company shall from time to time be settled by an engineer, to be appointed, on the application of either party, by the Board of Trade; and if during or after the construction of the aqueduct, conduit, or line of tunnel fourthly herein described, or any works connected therewith, it shall be found that any waters from the said sand which would otherwise find their outlet at the said springs flow into the said aqueduct or works, such measures shall be taken as may be necessary for excluding such water, to the reasonable satisfaction of the engineer of the River Weaver, or, in case of difference, of an engineer to be appointed as aforesaid.

Power to make necessary works, &c.

7. The Company may, upon any lands acquired by or belonging to them, from time to time make and maintain all necessary and convenient approaches, embankments, roads, ways, tunnels, adits, wells, tanks, filtering beds, dams, sluices, outfalls, channels, con-

duits, drains, pipes, engines, works, and conveniences for obtaining, collecting, filtering, storing, and distributing any water. A.D. 1878.

Limits of deviation.

8. In the construction of the works authorised by this Act, and subject to the provisions thereof, the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans, and where on any road no such limits are shown, the boundaries of such road shall be deemed to be such limits, and the Company may also deviate vertically from the levels shown on the deposited sections with reference to the datum line to any extent not exceeding, in the case of reservoirs, three feet upwards or downwards, and in the case of all other works to any extent not exceeding five feet; but if it be found necessary or expedient in the construction of any of the reservoirs authorised by this Act to alter the situation of any embankment, they may, within the limits of deviation, in the construction thereof, and in the works connected therewith, deviate vertically from the levels of such embankments, reservoirs, and works to any extent not exceeding five feet.

Height of embankment.

9. Provided always, that the Company shall not, in exercise of the powers of deviation hereby given, construct any embankment or wall of any of the reservoirs herein-before described, and shown on the deposited plans, of a greater height above the general surface of the ground than that shown on the deposited sections, and in the case of the intended reservoir ninthly herein-before described with ten feet in addition, and in the case of all the other reservoirs herein-before described three feet in addition; provided that the base of the embankment of the reservoir ninthly herein-before described shall be increased in width in the same proportion to its height as that shown on the deposited sections.

As to alteration, &c. of Company's works by Bridgewater Navigation Company, Limited, or Mersey and Irwell Navigation Company.

10. If the Bridgewater Navigation Company, Limited, (herein-after referred to as the Bridgewater Company,) or the Company of Proprietors of the Mersey and Irwell Navigation (herein-after referred to as the Mersey and Irwell Company), at any time hereafter widen, deepen, change the level or divert the course of, or otherwise alter, the River Mersey, or the canals and navigations of either of the before-mentioned companies, or make any new navigation or works pursuant to the several powers vested in them respectively, or concur in or consent to the construction of a new bridge over the River Mersey at Warrington in lieu of the existing bridge there, or the heightening of or other alteration in that existing bridge, and it be, in consequence of or for facilitating any such new or altered works, necessary for the Company to have any

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new works made, or for any of their then existing works to be reconstructed or altered, then and so often as the same shall happen such new works or alterations shall be made, so far as may be consistent with the provisions of this Act, in such manner as shall have been previously approved in writing by the engineer to the Bridgewater Company or the Mersey and Irwell Company, as the case may require.

For protection of London and North-western Railway Company.

11. Any works to be constructed, laid down, or executed by the Company in any way affecting any railway or canal belonging to the London and North-western Railway Company, or any of the bridges or works or towing-paths thereof, or any lands or property belonging to that company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that company, and according to plans to be reasonably approved by him, before any such works are begun (except in cases of emergency), but in all things at the expense of the Company, and so as to cause no injury to any such railway, canal, bridges, works, towing-paths, lands, or property, or interference with the passage or conduct of traffic over or on any such railway or canal, or at any station or wharf thereof; and if any such injury shall arise to any such railway, canal, bridges, works, towing-paths, lands, or property, or interference with the passage or conduct of such traffic, either in or by the construction or repair of any works of the Company, or by bursting or leakage of any of their mains, pipes, or other works, the Company shall make full compensation to that company in respect of any such injury or interference.

