



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xi.

An Act to make further Provision for supplying with Water the City of *Chester* and Suburbs thereof. [26th *June* 1857.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intitled *An Act for better supplying the Inhabitants of the City of Chester with Water*, by which the City of *Chester* Waterworks Company was incorporated and authorized to purchase and use the then existing Waterworks in the City of *Chester*, and which are herein-after called "the old *Chester* Waterworks," and to construct further Works for supplying the Inhabitants of the said City with Water from the River *Dee*, at or opposite to or adjoining a certain Garden called the *Barrel Well Garden*, situate in *Boughton* within the Parish of *Saint John the Baptist* in the said City of *Chester*: And whereas the said Company, in pursuance of the Powers conferred by the said Act, purchased the said old *Chester* Waterworks, and all the Rights, Powers, Privileges, and Authorities of the Owners or Proprietors thereof, upon certain Terms and Conditions, and subject to the Exceptions expressed and contained in an Indenture dated the Fourteenth Day of *August* One thousand eight hundred

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hundred and twenty-seven, made between the Owners or Proprietors of the said old *Chester Waterworks* and the said Company, by which the said Company covenanted to pay to the said Owners and Proprietors a fixed annual Rent or Sum of Five hundred Pounds thereby reserved and made payable in perpetuity, and certain other and additional Sums in the Events therein expressed, which additional eventual Sums the said Owners or Proprietors, by an Indenture made between them and the said Company, and dated the Nineteenth Day of *May* One thousand eight hundred and fifty-four, released and for ever quitted Claim to the said Company, upon the Conditions in the said Indenture expressed, which Conditions have been duly satisfied and fulfilled by the said Company: And whereas the Company were by the said recited Act authorized to raise the Sum of Twenty thousand Pounds, in Shares of Fifty Pounds each, and to borrow upon Mortgage the Sum of Four thousand Pounds: And whereas the Company have raised and applied to the Purposes of their Undertaking, as authorized by the said recited Act, and in providing a Supply of Water to the Inhabitants of the City of *Chester* and the Suburbs thereof, the whole Sums of Money authorized by the said recited Act to be raised by Shares and by Mortgage as aforesaid, and have also, in addition thereto, expended large Sums of Money and incurred Liabilities for which it is necessary that Provision should be made: And whereas the Population of the City of *Chester* and the Suburbs thereof has greatly increased since the passing of the said recited Act, and is still increasing, and it is expedient that the Company should be enabled to supply Water beyond the Limits prescribed by the said Act, and to construct such additional Works as may be necessary to enable them to afford an adequate Supply of Water to the Inhabitants of the said City and the Suburbs thereof, within the Limits hereinafter prescribed: And whereas it is expedient that the Company should be authorized, for the Purposes aforesaid, to raise a further Sum of Money by the Creation of Shares, and also upon Mortgage: And whereas of the said Sum of Twenty thousand Pounds, which the Company were authorized to raise by Shares as aforesaid, the Sum of Twelve thousand Pounds was raised in the Year One thousand eight hundred and fifty-four, in Two hundred and forty Shares of Fifty Pounds each, bearing a preferential Dividend of Six Pounds *per Centum per Annum* for Seven Years from the First Day of *January* One thousand eight hundred and fifty-six, pursuant to a Resolution passed at a General Meeting of the Company specially convened for the Purpose, held upon the Nineteenth Day of *May*, and another Resolution passed at an Adjourned General Meeting of the Company held on the Third Day of *July*, both in the Year One thousand eight hundred and fifty-four, and which Shares are herein-after called "Terminable Preference Shares:" And whereas the Dividends upon the Shares of the Company, other than the said Terminable Preference Shares, during the

Years

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Years One thousand eight hundred and fifty-four, One thousand eight hundred and fifty-five, and One thousand eight hundred and fifty-six (and which Dividends amounted in the whole to the Sum of One thousand eight hundred and nineteen Pounds Six Shillings), were applied in constructing additional Works and laying down additional Mains and Pipes for improving and extending the Supply of Water to the Inhabitants of the City of *Chester* and the Suburbs thereof: And whereas it is expedient that Provision should be made for consolidating the existing Shares of the Company into Stock: And whereas, it is also expedient that the Mayor, Aldermen, and Burgesses of the Borough of *Chester* should be authorized and empowered to purchase the Undertaking, and all the Rights, Powers, Privileges, and Authorities of the Company, in manner herein-after provided: And whereas, in order to avoid the Inconvenience arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the said recited Act should be repealed, and that the Provisions thereof, so far as applicable and now in force, should be re-enacted, and that further Powers should be conferred upon the Company; 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In construing this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

Interpretation of certain Terms in this Act.

