ANNO DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. xvii.

An Act for better supplying the Town, Port, and Harbour of *Whitehaven* and other Places with Water. [24th *May* 1849.]

WHEREAS an Act was passed in the Seventh Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for preserving and enlarging the Harbour of* Whitehaven *in the County of* Cumberland, which Act was continued, amended, and enlarged by several Acts passed respectively in the Tenth Year of the Reign of Her said Majesty, in the Thirteenth Year of the Reign of His Majesty King *George* the Second, and in the First, Second, Twenty-eighth, Thirty-second, Forty-sixth, Fifty-sixth, and Fifty-eighth Years of the Reign of His Majesty King *George* the Third, in virtue of which Acts, or some of them, the Lord of the Manor of *Saint Bees* in the County of *Cumberland* for the Time being, and certain other Persons, have been from Time to Time appointed and elected, in manner therein mentioned, to be Trustees of the Port, Harbour, and Town of *Whitehaven*, for the several Purposes set forth in the said several Acts, and, among other Purposes, for better supplying the said Town and Harbour of *Whitehaven* with Water: And whereas the Powers and Provisions contained in the said recited Acts, or some of them, so far as the same relate to such Supply of Water for the Use of the said Town and Neighbourhood, and of the Shipping of and resorting to the said Port and Harbour, have been found totally

7 Ann. c. 5.

inadequate and insufficient for that Purpose, and the making of Waterworks for more effectually supplying the same with Water would be of great Benefit: And whereas the said Lord of the Manor of *Saint Bees*, and the other Trustees acting in virtue of the said recited Acts, are willing to carry such Undertaking into execution; but these Purposes 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, That "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, and the Provisions of the said Acts shall be applicable to the Purposes of this Act, except so far as the same Provisions or any of them are inconsistent with the Provisions of this Act, or are modified or altered thereby.

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 17. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Parliamentary Notices, it shall be sufficient to use the Expression "The *Whitehaven* Waterworks Act, 1849."

Trustees under former Acts to be Trustees under this Act.

III. And be it enacted, That the Lord or Lords for the Time being of the Manor of *Saint Bees*, and the rest of the Trustees of the said Port, Harbour, and Town of *Whitehaven*, shall be the Trustees for carrying this Act and the several Powers thereof into execution.

Quorum of Trustees.

IV. And be it enacted, That Eleven of such Trustees shall be a Quorum of any Meeting held for executing the Powers of this Act, and shall be sufficient for carrying into effect the Purposes thereof.

Certain Provisions of recited Acts as to Supply of Water repealed.

V. And be it enacted, That all the Powers and Provisions in the said recited Acts contained, so far as the same relate to the supplying of the said Town and Harbour of *Whitehaven* with Water, shall from and after the passing of this Act be and the same are hereby repealed.

Powers of recited Acts extended to this Act.

VI. Provided always, and be it enacted, That all the Powers and Provisions of the said recited Acts, so far as the same are now in force, (except such of them or such Parts thereof as are by this Act repealed, altered, or otherwise provided for, or are contrary to or inconsistent therewith, or with the Provisions of the said "Lands Clauses Consolidation Act, 1845," or of the said "Waterworks Clauses Act, 1847," as extended to this Act,) shall extend to this Act, and to the several Works and Things hereby authorized to be made and done, and shall operate and be in force in reference thereto as fully and effectually as if the same were repeated and re-enacted in this Act, and especially referred to the Objects and Purposes thereof.

Limits of the Act.

VII. And be it enacted, That the Limits of this Act shall comprise and include the several Parishes, Townships, and extra-parochial or other Places of *Whitehaven*, *Preston Quarter*, *Mount Pleasant*, and *Hensingham*, all in the said County of *Cumberland*.

VIII. And

Power to make Waterworks according to deposited Plans.