Power to take rivers, streams, and waters for purposes of this Act.

12. Subject to the provisions of this Act, the Company may enter upon, take, and use, for the purposes of this and the recited Acts, such of the rivers, streams, springs, and waters shown on the deposited plans and specified in the deposited books of reference as may be taken by the works described in this Act, and may take, divert, and collect into or by means of the reservoir, tanks, filtering-beds, catchwaters, conduits, pipes, and other works shown on the deposited plans, or some of them, or into any other reservoirs, tanks, filter-beds, catchwaters, conduits, pipes, and other works of the Company, or any of them, and impound, appropriate, and use all or some of the waters of the several brooks and streams called the Dennow Brook, the Daresbury Brook, the Hatton Brook, the Spa Brook, the Cockshot Brook, and the Spring Pit Brook, and the several tributaries thereof, and all brooks, rivulets, streams, watercourses, surface waters, and other waters and springs in the lands of the Company for the time being, or which flow from or into or form part of the said streams, and impound and store such several waters in their reservoirs and works, and

from such works supply water within the limits of supply as extended by this Act, for domestic and other purposes; but nothing in this Act contained shall authorise the Company to impound, appropriate, or use the water of the several brooks and springs called or known as the Pillmoss Springs, the Norcot Brook, the Whitley Brook, the Middleton Brook, the Stone Plat Brook, and the stream or brook flowing through certain lands in the occupation of Isaac Birch.

Power to take additional lands by agreement.

13. The Company may from time to time, for the purposes of their undertaking, purchase by agreement, in addition to the lands which they are authorised to take by compulsion, any lands not exceeding in the whole fifty acres, but the Company shall not erect any buildings upon such lands other than offices, residences for persons in their employ, or such buildings and works as may be incident to or connected with their undertaking.

Power to grant easements, &c. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

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 this Act, grant or demise to the Company any easements, rights, or privileges (not being an easement of water) required for the purposes of this Act or of the recited Acts, 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 demises, and to such easements, rights, and privileges as aforesaid, respectively.

For protection of the Middleton Hall Estate and Brooks' trustees.

15. The powers by this Act conferred upon the Company of taking lands and constructing and maintaining works within the townships of Houghton-Middleton-and-Arbury and Southworth-with-Croft, or either of them, shall be exercised only in accordance with and subject to the following provisions; (that is to say,)

1. If, during the construction or after the completion of the works authorised by this Act which are situate in the county of Lancaster, the present supply in the now existing wells, or any of them, upon the Middleton Hall Estate, in the township of Houghton-Middleton-and-Arbury, or situate at and at present supplying water to the farmhouses called or known as "Southworth Hall," "Arbury," "Jacques's Farm," "Highfields," and "Gleaves Farm," and the keeper's house, with cottage adjoining, near Arbury aforesaid, belonging or reputed to belong to the trustees under the will of the late Samuel Brooks, and situate in the townships aforesaid, or one of them, shall be diminished, and such diminution shall, in the opinion of the arbitrator herein-

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after referred to, be caused by such works of the Company, or any of them, the Company shall forthwith, by such temporary means and expedients as they shall think fit, supply such deficiency from their present Winwick Reservoir, and shall as soon as possible, and they are hereby required to carry a pipe or pipes, to be fitted with taps, to every house or building now supplied from the wells or well so affected, and, unless prevented by accident or other unavoidable circumstance, to deliver at such places and at such levels as the present supply is now delivered by the pumps in use there respectively, or if there are no such pumps, then by the wells aforesaid respectively, a constant supply of water not less in quantity than the present average supply yielded by such wells respectively, but so, nevertheless, that the Company shall not be required to deliver water at a higher level than four feet from the surface of the ground, unless they can do so by simple gravitation, by reason of the difference in level betwixt Middleton Hall and the farmhouses, house, and cottage aforesaid respectively on the one hand, and the level of the water surface for the time being in Winwick Reservoir aforesaid on the other hand: Provided always, that, in lieu of carrying such pipe or pipes, it shall be lawful for the Company, if they think fit, to give, by means of boring at the bottom of any such well, a supply of water not less in quantity than and at the same level as the present supply, or as near to such level as the arbitrator to be appointed as herein-after mentioned shall think reasonable:

2. The Company shall, previous to commencing the works in the said townships of Houghton-Middleton-and-Arbury and Southworth-with-Croft authorised by this Act, and before any abstraction of water from such works for the purposes of this Act, cause every such well as is herein-before referred to to be gauged, and shall, in the first week of every month thereafter until the said works are completed and in full operation, cause every such well to be gauged by a competent person to be appointed by the Company, in the presence of some person to be appointed on behalf of the owner for the time being of each such well, on receiving from the Company one week's notice for that purpose; and the quantity of water ascertained by each such gauging shall be certified under the hands of the persons aforesaid, and their certificates shall be deposited with the town clerk for the time being of the borough of Warrington, and shall be deemed to be the only evidence of the matter certified in such cer-

tificate, and the provisions of the Act of 1 Victoria, chapter 83, shall, for the purposes of this Act, be read and construed as if the said certificates were writings required by the standing orders of the Houses of Parliament to be deposited with the said town clerk:

3. The supply of water and of pipes and other apparatus required by this enactment to be provided by the Company shall be so provided, and for ever thereafter maintained, free of any rate, rent, charge, or other payment whatsoever upon or by the person so supplied; but the provisions of this Act and of the Waterworks Clauses Acts, 1847 and 1863, with respect to waste or misuse of the water supplied by or belonging to the undertakers, shall be held to apply to the supply of water required by this enactment: 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

4. All matters in difference arising under this enactment between the Company and any person claiming a supply of water under this enactment shall be determined by an arbitrator mutually agreed upon in writing by the Company and such person aforesaid, or, failing agreement, by the chairman or deputy chairman for the time being of the court of quarter sessions at Kirkdale, in the county of Lancaster, at the request of either party, after one week's previous notice in writing to the other; and such arbitrator shall have all the powers and authorities of an arbitrator appointed under the provisions of the Companies Clauses Consolidation Act, 1845. 8 & 9 Vict. c. 16.

Limiting quantity of water to be taken from Cockshot Brook.

16. The Company shall not divert any water from the Cockshot Brook by the aqueduct or conduit described under sub-section 12 of section 6 of this Act, except when a quantity of water equal to a flow of one hundred and seventy-two thousand eight hundred gallons per day of twenty-four hours shall be passing down the said brook at or immediately below the point of such diversion.

Compensation water for Howley and Holmesfield tanneries and others interested in waters of Cockshot Brook, &c.

17. Whereas John Hutchings is or claims to be lessee for a term of nine hundred and ninety-nine years, and John and Charles Hutchings are occupiers, of the property known as the Howley Tannery, and John Tattersall Cunliffe is or claims to be lessee for a term of nine hundred and ninety-nine years, and is occupier, of the property known as the Holmesfield Tannery, which respective tanneries are situate in the township of Poulton-with-Fearnhead, in the county of Lancaster, on land adjoining the stream called the Padgate Brook at or near its junction with the River Mersey, and are supplied with water from the said brook, which is essential for the trade carried on thereat: And whereas under the powers of this Act the Company are authorised to take, divert, impound,