The Expression "the Company" shall mean the Company incorporated by this Act:

The Expression "the Corporation" shall mean the Council of the Borough of *Chester* acting in execution of the Powers of an Act passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for the better paving, lighting, and improving the Borough of Chester, and for establishing new Market Places therein*, and which Act is herein-after called "The *Chester* Improvement Act, 1845:"

8 & 9 Vict. c. xv.

The Expression "the Owners or Proprietors of the old *Chester* Waterworks" shall mean the several Persons for the Time being entitled to the annual Rent or Sum of Five hundred Pounds herein-before mentioned, or any Part thereof:

The Expression "the *Chester* Waterworks" shall mean all the Waterworks, Lands, Filtering Beds, Machinery, Reservoirs, Aqueducts, Mains, Pipes, and Property of every kind, Rights, Powers, and Privileges of the City of *Chester* Waterworks Company,

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Company, existing at the Time of this Act, or which may be subsequently acquired by the Company hereby incorporated.

Short Title. II. This Act shall for all Purposes be sufficiently described or referred to as "The *Chester Waterworks Act, 1857.*"

Recited Act repealed and Company dissolved. III. The Company incorporated by the recited Act is hereby dissolved, and the said Act is hereby repealed, but subject to the Provisions contained in this Act.

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 17. incorporated. Interpretation of certain Terms in Acts hereby incorporated. IV. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," (excepting the Clauses thereof with respect to the Purchase and taking of Land otherwise than by Agreement,) and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, except in so far as any of the Clauses of those Acts may be expressly varied by this Act; and in construing such Acts for the Purposes of this Act, the Expression "the Special Act" shall mean this Act; and the Expression "the Works," or "the Waterworks," or "the Undertaking," shall mean and include the Waterworks and Works connected therewith by this Act vested in or authorized to be made by the Company incorporated by this Act; the Expression "the Promoters of the Undertaking" shall mean the Company incorporated by this Act; the Word "Shares" shall include Consolidated Stock as well as Shares; and the Expression "Quarter Sessions," in this and the incorporated Acts, shall mean any Quarter Sessions holden in and for the City and Borough of *Chester* and County of the same City, or any Adjournment thereof.

Limits of Act. V. The Limits of this Act for supplying Water shall comprise and include the whole of the Borough and City of *Chester*, and also such and so many of the several Houses, Mills, Manufactories, Engines, Furnaces, and Buildings now being or hereafter to be erected and built in or near the several Roads or Places on the Line of the Mains or Pipes of the Company now or hereafter to be laid down within the several Parishes, Townships, and Places following; that is to say, the Parishes of *Saint John the Baptist, Saint Mary-on-the-Hill, Saint Oswald, the Holy and Undivided Trinity, Backford, Christleton, Plemondestall*, and the several Townships or Places of *Bache, Blaconcum-Crabwall, Backford, Boughton* (otherwise *Great Boughton*), *Chester Castle, Christleton, Claverton, Hoole, Huntington, Littleton, Marlstone-cum-Lache, Great Mollington, Little Mollington, Moston, Newton-by-Chester, Rowton, and Upton*, all in the County of *Chester*, the Parish of *Hawarden*, and the several Townships or Places of *Bretton, Broughton, Sealand, and Saltney*, all in the County of *Flint*, as are comprised and included within the Limits of Water Supply defined

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defined upon a Plan of the said Borough of *Chester* and the Suburbs thereof, signed by the Chairman of the Committee of Ways and Means of the House of Commons, and deposited in the Private Bill Office of the said House.

VI. A Copy of such Plan shall be deposited with the Clerk to the Company, and shall be kept at the Office of the Company; and true Copies of such Plan, or any Extract therefrom certified by the Clerk to the Company, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents of such Plan; and such Plan shall at all reasonable Times be open to the Inspection of all Persons receiving or requiring a Supply of Water from the Company, and such Persons shall be entitled to a Copy of or Extract from such Plan, certified by the Clerk to the Company, upon Payment of a reasonable Fee for every such Copy or Extract.

Copy of
Plan to be
Evidence.