VIII. And whereas a Plan and Sections showing the Line and Levels of the Waterworks, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands and Streams in or through which the same are intended to be made or to pass, or which are required for the Purposes of the said Waterworks, have been deposited with the Clerk of the Peace for the County of *Cumberland:* Be it enacted, That it shall be lawful for the Trustees, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make and maintain the said Waterworks, and other Works and Conveniences connected therewith, in the Line and on the Levels and upon the Lands delineated on the said Plan and Sections and described in the said Book of Reference, and for that Purpose to purchase, either absolutely for a Sum in gross, or to take on Lease at an annual or other Rent, and to enter upon, take, and use, such of the Lands delineated on the said Plan and referred to in the said Book of Reference as shall be necessary for that Purpose, or any Easement, Privilege, Power, or Authority in or over the same, and for the Purposes of this Act to take, use, and appropriate a Portion of the Waters of the River *Ehen* delineated or described on the said Plan, not exceeding One Million Gallons *per* Day, and to make and maintain the several Works necessary to be made at or near the Mouth of a certain Lake called *Ennerdale Lake*, from which the said River flows or proceeds, for the Purpose of impounding in and drawing therefrom a further and greater Quantity of Water in lieu of and in full Compensation for the Quantity of Water so to be taken, used, and appropriated from the said River: Provided always, that it shall not be lawful for the said Trustees to divert into the said Lake a certain Stream which now flows across a certain Close or Field called *Hollin Field*, situate in the Parish of *Saint Bees*, and numbered 133 on the said deposited Plan.

An annual Payment to be made to Mr. J. Dickinson, or other the Owner of Ennerdale Lake, in consideration of impounding in and drawing Water therefrom.

IX. And whereas *Joseph Dickinson* of *Redhow* in the Parish of *Lamplugh*, Gentleman, is or claims to be the Owner of the said Lake, and the Ground and Soil thereof, and of the exclusive Right of Fishing therein: And whereas the said Trustees have agreed to pay the said *Joseph Dickinson*, or other the Owner or Owners for the Time being of the said Lake and Right of Fishing, the annual or yearly Sum of Ten Pounds for ever, for and in consideration of the impounding and drawing Water in manner aforesaid: Be it enacted, That the said annual Sum of Ten Pounds shall be charged upon and payable out of all Monies to be received by the said Trustees under the Authority of this Act, and shall be paid to the said *Joseph Dickinson*, his Heirs and Assigns, or other the Owner for the Time being of the said Lake, half-yearly, on the Second Day of *February* and the Second Day of *August* in every Year, by equal Payments, the first half-yearly Payment thereof to be made on the first of the said Days after the Day upon which the Works to be made as aforesaid at the Mouth of the said Lake shall be made and completed; and in default of Payment such annual Sum shall be recoverable from the said Trustees in the same Manner as any Money lent upon Mortgage by virtue of this Act.

Trustees to make Weirs, Dams, and

X. And be it enacted, That for the Purpose of impounding an additional Quantity of Water in the said Lake for the Use of the Owners

other Works at the Mouth of said Lake.

Owners of Mills on the River *Ehen* it shall be lawful for the said Trustees and they are hereby required to make and maintain near the Mouth of the said Lake such Weirs, Dams, Embankments, and other Works on the Lands referred to in the said Book of Reference as shall be necessary and proper for raising the Surface of the said Lake to the Height of One Foot at the least above the Level of the Waste Weir now existing at or near the Mouth of the said Lake.

Works not to prejudice the Claim of Mr. T. Ainsworth to the Use of Water.

