



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xxvii.

An Act for supplying with Water the Town and
Municipal Borough of *Clitheroe* in the County
of *Lancaster*. [2d June 1854.]

WHEREAS the Inhabitants of the Town and Borough of *Clitheroe*, and the Neighbourhood thereof, are not at present well or sufficiently supplied with wholesome Water, and it is expedient that a better Supply should be afforded them : And whereas the several Persons herein-after named, with others, are willing, at their own Expense, to afford such Supply, and to make and maintain all the necessary Works for the Purpose ; but such Objects 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 :

I. That the several Provisions of "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall be incorporated with this Act.

8 & 9 Vict.
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porated.

[*Local.*]

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II. That

The Clitheroe Waterworks Act, 1854.

- Short Title. II. That in citing this Act for all Purposes it shall be sufficient to use the Expression "The *Clitheroe Waterworks Act, 1854.*"
- "The Company." III. That in construing this Act the Expression "the Company" shall mean the Company hereby incorporated.
- Limits of Act. IV. That the Limits of this Act shall comprise and include the Town and Municipal Borough of *Clitheroe* in the County of *Lancaster*.
- Incorporation of Company. V. That *Harold Potter, Felix Leach, John Mercer, Robert Clark, Jude Hargreaves, Jeremiah Garnett, George Braithwaite, William Redmayne, and Edward Hodgson*, and all other Persons who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying with Water the Inhabitants within the Limits of this Act, according to the Provisions of the said incorporated Acts and of this Act, and for other the Purposes herein and in the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of the "*Clitheroe Waterworks Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the recited Acts contained.
- Purposes of the Company. VI. That the Company shall be established for the Purpose of making Reservoirs, Aqueducts, and Conduits, and for laying down Pipes, erecting and working Steam Engines, and executing all other Works necessary and convenient for supplying the Inhabitants of the Town and Municipal Borough of *Clitheroe* with Water.
- Amount of Capital. VII. That the Capital of the Company shall be Ten thousand Pounds, and all and every Part of the Money so to be raised shall be applied to the Purposes of this Act, and to no other Purpose whatsoever.
- Shares. VIII. That the Number of Shares into which the Capital shall be divided shall be Two thousand, and the Amount of each Share shall be Five Pounds.
- Calls. IX. That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Two Months at least shall intervene between the making of any Two successive Calls.
- Limiting amount of Calls in any One Year. X. That the Calls to be made in any One Year shall not exceed Three Fourths of the total Amount payable upon the Shares in the said Company.

XI. That

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XI. That the Company may borrow on Mortgage of their Undertaking any Sums not exceeding in the whole Two thousand five hundred Pounds, but no Part thereof shall be borrowed until the whole of the Capital be subscribed for, and One Half thereof paid up.

Power to borrow Money on Mortgage.

XII. That the Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize the Requisition for a Receiver shall be Five hundred Pounds.

Receiver for Mortgagees.

XIII. That the First General Meeting of the Shareholders of the Company shall be held within Three Months after the passing of this Act, and a General Meeting shall be held in the Month of *March* in each Year, or at such stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held within the Town of *Clitheroe*.

Meetings of the Company.

XIV. That the Quorum of every such Meeting shall be Five Shareholders, holding in the aggregate not less than Five hundred Pounds in the Capital of the Company.

Quorum of Meetings.

XV. That the Number of the Directors of the Company shall be Nine, and the Qualification of a Director shall be the Possession by him in his own Right of Twenty-five Shares at the least in the said Undertaking.

Number and Qualification of Directors.

XVI. That it shall be lawful for the Company, at any General or Special General Meeting, to reduce the Number of Directors of the Company to Three.

Power to reduce Number of Directors.

XVII. That the said *Harold Potter, Felix Leach, John Mercer, Robert Clark, Jude Hargreaves, Jeremiah Garnett, George Braithwaite, William Redmayne, and Edward Hodgson* shall be the First Directors of the Company.

First Directors.

XVIII. That at the End of the First Year after the First Election of Directors, Two of the Directors shall retire from Office; and at the End of the Second Year, Two other of such Directors; and at the End of the Third Year, Two other of such Directors; and at the End of the Fourth Year, the remaining Three of such Directors.

Retirement of First Directors.

XIX. That a Quorum of a Meeting of Directors shall be Three.

Quorum of Directors.

XX. That it shall be lawful for the Company, at any General or Special General Meeting of the Proprietors, to authorize the Appointment of a Manager with such Salary as they shall think fit, and from Time to Time to

Power to appoint a Manager at Salary.