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appropriate, and dispose of the waters of the Cockshot Brook, and other brooks, streams, and springs which flow into or supply the said Padgate Brook; and it is necessary to provide, as compensation therefor, that a sufficient quantity of water for the said tanneries shall, notwithstanding the exercise of the powers of this Act, flow down that brook: Therefore the Company shall, when and so soon as they shall divert, impound, appropriate, or dispose of the waters last aforesaid, or any of them, either by the aqueduct or conduit described under sub-section 12 of section 6 of this Act, or by means or in consequence of the tunnel or conduit described under sub-section 16 of that section, and for ever thereafter, cause to flow from the reservoir described under sub-section 11 of section 6 aforesaid, down the said Cockshot Brook at the point where the southern limit of deviation of the tunnel or conduit described under sub-secton 16 of that section is delineated on the deposited plans as crossing that brook between the fields numbered on those plans 63 and 66 in the township of Southworth-with-Croft, or as near to such point as shall be reasonably practicable, a quantity of water not less than will, together with the natural flow down the said brook at the time, amount to at least two hundred and fifty thousand gallons in each period of twenty-four hours, in a continuous and uniform stream; and the Company shall, at their own cost, construct and for ever maintain proper and sufficient measuring gauges for ascertaining the quantity of water flowing down the said Cockshot Brook at the point herein-before mentioned, which gauges shall be open at all reasonable times to the inspection and examination of each of them the said John Hutchings and Charles Hutchings and John Tattersall Cunliffe, and their respective successors, as lessees and occupiers of the said tanneries, and of the owners and occupiers of all other mills or works interested therein down to the junction of the said Padgate Brook with the River Mersey, and of such persons as may be authorised in writing by them respectively to inspect and examine such gauges, and to test the sufficiency thereof; and if and whenever such gauges are found to be in any respect out of repair, inaccurate, or insufficient, the expense of testing such gauges shall be borne and paid by the Company; and if the Company shall fail to repair and make good the same within three days after notice in writing of such disrepair, inaccuracy, or insufficiency shall have been given to the Company by any of the said persons, then such persons, or any of them, may repair and make good such gauges, or provide other and sufficient gauges in lieu thereof, at the expense of the Company, and may recover such expense from the Company in any court of competent jurisdiction; and if at any time the Company shall wilfully or, after written notice, negligently fail to

allow or cause to flow down the said Cockshot Brook at the point aforesaid water in the quantity herein-before provided, or shall fail to construct, or, within three days after written notice as aforesaid, to repair and make good, such gauges, or provide or pay for other gauges as aforesaid, or to allow any of the persons aforesaid, or persons authorised by them, to inspect, examine, and test the sufficiency of such gauges, they shall be liable to the owners and occupiers of each of the said tanneries, and of the other mills or works, if any, which shall be prejudiced thereby, as and for liquidated damages, in the sum of ten pounds for each such failure or other infringement of the provisions of this section, and in the further sum of five pounds for each day during which such failure or infringement shall continue. The quantity of water aforesaid shall be deemed to be full compensation to all persons interested in the waters of the Cockshot Brook, or other the brooks, streams, and springs which flow into or supply the Padgate Brook as aforesaid, for and in respect of the waters abstracted, taken, diverted, impounded, or appropriated or disposed of under the powers of this Act from the Cockshot Brook, or other the brooks, streams, or springs last aforesaid.

For protection of Sir Richard Brooke, Bart.

18. Nothing in this Act contained shall alter, prejudice, or affect the right secured to Sir Richard Brooke, of Norton Priory, in the county of Chester, Baronet, his heirs, executors, administrators, and assigns, under the grant and deed of covenants dated the twenty-first day of April one thousand eight hundred and fifty-two, made between the late Sir Richard Brooke, of Norton Priory aforesaid, Baronet, and the Company, to demand and receive from the Company, at the times, in manner, and subject to the conditions and penalty thereby covenanted and agreed, a supply of water from the Daresbury Brook, therein called "stream from Daresbury," for the purpose of irrigating the fields, closes, or parcels of land forming part of the estate of the said Sir Richard Brooke in the said grant and deed of covenants described, and also for the use of the cattle of the said Sir Richard Brooke and his tenants for the time being depastured upon the lands of the said Sir Richard Brooke, also therein mentioned, in the manner therein prescribed: Provided always, that the provisions contained in the said grant and deed of covenants respecting the overflow of water at the weir of the Company's reservoir at Higher Walton therein referred to shall, from and after the completion of the reservoir described in sub-section 9 of section 6 of this Act, be considered to apply to the overflow of water at the weir of the last-mentioned reservoir, and shall cease to apply to the overflow at the weir of the reservoir at Higher Walton aforesaid.

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Period for compulsory purchase of lands.

19. The powers of the Company for the compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act.

Period for completion of works.

20. If the works authorised by this Act be not completed within fourteen years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for executing the same, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Company may lay separate pipes for trade supply.