XI. And be it enacted, That it shall not be lawful for the said Trustees to alter, vary, obstruct, or otherwise interfere with a certain Sluice and Canal or Goit situate at or near the Mouth of *Ennerdale Lake* aforesaid, and now used for the Purpose of drawing and passing Water from the said Lake to and into the said River *Ehen*, or with the Enlargement, Deepening, and Improvement thereof, by any Person or Persons for the Time being entitled so to enlarge, deepen, or improve the same, in order to have the full Benefit of the increased Quantity of Water which will be drawn and pass through the same in consequence of the raising of the Surface of the said Lake, as herein-before directed, nor to prejudice or injure the free and uninterrupted Use and Enjoyment claimed by Mr. *Thomas Ainsworth* of *Flosh Mills* in the Parish of *Cleator*, his Heirs and Assigns, of the said Sluice and Canal or Goit, in its present State or as the same may be enlarged, deepened, and improved as aforesaid, or of the Water of the said Lake, in its present State or as increased by any impounding thereof, as herein-before mentioned, but the said *Thomas Ainsworth*, his Heirs and Assigns, shall have and enjoy such and the same Rights and Privileges in and over the said Sluice and Canal or Goit, as so enlarged, deepened, and improved as aforesaid, and in and over the said Lake, and the increased Quantity of Water in the same arising from such impounding, as he and they are entitled to have and enjoy in and over the same respectively in their present State.

Water to be discharged from Ennerdale Lake for the Purposes of this Act.

XII. Provided always, and be it enacted, That the said *Thomas Ainsworth*, his Heirs or Assigns, or other the Owner of the said Sluice for the Time being, shall, at the Expense of the said Trustees, make and construct, and for ever thereafter continue and maintain, in the lower Part of such Sluice, such sufficient Aperture and Apparatus as shall be necessary to enable such and the same Quantity of Water to be drawn or discharged from and out of the said Lake to and into the upper Portion of the said River as shall from Time to Time be withdrawn by the said Trustees from the lower Portion of the said River for the Purposes this Act; and the said *Thomas Ainsworth*, his Heirs or Assigns, or other the Owner of the said Sluice for the Time being, shall, if and when required by Notice in Writing signed by any Two or more of the Occupiers for the Time being of Mills situate on the said River, such Notice to be delivered or left at the Counting-house of the said Mills called *Flosh Mills*, from Time to Time, and at the like Expense, so regulate and adjust such Aperture as to enable such Quantity of Water as aforesaid so to be drawn or discharged from and out of the said Lake to and into the said River, anything herein contained to the contrary notwithstanding.

XIII. Pro-

Water to be discharged from Ennerdale Lake in certain Cases for the Use of Occupiers of Mills.

XIII. Provided also, and be it enacted, That the said Trustees shall make and construct in the upper Part of the said Weir a moveable Waste Board, of the Width of Thirty Feet at least, and of a Depth as nearly as may be corresponding to the additional Height to which the Surface of the said Lake shall be raised by the said Trustees under the Provisions of this Act, with all proper Gearing and other Apparatus thereto, for raising and lowering the same; and in case and when and so often as the said Mills called *Flosh Mills* shall cease to be worked for the Space of Three working Days at any One Time, it shall be lawful for the said Trustees and they are hereby required, on the Requisition in Writing of any Two or more of the Occupiers of Mills on the said River, forthwith so to regulate and adjust the Height of the upper Edge of the said Waste Board for the then next succeeding Period of Seven Days as shall be mentioned in and required by the said Requisition, and so in like Manner from Time to Time and so often as shall be required during such Periods as the said Mills called *Flosh Mills* shall cease to be worked for the Space of Three working Days at any One Time, anything herein contained to the contrary notwithstanding; and from Time to Time, when and so often as the said Mills called *Flosh Mills* shall again begin to be worked, it shall be lawful for the Occupier for the Time being of such last-mentioned Mills, or the said Trustees shall, on the Requisition of the said *Thomas Ainsworth*, his Heirs or Assigns, and they are hereby required, forthwith to raise and restore the upper Edge of the said Waste Board to the said additional Height to which the Surface of the said Lake shall be so raised as aforesaid; and in case the said Mills called *Flosh Mills* shall not be worked for more than Three working Days at any One Time after the said Waste Board shall have been so raised as aforesaid, the said Trustees shall and they are hereby required, forthwith, on Notice in manner aforesaid, again to lower the upper Edge of the said Waste Board as may in such Notice be required, anything in this Act contained to the contrary notwithstanding.