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to alter the Amount of such Salary, and for the Directors, after such Authority shall have been so given, to appoint a fit and proper Person, either out of their own Body, or otherwise, to be such Manager, and from Time to Time at their Pleasure to remove such Manager, and to appoint another in his Stead.

Power to make Waterworks according to deposited Plans.

XXI. That, subject to the Provisions of this Act, the Company from Time to Time may make and maintain the Waterworks by this Act authorized in the Line, on the Levels, and in and upon the Lands delineated on the Plans and Sections and described in the Book of Reference respectively deposited for the Purposes of this Act, and may, in and upon any Lands vested in them under this Act, make and maintain, alter and discontinue, any Works and Conveniences for the Purposes of the Waterworks, and may maintain, alter, and discontinue any Waterworks acquired by the Company under this Act.

Description of Waterworks authorized by this Act

XXII. That the Waterworks by this Act authorized shall comprise the following Works :

A Reservoir or Reservoirs and Waste Weirs, with all necessary Approaches, proper Works and Conveniences connected therewith, to be situate in a certain Close of Land called *Hill Ends* and *Hansing Wells*, which Close adjoins on the East Side thereof to an Occupation Road called *Whittaker's Lane*, in the Township of *West Bradford* in the Parish of *Mitton* in the West Riding of the County of *York* :

A Conduit or Line of Pipes commencing in a certain Inclosure called the *Uplands Brow* on *Grindleton Fell* in the Township of *Grindleton* in the said Parish of *Mitton*, passing thence in and through the Townships of *Grindleton* and *West Bradford* aforesaid, and terminating in the aforesaid Reservoir in the said Township of *West Bradford* and Parish of *Mitton* :

Two other Conduits or Lines of Pipes, commencing in a certain Inclosure called the *Allotment* otherwise *Bank Top Coppy*, on the North Side of and adjoining a certain Road there known as the *Fell Road*, in the said Township of *Grindleton*, and both of such Conduits or Lines of Pipes terminating by a Junction with the firstly herein-before described Conduit or Line of Pipes at a Point at or near a certain Allotment, to *Balderston Chapel*, on the South Side of the said Road, in the said Township of *Grindleton* in the said Parish of *Mitton* :

Another Conduit or Line of Pipes commencing in a certain Field called *Peel's Hey*, in the said Township of *Grindleton*, and on the North Side of and adjoining the *Fell Road* aforesaid, and terminating by a Junction with the firstly herein-before described Conduit or Line of Pipes at a Point in the said Field called *Peel's Hey* :

Another

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Another Conduit or Line of Pipes commencing in a certain Field called *Brook Field*, which adjoins on the North-east Side to the said Road called the *Fell Road*, in the said Township of *Grindleton*, and terminating by a Junction with the firstly herein-before described Conduit or Line of Pipes at a Point in the said Field called *Brook Field*:

Another Conduit or Line of Pipes commencing near *Simpshey Cottage*, in a certain Field called *Ley Field*, situate in the Township of *Grindleton* aforesaid, and terminating by a Junction with the firstly herein-before described Conduit or Line of Pipes at a Point in the said Field called *Ley Field*:

Another Conduit or Line of Pipes commencing in a certain Field called *Embley Coppy*, on the *Far House Farm*, in the Townships of *Grindleton* and *West Bradford* aforesaid, and terminating by a Junction with the firstly-described Conduit or Line of Pipes at a Point in the adjoining Field called *Embley Rough*, in the said Township of *Grindleton*:

Another Conduit or Line of Pipes commencing in a certain Field on the *Saint Clare Farm*, called the *Three Acres*, in the said Township of *Grindleton*, passing thence through and into the Townships of *Grindleton* and *West Bradford* aforesaid, and terminating by a Junction with the firstly herein-before described Conduit or Line of Pipes at a Point near to a certain House called *Lowcocks*, situate in the Township of *West Bradford* aforesaid:

Another Conduit or Line of Pipes commencing in a certain Inclosure known as *Braithwaite and Holgate's Allotment*, situate in the Township of *West Bradford* aforesaid, and terminating by a Junction with the lastly herein-before described Conduit or Line of Pipes at a Point in a certain Field in the said Township of *West Bradford* called *Lower Bashall Coppy*:

Another Conduit or Line of Pipes commencing in or near a certain Field called *Higher Bashall Coppy*, situate in the Township of *West Bradford* aforesaid, and terminating in the same Field by a Junction with the lastly herein-before described Conduit or Line of Pipes:

Another Conduit or Line of Pipes commencing at the aforesaid Reservoir in the said Township of *West Bradford*, and passing in a southerly Direction through the said Township of *West Bradford* and Parish of *Mitton*, in the West Riding of the said County of *York*, to and under the Bed of the River *Ribble*, on the East Side of and near to the *Bradford Foot-bridge*, in the said Township of *West Bradford* and the Township of *Clitheroe* in the County of *Lancaster*, and thence passing into and through the Township of *Clitheroe* in the Parish of *Whalley* in the said County of *Lancaster*, and terminating at a Point in the Market Place in the Borough of *Clitheroe* aforesaid in the said Parish of *Whalley*.