VII. The several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company hereby dissolved, and all other Persons and Corporations who have subscribed or shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the Limits of this Act, and for the other Purposes herein and in the said incorporated Acts contained, by the Name of "The *Chester Waterworks Company*," and by that Name shall be a Body Corporate with perpetual Succession, and may sue and be sued, and shall have a Common Seal, and Powers to maintain the Waterworks acquired and constructed under the Powers of the said recited Act, and to construct and maintain the Works by this Act authorized, and also to purchase, rent, and hold Lands, Rights, or Easements for the Purposes of the said Undertaking, and also from Time to Time to sell and dispose of the same or so much thereof as may not be required for such Purposes, but subject always to the Restrictions and Provisions in this and the incorporated Acts contained.

Re-esta-
blishment
of *Chester*
Waterworks
Company.

VIII. From and immediately after the passing of this Act, all the Streams and Springs of Water, Reservoirs, Filtering Beds, Aqueducts, Conduits, Pipes, Gauges, Engines, and all the Works of every Description belonging to the Company hereby dissolved, wheresoever situated, and all their Lands, Tenements, and Hereditaments, and all Rights, Claims, Easements, and Privileges, and all Monies, Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the Company hereby dissolved, shall be and the same are hereby vested in the Company; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of

Liabilities,
&c. of dis-
solved Com-
pany vested
in and bind-
ing on the
Company
hereby
established.

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Money

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Money to the Company hereby dissolved shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the Company; and all Debts which immediately before the passing of this Act were due and owing by the Company hereby dissolved shall be paid, with all Interest (if any) due and to accrue due thereon, by the Company; and all Rates or Rents which immediately before the passing of this Act were due and payable or were then accruing due, whether under or by virtue of the recited Act or otherwise, to the Company hereby dissolved, shall be and become due and payable to the Company, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates and Rents by this Act made payable to the Company; and all Grants conferring or purporting to confer upon the Company hereby dissolved any Right, Easement, or Privilege to make, form, construct, lay, or place, maintain, repair, or continue any Conduit, Aqueduct, or Pipe under any Lands, Tenements, or Hereditaments, shall be as good, valid, and effectual in the Law, to all Intents and Purposes, to and in favour of the Company as if the same had been originally made and executed to and in favour of the Company under the Provisions of this Act; and all other Grants, Conveyances, Contracts, Mortgages, Bonds, Covenants, Securities, Arrangements, and Agreements made or entered into before the passing of this Act, to, with, in favour of, or by or for the Company hereby dissolved, and in particular without Prejudice to the Generality of this Enactment, the said recited Indentures made between the Owners or Proprietors of the old *Chester Waterworks*, and the Company hereby dissolved, shall be and remain as valid and effectual in favour of or against and with reference to the Company, and may be proceeded on, enforced, and satisfied in the same Manner to all Intents and Purposes, as if the Company had been a Party to or had executed the same respectively, or had been named or referred to therein respectively, instead of the Company hereby dissolved; and all Liabilities incurred by the last-mentioned Company, and which were subsisting and in force immediately before the passing of this Act, or existing thereafter, shall be deemed to be Liabilities incurred by the Company, and shall attach upon the Company accordingly; and the Company shall, with reference to every Act done or left undone, and with respect to every Liability of what Nature or Kind soever, incurred by the Company hereby dissolved, or which would have been incurred by them if they had not been dissolved by this Act, be considered as identical with that Company in like Manner in all respects as if the Company were the Company hereby dissolved: Provided always, that notwithstanding anything herein contained, it shall not be lawful for the Company to make, erect, or build any Tank or Reservoir over the existing Markets in *Northgate Street*, in the

Liabilities
of dissolved
Company
continued by
Company
hereby
established.

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the said City of *Chester*, without the previous Consent of the Corporation thereto.

IX. Notwithstanding the Repeal of the said recited Act, the Company may, with the Powers and subject to the Provisions of this Act and the incorporated Acts, continue to supply their Waterworks from the River *Dee* at the Point or Points at which they at present supply or are authorized to supply the same, and also from all and every of the Streams, Springs, and Sources from which the dissolved Company were by the said recited Act or otherwise authorized to supply the same, and may maintain and use the now existing Waterworks, Reservoirs, Pipes, Mains, and other Works of the said dissolved Company, as actually used or enjoyed by them before and up to the passing of this Act, and the Conveniences thereof, for the Supply of Water within the Limits prescribed by this Act, and may extend and enlarge the same from Time to Time as they may find necessary.

Company to continue to Supply their Works from present Sources.

X. All the Powers and Authorities which by the said recited Act were vested in and to be exercised by the Committee, shall and may, except in so far as the same may be altered or varied by this Act and the Acts incorporated therewith, be exercised by the Directors of the Company.

Powers, &c. of Committee under recited Act vested in Directors under this Act.