In case of Parties under Disability, Lands, &c. to be let at best yearly Rent.

XIV. And be it enacted, That in every Lease of any Lands and Streams by any Party under any Disability or Incapacity to sell and convey Lands as defined by "The Lands Clauses Consolidation Act, 1845," there shall be reserved the best or most usual yearly Rent for or in respect of such Lands and Streams, and no Fine, Premium, or Foregift shall be paid upon or in respect of such Lease.

Owners may grant Leases.

XV. And be it enacted, That the Persons empowered by "The said Lands Clauses Consolidation Act" to convey Lands shall have full Power to grant Leases of any Lands for the Purposes of this Act, or any Easement, Power, or Authority in or over such Lands.

Trustees may purchase Land, not exceeding Twenty Acres, for additional Purposes.

XVI. And be it enacted, That, in addition to the Lands and Streams authorized to be purchased as aforesaid, it shall be lawful for the Trustees to contract with any Party willing to sell or lease the same, for the Purchase or Lease of any Streams or Springs of Water, or of any Land not exceeding in Quantity Twenty Acres, which shall be deemed proper or expedient for the Purposes of the Waterworks hereby authorized to be constructed: Provided always, that nothing herein contained shall authorize the said Trustees to divert or use any such Stream or Spring of Water unless and until they shall purchase

the Interests therein of and from all Persons whose beneficial Use thereof shall be affected thereby.

Period for compulsory Purchase of Lands limited.

XVII. And be it enacted, That the Powers of the said Trustees for the compulsory Purchase of Lands for the Purposes of this Act, or for the compulsory Acquisition of any Right, Easement, or Privilege therein, shall not be exercised after the Expiration of Four Years from the passing of this Act.

Period for completing Works.

XVIII. And be it enacted, That the Waterworks shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Trustees for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Waterworks as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend so far as to restrain the Trustees from extending their Mains and Pipes from Time to Time, whenever it shall be necessary, for the Purpose of supplying the Inhabitants within the Limits of this Act with Water.

Trustees to hold Lands in the Name of the Lord of the Manor of St. Bees for the Time being.

XIX. And be it enacted, That it shall be lawful for the Trustees to purchase, take, and hold all Lands, Easements, or Privileges necessary for carrying into execution the Powers of this Act in the Name of the Lord of the Manor of *Saint Bees* for the Time being, in trust for the Purposes of this Act; and in giving any Notice or Notices under the Lands Clauses Consolidation Act or under this Act, for the Acquisition of Lands, Tenements, or Hereditaments, or of any Right, Easement, or Privilege therein, it shall be sufficient if such Notice or Notices be signed by the Clerk or Clerks for the Time being of the said Trustees, or by the Chairman of the Board of Trustees at a Meeting duly convened and held in pursuance of the said recited Acts.

Power to Trustees to make a Water Rate.

XX. And in order to raise a Sum of Money sufficient to defray the Costs, Charges, and Expenses of supplying the Places within the Limits of this Act with Water, and otherwise incident and in relation thereto, be it enacted, That it shall be lawful for the Trustees once in every Year to cause a public Rate, to be called the "Water Rate," to be made and levied, in respect of the Supply of Water for domestic Purposes, upon the Occupiers of all Dwelling Houses, Inns, Hotels, Taverns, and other similar Premises, and upon the Occupiers of all Buildings used as Dwelling Houses, situate within the Limits of this Act, according to the full net annual Value thereof, and at a Rate *per Centum* not exceeding Six Pounds upon such full net annual Value of such Dwelling Houses and other Buildings and Premises respectively as aforesaid; and the said Water Rate shall from Time to Time be collected and paid by yearly, half-yearly, or quarterly Payments, as the Trustees shall from Time to Time think proper: Provided always, that the Trustees shall not be obliged to furnish a Supply of Water for domestic Purposes to any Person for a less Sum than Five Shillings in any One Year; and provided also, that no Person shall be liable to pay any Rate made for the Purposes of this Act unless he shall occupy a Dwelling House or other Building or Premises respectively

as aforesaid the outer Wall of which shall be situate within a Distance of Fifty Yards of any Main or Service Pipe of the Works authorized by this Act, or shall obtain a Supply of Water therefrom.