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XXIII. That,

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Power to
Company to
purchase
Land for
additional
Purposes.

XXIII. That, in addition to the Lands authorized to be purchased as aforesaid, it shall be lawful for the Company to contract with any Party willing to sell for the Purchase of any Lands other than what they are herein-before authorized to purchase or take; not exceeding in Quantity Five Acres, which shall be deemed proper or expedient for the Purposes of the said Undertaking; and it shall be lawful for all Parties who, under the Provisions herein-before or in the said incorporated Acts contained, would be enabled to sell or convey Lands required for the said Undertaking, to sell and convey Lands required for any such additional Purposes as aforesaid.

Power to
purchase
Lands.

XXIV. That it shall be lawful for the Company to agree with the Owners of any Lands or Buildings which they may require for the Purposes of this Act, either for the absolute Purchase of such Lands or Buildings, or any Easement, Power, or Authority in or over the same, for a Consideration in Money.

Owners may
grant Easements.

XXV. That the Persons empowered by the "Lands Clauses Consolidation Act, 1845," to convey Lands, shall, for the Purposes of this Act, have full Power to grant any Easement, Power, or Authority in or over such Lands.

Water not to
be laid on
constantly
under Pressure.

XXVI. That the Water to be supplied by the Company need not be constantly laid on under Pressure.

Time for
compulsory
Purchase of
Land limited.

XXVII. That the Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing thereof.

Period for
Completion
of Works.

XXVIII. That after the Expiration of Four Years from the passing of this Act all the Powers by this Act granted for completing the Works for supplying with Water the Town and Municipal Borough of *Clitheroe* shall cease to be exercised, except as to so much thereof as shall then be completed; provided that nothing in this Act contained shall be construed so as to restrain the Company from extending their Works, Mains, and Pipes from Time to Time whenever it shall be necessary for supplying the said Town and Municipal Borough of *Clitheroe*.

Rate at which
Water is to
be supplied
for domestic
Purposes.

XXIX. That 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 shall be laid, or of any Person who, under the Provisions of this Act, or any Act incorporated herewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for
their

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their domestic Use, including therein the Supply of Watercloset or Waterclosets, at the Rates herein-after specified; (that is to say,)

If there be no Bath in the Dwelling-house to be supplied with Water, then at the following Rates :

Where the annual Value of such House shall not amount to Five Pounds, at a Rate not exceeding Seven Shillings and Sixpence *per Annum* :

Where the annual Value of such Dwelling-house shall be Five Pounds, and shall not amount to Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings :

Where the annual Value of such Dwelling-house shall be Twenty Pounds or upwards, at a Rate *per Centum per Annum* not exceeding Six Pounds.

If there be a Bath or Baths in such Dwelling-house, then, in addition to the Rates above specified, the following Rates shall be payable; (that is to say,)

Where the annual Value of such Dwelling-house shall not amount to Ten Pounds, a Sum not exceeding Five Shillings for each Bath :

Where the annual Value of such Dwelling-house shall be Ten Pounds, and shall not amount to Twenty Pounds, a Sum not exceeding Ten Shillings for One Bath, and Four Shillings for each additional Bath :

Where the annual Value of such Dwelling-house shall amount to Twenty Pounds or upwards, a Sum not exceeding Fifteen Shillings for One Bath, and Four Shillings for each additional Bath :

Provided always, that the Company shall not be compelled to supply any Water-closet or Bath, or the Apparatus or Pipes connected therewith, unless the same shall 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 and other noisome or impure Matter into the Mains or other Pipes belonging to or connected with the Mains or Pipes of the Company.

XXX. That the Company may supply any Person with Water for other than domestic Purposes, for such Remuneration and upon such Terms and Conditions as may be agreed on between the Company and the Person desirous of having such Supply.

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

XXXI. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle or for Horses, or washing Carriages, where such Horses and Carriages are kept for Hire or by Carriers, or a Supply for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

What shall be deemed domestic Purposes.

XXXII. That

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Penalty for using Water for other than domestic Purposes without Agreement.