21. The Company may, throughout the whole or any parts or part of the limits of their Acts, from time to time lay and maintain a system of main distributing and service pipes, with all necessary machinery and apparatus, for the supply of water for trade and manufacturing purposes only, separate and distinct from the system of main distributing and service pipes used for the supply of water for domestic purposes.

Supply of water for domestic purposes within the borough of Warrington.

22. The Company shall not at any time supply any water from the reservoirs respectively described in sub-sections 9 and 11 of section 6 of this Act, excepting for trade and manufacturing purposes; and, without prejudice to the foregoing provision, and subject as herein-after provided, it shall not be lawful for the Company from and after the first day of July one thousand eight hundred and eighty-one to supply any water for domestic purposes within the limits for the time being of the borough of Warrington from any of the works constructed or authorised to be constructed by them previously to the passing of this Act, or constructed or authorised to be constructed under the powers of this Act, other than the following; that is to say,

The works authorised by the sixth section of the Warrington Waterworks Act, 1868, and the works in this Act described in sub-sections 16 and 18 of section 6, and also the work described in sub-section 17 of that section, so far as such work is used for obtaining water from the sandstone or other rock, and the works respectively incidental thereto (which several works are herein-after called "the works for domestic supply"):

Provided always, that if it shall at any time be certified by an analyst to be from time to time appointed by the chairman, or, him failing, the deputy chairman for the time being of the court of quarter sessions for the hundred of West Derby, in the county of Lancaster, upon the request either of the Company or of the mayor, aldermen, and burgesses of the borough of Warrington, herein-after called "the Corporation," (which request, if on the part of the Corporation, is to be deemed sufficient if made in writing and signed by the town clerk of the said borough for the time being, and if on the

part of the Company is to be deemed sufficient if made in writing and signed by the secretary of the Company for the time being, and which certificate is to be made at the expense of the party making the request,) that the waters from any other reservoir or works of the Company are fit and proper for domestic supply, the Company may supply for domestic purposes any of the waters so certified to be fit and proper for those purposes, until an analyst, to be appointed as aforesaid, shall, on subsequent analysis of the said waters, certify the same not to be fit and proper for domestic use, and so from time to time: Provided that if and whenever, by reason of any cause whatever beyond the control of the Company, the Company shall be unable to give a sufficient supply of water fit and proper for domestic purposes, the restrictions in this section contained shall not be operative, but if such failure shall continue for a period exceeding six months the Company shall thereupon forthwith, at the earliest opportunity, apply for and use their best endeavours to obtain from Parliament by Bill, or from the Board of Trade by Provisional Order, powers to increase their supply of water fit and proper for domestic purposes.

For securing early construction of certain works.

23. The Company shall not construct or use any of the other works by this Act authorised, excepting simultaneously with or subsequently to the commencement of the works described under sub-section 18 of section 6 of this Act.

Powers of Company as to works not restricted.

24. Nothing in this Act contained shall restrict the Company from extending, enlarging, altering, or removing any of their works, other than storage reservoirs, at any time and from time to time as the Company may think fit for improving the supply of water.

As to constant pressure.

25. The Company shall not be bound at any time to lay on a supply of water to any place outside the limits for the time being of the borough of Warrington at a greater pressure than that afforded for the time being by the pipes of the Company communicating with the service reservoir from which the supply is taken.

As to execution of works affecting railways and canals.

26. Where the Company shall, in the construction or execution of any work, interfere with any railway, or any of the bridges, works, or conveniences thereof, or any canal, or any of the quays, bridges, works, or conveniences thereof, they shall execute and complete the work to the reasonable satisfaction of the respective railway or canal company, or other persons being the owners or having the management and maintenance of the railway or canal, and so as to interrupt as little as may be the traffic on or at such railway or canal.

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Power to raise additional capital by creation of shares or stock.
26 & 27 Vict. c. 118.

27. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital, not exceeding in the whole one hundred and twenty thousand pounds, by the issue, at their option, of new ordinary shares or stock, or preference shares or stock, or wholly or partially by any one or more of those modes respectively, but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Except as otherwise provided, new shares or stock to be subject to same incidents as other shares or stock.