Supply of Water not to include Supply for Trade, &c.

XXI. And be it enacted, That a Supply of Water for domestic Purposes aforesaid shall not include a Supply of Water for Railway Purposes, or for Baths, Wash-houses, Water-closets, or public Purposes, or for Horses or Cattle, or for washing Carriages, or for any ornamental Purpose, or for any Steam Engine, or for any Brewery, Warehouse, Counting-house, Office, Shop used solely as a Shop, and not communicating with any Dwelling House or other Building liable to be rated under the Authority of this Act, Coach-house, Stable, Store, Cellar, Vault, Workshop, Mill, or Manufactory, or for Shipping, or for any Trade, Manufacture, or Business whatsoever.

Water for other than domestic and Shipping Purposes to be supplied by Agreement.

XXII. And be it enacted, That it shall be lawful for the Trustees to supply any Person with Water for other than domestic Purposes, and private Water-closets and private Baths, at such Rent and upon such Terms and Conditions as shall be agreed upon between the Trustees and Persons desirous of having such Supply of Water.

Charges for private Baths and Water-closets to be limited.

XXIII. And be it enacted, That the said Trustees shall furnish a Supply of Water for Baths and Water-closets in any private Dwelling House at or for Rates or Remunerations not exceeding the Rates or Remunerations following; that is to say,

When the full net annual Value of such Dwelling House does not exceed Eight Pounds, the Sum of Four Shillings *per Annum* for each such Bath or Water-closet:

When the full net annual Value of such Dwelling House exceeds Eight Pounds and does not exceed Fifteen Pounds, the Sum of Six Shillings *per Annum* for each such Bath or Water-closet:

When the full net annual Value of such Dwelling House exceeds Fifteen Pounds but does not exceed Twenty-five Pounds, the Sum of Eight Shillings *per Annum* for each such Bath or Water-closet:

When the full net annual Value of such Dwelling House exceeds Twenty-five Pounds, the Sum of Ten Shillings *per Annum* for each such Bath or Water-closet.

Charges for supplying the Shipping limited.

XXIV. And be it enacted, That it shall be lawful for the Trustees to supply with Water Ships or Vessels resorting to the Port and Harbour of *Whitehaven*, by Agreement with the Owners or Masters of such Ships or Vessels, and to charge such Remuneration or Rate of Payment for the Water supplied to any such Ships or Vessels as to the Trustees from Time to Time may seem to be reasonable, not exceeding the Rates herein-after mentioned; that is to say,

For One hundred Gallons or any less Quantity supplied at any One Time to any such Ship or Vessel, One Shilling; and for every additional One hundred Gallons or Part of One hundred Gallons, Sixpence:

And it shall be lawful for the Trustees from Time to Time to make and establish such Rules and Regulations for supplying Ships or Vessels with Water as to them shall seem proper.

XXV. And

Constant Pressure to be that afforded from Reservoir.

XXV. And with respect to the Supply of Water in pursuance of the Thirty-fifth Section of the "Waterworks Clauses Act, 1847," be it enacted, That the Water so to be supplied need not be constantly laid on under a Pressure greater than that to be afforded from the Service Reservoir delineated on the said Plans.

Certain Clauses of 11 & 12 Vict. c. 34. relating to Rates applied to this Act.