XXXII. That every Person using for any other than domestic Purposes any Water supplied by the Company, and not having previously agreed with the Company for a Supply for such 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.

Power to turn off and cease to supply Water in certain Cases.

XXXIII. That if any Person supplied with Water by the Company wilfully do, or cause or knowingly permit to be done, anything in contravention of the Provisions of this Act, or any Act incorporated herewith, or wilfully neglect to do anything which under such Provisions ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Water of the Company, the Company may turn off the Water supplied by them to such Person, and cease to supply such Person with Water until the Provisions of this Act shall have been complied with, or proper Measures shall have been taken by and at the Expense of such Person for the Prevention of such Waste, Misuse, undue Consumption, or Contamination of Water, and also may recover from such Person, by Action or Suit in any Court of competent Jurisdiction, the Amount of any Loss, Damage, or Injury which the Company sustain by reason of any such wilful Act or Neglect.

Company to lay down a Pipe for Supply of Low Moor Cotton Mill with Water.

XXXIV. That the Company shall and will, at their own Costs and Charges, within Two Years and a Half from the passing of this Act, lay, and for ever after maintain in good and perfect Repair, a Pipe of not less than Four Inches in Diameter, from One of the Mains of not less than Four Inches inside Diameter, of the said Company (to be selected by such Company) to the Entrance Gates of the *Low Moor* Cotton Works, in the Occupation of Messieurs *Garnett* and *Horsfalls*, and shall at all Times keep such Pipe charged with a full and continuous Supply of Water for the Purposes herein-after mentioned,

Power to Messrs. *Garnett* and *Horsfalls* to draw a Supply of Water for certain Purposes.

XXXV. That it shall be lawful for the said Messieurs *Garnett* and *Horsfalls*, or other the Occupiers for the Time being of the said *Low Moor* Cotton Works, at all Times, by affixing at their own Expense proper distributing Pipes, Cocks, or Taps, to draw from the Pipe so to be laid by the Company as aforesaid a continuous Supply of Water for the domestic Purposes of the House now in the Occupation of Mister *Thomas Garnett*, and also for any Steam Boilers now existing or hereafter to be erected in or upon the said Works for the spinning or manufacturing of Cotton, or in connexion with or relation thereto; and also for supplying with Water the Cisterns now existing or hereafter to be erected in or about the Roof or upper Floor of such Works, for the Purposes of such Works, and also for supplying with Water any Pipes or Hose now exist-
ing

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ing or hereafter to be provided for the Purpose of extinguishing Fire in or upon the said Works: Provided always, that the said Supply of Water shall not be used or applied for any other than the Purposes aforesaid, or for any Trade, Business, or Manufacture, save that of spinning Cotton, or the Manufacture of Cotton Fabrics, or in connexion therewith or in relation thereto.

XXXVI. That the said Supply of Water shall be supplied to the said *Low Moor* Cotton Works free of any Charge to or Rate upon the said Messieurs *Garnett* and *Horsfalls*, or other the Owners or Occupiers for the Time being of the said Cotton Works; but the said Company shall not pay or be liable to pay any Compensation to the said Messieurs *Garnett* and *Horsfalls*, or other the Owners or Occupiers aforesaid, for or in respect of any Water or Water Power abstracted from the said *Low Moor* Cotton Works, or any Right, Title, or Interest therein or thereto respectively, or for laying or maintaining their Mains or Pipes through any Lands and Premises (except Buildings) belonging to the said Messrs. *Garnett* and *Horsfalls*, or in anywise incidental thereto.

Such Supply to be free of Charge; but Messrs. *Garnett* and *Horsfalls* not to be entitled to Compensation from Company.

XXXVII. That the Company shall, after such Pipe shall be laid as aforesaid, pay to the said Messieurs *Garnett* and *Horsfalls*, or other the Owners or Occupiers of the said *Low Moor* Cotton Works, a Penalty of Ten Pounds for each and every Day, and from Day to Day, during which the said Pipe from the Mains to the said Entrance Gates shall not be charged with a full and continuous Supply of Water for the Purposes aforesaid, in accordance with the Provisions herein-before contained, in addition to any Damages which shall be actually incurred by the said Messieurs *Garnett* and *Horsfalls*, or such other Owners or Occupiers as aforesaid, in consequence of the Default of the Company in affording such Supply; and on due Proof such Penalty or Penalties and Damages from Time to Time may be recoverable in an Action at Law to be brought in any Court of competent Jurisdiction by the said Messieurs *Garnett* and *Horsfalls*, or other the Owner or Owners or Occupier or Occupiers of the said *Low Moor* Cotton Works for the Time being, against the said Company.