XI. All Clauses and Provisions relating to the Company hereby dissolved, or the Committee, Officers, or Servants respectively of that Company, contained in any Act or Acts other than the said recited Act, and which immediately before the passing of this Act were in force, shall continue and be in force as applicable to and shall be applied to the Company and their Directors, Officers, and Servants respectively.

Powers and Liabilities under Acts to continue in force.

XII. Notwithstanding the Repeal of the said recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the said repealed Act shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to and consequent on any and everything so done and suffered respectively; and with respect to all such Things so done and suffered respectively, and all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents and Purposes represent the Company hereby dissolved: Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

Present and future Rights and Liabilities under repealed Acts saved.

XIII. Not-

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Rates and Rents now payable to continue till altered.

XIII. Notwithstanding the Repeal of the said recited Act, all Rates, Rents, or Charges made or imposed under or by virtue of the said recited Act, and which at the Time of the passing of this Act shall be due and payable or accruing due and payable, shall respectively continue to be payable and accrue payable, and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges to be received in pursuance of this Act may be collected or recovered.

Transfer of Shares, &c. to remain in force.

XIV. All Sales, Transfers, and Dispositions executed before the passing of this Act of any Share or Shares in the Joint Stock of the Company hereby dissolved shall remain in full Force, and shall be available in all respects as if the same respectively were Sales, Transfers, and Dispositions of corresponding Shares of the Company.

Actions, &c. not to abate and Penalties to be recoverable.

XV. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company hereby dissolved before the passing of this Act shall abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect, either in favour of or against the Company, in the same Manner in all respects as the same would have continued and taken effect in favour of or against the Company hereby dissolved if this Act had not been passed; and also all Penalties incurred by any Offence against the Provisions of the said recited Act before the passing of this Act may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the said recited Act may be prosecuted, in such or the like Manner as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Company being, in reference to the Matters aforesaid, in all respects substituted in place of the Company hereby dissolved.

Books of dissolved Company to be Evidence.

XVI. All Register Books of Shareholders, Registers of Transfers, Declarations as to Transfer of Shares, Books of Account, Balance Sheets, Minutes of Proceedings of the Meetings of Directors, or other Records of the Affairs or Proceedings of the Company hereby dissolved, shall be preserved and shall be admissible and admitted as Evidence in all Courts of Justice and elsewhere, in like Manner as the same would have been admissible and admitted as Evidence if the said Company had not been dissolved and the said recited Act had not been repealed.

Officers to continue till removed.

XVII. All Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of the said recited Act, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy their respective Offices and Employments, together with

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with the Salaries or Emoluments thereunto annexed, until they shall be removed therefrom by the Company or the Directors; and all such Clerks, Officers, and Persons shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if they had been appointed by virtue of this Act.

XVIII. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the City of *Chester*. Newspaper for Insertion of Advertisements.

XIX. The Capital of the Company, inclusive of the existing Share Capital of Twenty thousand Pounds, shall be Forty-eight thousand Pounds. Capital.

XX. The Four hundred paid-up Shares of Fifty Pounds each, forming the Capital of the Company hereby dissolved, shall be and the same are hereby converted and consolidated into a general Capital Stock of Twenty thousand Pounds, and every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more such Share or Shares, shall for each such Share be entitled to the Sum of Fifty Pounds of Consolidated Stock in the Capital of the Company, and the Consolidated Stock is hereby vested in such Persons and Corporations accordingly. Consolidation of Shares of old Company.

XXI. All Persons and Corporations in whom any such Consolidated Stock is or shall be vested shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges, and Encumbrances upon or to which the Share or Shares in the Capital of the Company hereby dissolved, in respect of which such Consolidated Stock is or shall be so vested, was or were subject and liable immediately before the passing of this Act, and so as to give effect to and not revoke any Will or other Testamentary Instrument disposing of or affecting such Share or Shares. Consolidated Stock to be subject to the same Trusts as the old Shares.

XXII. It shall be lawful for the Company, with the Consent of a General Meeting or Meetings of the Shareholders, to raise by the Creation and Issue of Two thousand eight hundred new Shares of Ten Pounds each, such Sum or Sums of Money as they shall from Time to Time think fit, not exceeding in the whole the Sum of Twenty-eight thousand Pounds. Power to raise Money by Creation of new Shares.

XXIII. It shall be lawful for the Company to continue on Mortgage or Bond the Sums borrowed by them under the Authority of Power to continue subsisting Mortgages.
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the said recited Act, amounting together to the Sum of Four thousand Pounds; and the Mortgages or Bonds granted by the Company hereby dissolved for the Sums borrowed by them shall be binding on the Company, and shall continue to affect the Property, Works, Rates, and Rents thereby mortgaged in the same Manner and to the same Effect as such Mortgages or Bonds would have affected and have been binding upon the Company hereby dissolved, and the Property, Works, Rates, and Rents thereby mortgaged, before the passing of this Act.