XXVI. And be it enacted, That the following Clauses in "The Towns Improvement Clauses Act, 1847," shall, so far as the same are applicable to the said recited Acts and this Act, and not inconsistent therewith, apply to the Trustees acting in virtue of this Act, and be and the same are hereby incorporated therewith; (that is to say,)

The Clauses with respect to the Manner of making Rates;

The Clauses with respect to the Appeal to be made against any Rate; and

The Clauses with respect to the Recovery of Rates.

New Rate may be made, though previous Rate not fully paid up.

XXVII. And be it enacted, That it shall be lawful for the said Trustees in any One Year to make and levy the Water Rate by this Act authorized, although and notwithstanding that by reason of Poverty the annual Water Rate for the Year immediately preceding, or any Year prior to the making of such new Rate, shall not have been fully and completely levied and paid.

Power to rate the Owners instead of Occupiers in certain Cases.

XXVIII. And be it enacted, That in all Cases in which any Property liable to be rated under the Authority of this Act, the full net annual Value of which shall not exceed Six Pounds, it shall be lawful for the Trustees, in or by any Rate or Assessment to be made by virtue of this Act, at their Discretion, to rate and assess the Owner of every or any such Property instead of the actual Occupier thereof; and upon Nonpayment of the Sum so to be assessed the same may and shall be levied, and the Payment thereof be enforced, against the Owner so to be assessed, upon his Goods and Chattels, in like Manner as any Rate made for the Purposes of this Act may be recovered and levied, and Payment thereof enforced, under the Authority of this Act, upon and against any actual Occupier to whom the same is charged.

Liability to Rates not to disqualify Justices, and Trustees may be competent Witnesses.

XXIX. And be it enacted, That no Person, though liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be disabled to act as a Justice of the Peace or otherwise in any Manner relating to the carrying of this Act into execution; nor shall any Trustee be deemed an incompetent Witness in any Action, Suit, or other Proceeding under this Act by reason of his being a Party in or to any such Action, Suit, or Proceeding.

Application of Rates.

XXX. And be it enacted, That all Monies to be raised by Mortgage or levied by the Trustees under the Authority of this Act shall be applied, first, in paying the Expenses of obtaining and passing this Act as herein-after provided, and, secondly, in carrying the several Provisions of this Act into execution, and to no other Purpose whatsoever.

XXXI. And

Separate Accounts to be kept.

XXXI. And be it enacted, That the Trustees shall keep a separate and distinct Account, to be called "The *Whitehaven* Water Account," of all Monies received or paid under the Provisions of this Act, and such Account shall be audited in such and the like Manner as other Accounts kept by the said Trustees under the Provisions of this Act.

Money received under this Act to be carried to Credit of Water Account.

XXXII. And be it enacted, That all Sums of Money received by virtue of the Water Rate to be levied under the Authority of this Act, and all other Monies to be received under the Provisions of this Act, shall be carried to the Credit of the said Account called "The *Whitehaven* Water Account."

Power to Trustees to borrow Money.

XXXIII. And in order to raise Money for defraying the Expenses incurred or to be incurred in carrying into effect the Powers and Provisions of this Act, be it enacted, That it shall be lawful for the Trustees and they are hereby authorized from Time to Time to borrow and take up at Interest on the Credit of the "*Whitehaven* Water Account," of and from any Person who shall be willing to advance the same, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-six thousand six hundred and sixty-six Pounds; and for securing the Repayment of such Sum or Sums of Money, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the Trustees may mortgage and assign over the said "*Whitehaven* Water Account," or any Part thereof, or any Monies accruing and by this Act authorized or directed to be paid thereto, or any Part thereof, to any Person who shall advance such Money, or his Trustee, and, in the event of all or any Part of such Monies being repaid by the Trustees, to reborrow the same upon the like Security, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid, under the Authority of this Act, any more than the said Sum of Twenty-six thousand six hundred and sixty-six Pounds.

Trustees to establish a Sinking Fund.