28. Except as by this Act otherwise provided, the capital in new shares or stock created by the Company under this Act, and the new shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

29. Every person who becomes entitled to new shares or stock shall, in respect of the same, be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description, proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be.

As to votes in respect of preferential shares or stock.

30. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Rate of dividend on new capital.

31. The prescribed rate of dividend on any new ordinary shares or stock created under the powers of this Act shall not exceed seven pounds per centum per annum, and the prescribed rate of preference dividend on any preference shares or stock shall not exceed six pounds per centum per annum, on the amounts actually paid up in each class.

Calls.

32. 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 in case of persons not sui juris.

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

Power to borrow on mortgage.

34. The Company may, in respect of the additional capital of one hundred and twenty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole thirty thousand pounds, at the times and subject to the restrictions herein-after mentioned; that is to say, when twenty thousand pounds of the said additional capital by this Act authorised has been from time to time issued and accepted, and one half thereof has been paid up, the Company may borrow on mortgage any sum or sums not exceeding five thousand pounds; and when and as each further sum of twenty thousand pounds of the said additional capital has been issued and accepted, and one half the amount thereof respectively has been paid up, the Company may borrow on mortgage any further sum or sums of money not exceeding five thousand pounds in respect of each such twenty thousand pounds; but in none of the before-mentioned cases shall any part of the said respective sums be borrowed until the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for so much of each portion of additional capital in respect whereof the borrowing powers are to be exercised as is to be raised by means of shares have been issued and accepted, and one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of each such portion of additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said additional capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

8 & 9 Vict. c. 16.

Existing provisions as to receiver repealed.

35. The provisions of the recited Acts for the appointment of a receiver are hereby repealed, but without prejudice to any appointment heretofore made, or to any proceedings now pending.

As to appointment of a receiver.

36. 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. In order to authorise

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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 five thousand pounds in the whole.

Existing mortgages to have priority.

37. All mortgages granted by the Company in pursuance of the powers of the recited Acts, and subsisting at the passing of this Act, shall, during the continuance of such mortgages, and subject to the provisions of the Acts under which such mortgages were respectively granted, have priority over any mortgages granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

26 & 27 Vict. c. 118.

38. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

As to priority of mortgages and debenture stock.

39. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts 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 Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgage or debenture stock, nor shall anything herein-before contained affect any claim for land taken, used, or occupied by the Company for the purposes of their works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

8 & 9 Vict. c. 106.
23 & 24 Vict. c. 106.

Application of moneys raised under this Act.

40. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes only of this Act or of the recited Acts relating to the Company.

Power to levy rates.

41. Subject to the provisions of this Act, the Company may demand and take, for the water supplied by them within the limits

of this Act, the same rates and charges as they are authorised to take by the recited Acts, or either of them.

As to remuneration to directors. Repeal of 18 & 19 Vict. c. xciii. s. 43.

42. Section 43 of the Act of 1855 is hereby repealed; and from and after the passing of this Act the Company at any general meeting may order that the remuneration to be made to the directors of the Company for their time and trouble in conducting the affairs of the Company shall be such sum, not exceeding in any case the sum of four hundred pounds per annum, as such meeting may determine, and that any remuneration so ordered shall be paid to the directors out of the current year's profits of the Company.

Saving rights of Corporation of Warrington and others.

43. Except as by this Act expressly provided, this Act or anything therein contained shall not take away, alter, or prejudice any of the rights, powers, and authorities vested in the Corporation of the borough of Warrington and the Trustees of the River Weaver Navigation under any Act relating to them, or otherwise howsoever.

Saving rights of Bridgewater Navigation Company, Limited, and Mersey and Irwell Navigation Company.

44. Nothing in this Act contained shall in any manner take away or prejudice any of the rights, powers, and authorities vested in the Bridgewater Company and the Mersey and Irwell Company, or either of them, under or by virtue of any Act or Acts of Parliament relating to those companies, or either of them, or otherwise howsoever.

Expenses of Act.

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

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