Penalty in case of Default in Supply by Company.

XXXVIII. That the said Messieurs *Garnett* and *Horsfalls*, or other such Owners or Occupiers of the said Cotton Works as aforesaid, shall and will, at all Times hereafter, use their best Endeavours to prevent any Waste or undue Consumption of the Water to be supplied under the Provisions herein-before contained, and to prevent the same Water from being used for or applied to any other than the Objects and Purposes aforesaid; and that the said Company, their Officers and Servants, shall at all reasonable Times hereafter have full Liberty of Access to the said *Low Moor* Cotton Works for the Purpose of looking into and examining such Supply of Water, and the Use and Application thereof;

For Prevention of Waste or Misuse of Water.

[Local.]

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and

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and that in case the said Company, their Officers or Servants, shall find that the said Water, or any Part thereof, is used for or applied to any other than the Objects or Purposes aforesaid, the said Messrs. *Garnett and Horsfalls*, or other the Owners or Occupiers of the said Works for the Time being, shall forfeit and pay to the said Company the Sum of Twenty Pounds for each and every such Offence, such Sum of Money to be recovered in the Manner herein-before lastly mentioned.

Compensation to be granted to Owner of Grindleton Mill.

XXXIX. And whereas it is intended to take and divert for the Purposes of this Act the Waters of a Brook called *West Clough Brook*, which Brook flows into another Brook or Stream called *Grindleton Brook*, on which is situated a certain Mill called *Grindleton Mill*, belonging or claimed to belong to Mister *John Banks*: And whereas the Diversion or Abstraction of Water from the said *West Clough Brook* will prejudice or diminish the Supply of Water to the said *Grindleton Mill*: Be it enacted, That the Company shall, from the Period of Two and a Half Years from the passing of this Act, or if they shall previously divert or interfere with the Waters of the said *West Clough Brook*, then from the Time of such Diversion or Interference, pay to the said *John Banks*, his Heirs and Assigns, for ever, an annual Sum or yearly Rentcharge of Thirty Pounds, in lieu of and in full Satisfaction for all Damage or Loss occasioned by such Diversion or Abstraction of Water from the said *West Clough Brook*, or otherwise in the Construction and Maintenance of the Works by this Act authorized, such Rentcharge to be due and paid half-yearly, the first half-yearly Payment thereof to be due and paid at the End of Two Years and Six Months from the passing of the said Act, or if the said Water of the said *West Clough Brook* shall be interfered with before the Expiration of Two Years from the passing of the said Act, at the Expiration of Six Months from the Time of such Water being interfered with.

Compensation to Mill-owner to be a First Charge on Profits of Company.

XL. That the said annual Sum or yearly Rentcharge of Thirty Pounds by this Act made payable to the said *John Banks*, his Heirs and Assigns, for ever, as and for Compensation to him as the Owner of the said Mill and Hereditaments called *Grindleton Mill* herein-before mentioned, shall be a First Charge upon and payable out of the Estate, Works, Tolls, Rents, and Profits of the said Company, in preference to and in priority of all Interest, Dividends, or other Charges whatsoever.

Power of Distress in default of Payment of Annuity or Rentcharge.

XLI. That if the said annual Sum or yearly Rentcharge of Thirty Pounds, or any Part thereof, shall be in arrear and unpaid for the Space of Twenty-one Days after the same shall have become payable and been duly demanded, the same shall be recoverable by the said *John Banks*, his Heirs and Assigns, by Distress and Sale of the Property, Moneys, Goods, and Chattels of the Company (including the Costs of such

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such Distress and Sale), or the same may be recoverable by him or them against the Company, together with full Costs of Suit, in any Court of competent Jurisdiction.

XLII. That any Justice who issues any Warrant of Distress for the Recovery of any Money payable under this Act may order that the Costs of the Proceedings for the Recovery of such Money shall be paid by the Person liable to pay such Money, and such Costs shall be ascertained by such Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Costs of
Distress.

XLIII. That this Act, or anything herein contained, shall not prevent the Company from recovering any Money not exceeding Fifty Pounds due to them for any Rates, Damages, Costs, or Expenses in any Court of competent Jurisdiction.

Recovery of
Rates, &c.
otherwise
than by
Distress.

XLIV. That this Act, or anything herein contained, shall not exempt or be construed to exempt the Company from the Provisions of "The Public Health Act, 1848."

Company not
exempt from
Provisions of
11 & 12 Vict.
c. 63.

XLV. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

Expenses of
Act.

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