XXXIV. And be it enacted, That it shall be lawful for the Trustees and they are hereby required annually to set apart from and out of any surplus Monies appearing upon the then yearly Balance of the said "*Whitehaven* Water Account" a Sum not exceeding Two Pounds and Ten Shillings *per Centum per Annum* nor less than One Pound *per Centum per Annum* upon the Amount raised and borrowed for the Purposes of this Act, together with the Amount of any Surplus then remaining, and the Sum or Sums so set apart shall be carried to an Account to be called "The Sinking Fund;" and such Sinking Fund shall be from Time to Time applicable to the Redemption of Mortgages, and the Restoration and Improvement of the Works by this Act authorized, and to no other Purpose whatsoever.

Application of Fund.

Rate how to be determined.

XXXV. And be it enacted, That the Trustees shall from Time to Time so regulate the Rates and Charges to be made for the Supply of Water under the Provisions of this Act that the Amount of such Rates and Charges shall be as near as may be sufficient to pay the Interest upon any Monies borrowed on the Credit of "The *Whitehaven* Water Account," together with the Costs of managing, conducting, and extending the Works by this Act authorized to be

made, and such further Sum as may be proper to be set apart as and for a Sinking Fund under the Provisions herein-before contained.

Certain Clauses in 11 & 12 Vict. c. 16. applied to this Act.

XXXVI. And be it enacted, That the following Clauses in "The Commissioners Clauses Act, 1847," shall, so far as the same are applicable to this and the said recited Acts, and not inconsistent therewith, apply to the Trustees acting in virtue of this Act, and be and the same are hereby incorporated therewith; (that is to say,)

The Clauses with respect to the Contracts to be entered into and the Deeds to be executed by the Trustees;

The Clauses with respect to the Liabilities of the Trustees, and to legal Proceedings by or against the Trustees;

The Clauses with respect to the Appointment and Accountability of the Officers of the Trustees;

The Clauses with respect to the Mortgages to be executed by the Trustees; and

The Clauses with respect to the Accounts to be kept by the Trustees.

Prior Mortgages not to be affected.

XXXVII. Provided always, and be it enacted, That nothing herein contained shall be held in any way to prejudice or affect the Priority or Validity of any Mortgages, Bonds, or other Securities executed by the said Trustees, or Debts or other Liabilities which they may have incurred or be subject to in carrying into effect the other Purposes by the said recited Acts authorized, and which may be subsisting and in force at the Time of the passing of this Act, but all such Mortgages, Bonds, or other Securities, Debts or Liabilities, shall during the Continuance thereof have the same Priority, Validity, and Effect as if this Act had not been passed.

Nothing herein to exempt Trustees from Provisions of 11 & 12 Vict. c. 63.

XXXVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Trustees from the Provisions of "The Public Health Act, 1848," or of any general Act relating thereto or to the Subject Matter thereof which may pass during the present or any future Session of Parliament.

Saving of Rights under recited Acts.

XXXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, alter, prejudice, or take away any of the Rights or Privileges, Franchises, Powers, or Authorities of or belonging to or vested in the Lord or Lords of the Manor of *Saint Bees* for the Time being, and the said other Trustees, or any other Person or Persons, under or by virtue of the said recited Acts or any of them, but the said Acts, and all the Powers and Provisions and Matters and Things therein contained, so far as the same are now in force, or are not modified by or inconsistent with this Act, shall continue in full Force and Effect in like Manner as if this Act had not been passed.

Expenses of Act.

XL. And be it enacted, That the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and incidental and preparatory thereto, shall be paid by the Trustees out of the first Monies to be received by them in pursuance of this Act, in preference to all other Payments whatever.

XLI. And

XLI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there is something in the Subject or Context repugnant to such Construction; that is to say, Interpretation of Terms.

The Words "the Trustees, or the said Trustees," shall mean the Trustees of the Port, Harbour, and Town of *Whitehaven:*

The Expression "Clerk or Clerks" shall mean the Clerk or Clerks of the said Trustees.

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

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.