Power to raise additional Monies by Mortgage.

XXIV. When and so soon as the Sum of Fifteen thousand Pounds, Part of the additional Capital hereby authorized to be raised, shall have been subscribed for, and One Half thereof paid up, the Company may, with Consent of a General Meeting or Meetings of their Shareholders, raise by Mortgage of their Undertaking the Sum of Four thousand Pounds in addition to the Sum of Four thousand Pounds raised upon Mortgage by the Company hereby dissolved; and they may, with such Consent as aforesaid, raise the further Sum of Four thousand Pounds when and so soon as the Remainder of the Capital hereby authorized to be raised shall have been subscribed for and One Half thereof shall have been paid up.

Power to reborrow.

XXV. If the Company shall pay off any Part of the Money borrowed or to be borrowed under the Powers of the said recited Act or of this Act, it shall be lawful for them from Time to Time, so often as the said Event shall happen, again to borrow the Amount paid off: Provided always, that the Amount of Money borrowed by the Company on Mortgage or Bond shall not at any Time exceed the Sum of Twelve thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

XXVI. The Mortgagees of the Company may, subject and without Prejudice to the Rights and Remedies of the Owners or Proprietors of the old *Chester Waterworks*, enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

Application of Money.

XXVII. All Money to be raised under the Provisions of this Act, whether by means of Shares or by Exercise of the Powers of borrowing or otherwise, shall be applied in Payment of the existing Debts and Liabilities of the Company, and in Payment to and among the Holders or Proprietors of the existing Stock or Shares of the Company, other than the said Terminable Preference Shares, according to their respective Rights and Interests, of the said Sum of One thousand eight hundred and nineteen Pounds Six Shillings, expended out of the
Funds

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Funds of the Company applicable to Dividends on the said Stock or Shares in additional Works as aforesaid, and generally to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

XXVIII. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders voting in Person or by Proxy at any General Meeting of the Company convened with due Notice of the Object, to resolve that any Portion of the borrowed Capital of the Company, or any Principal Monies then secured by outstanding Mortgages or Bonds, for which or for the Interest whereof the Company are lawfully liable, not exceeding an Amount to be defined in and by such Resolution, may be converted into Shares or Stock of the Company of like Amount, either by Agreement with the Holders of such Mortgages or Bonds respectively before the same respectively become due, or by paying off the same respectively when due, and issuing Shares or Stock of a corresponding Amount, instead of reborrowing the Sums so paid off; and also, with the like Consent, from Time to Time to resolve that the whole or any Part (to be defined in and by such Resolution) of the Money which the Company shall have Authority to raise by borrowing under the Powers of this Act, and which shall not then have been raised, shall or may be raised by the Creation and Issue of Shares or Stock of a corresponding Amount instead of borrowing the same; and to the Shares or Stock so authorized to be created and issued for any of the Purposes aforesaid there shall, with the like Consent, be attached a fixed and perpetual yearly Dividend, at any Rate not exceeding the Rate of Five Pounds for every One hundred Pounds thereof, payable in equal half-yearly Portions; and it shall thereupon be lawful for the Directors of the Company to carry into effect such Resolution or Resolutions by the Creation and Issue of so many Shares or so much Stock as may from Time to Time be necessary for that Purpose, having such fixed Rate of Dividend as aforesaid; and the Shares or Stock so created and issued shall be called "Mortgage Stock," and shall be a Charge upon the Rates and Undertaking, and Lands, Tenements, and Hereditaments of the Company, but shall be distributable, transmissible, and transferable as, and in other respects shall have the Incidents of Personal Estate; and the said Dividend shall for ever have Priority of Payment over all other Dividends on any other Stock or Shares of the Company; and every Deed or other Instrument creating, issuing, granting, or transferring such Shares or Stock shall be chargeable with the same Stamp Duty as a Mortgage or Transfer of a Mortgage respectively, and shall be duly stamped for denoting the said Duty accordingly: Provided always, that after the Conversion of any such Mortgages or Bonds into Shares or Stock it shall not be lawful for the Company to issue Mortgages or Bonds or any other Securities,

Power to
convert
Loans into
Capital.

or

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or again to borrow the Sum so converted, but the Powers of borrowing by the Company shall, to the Extent of the Sums so from Time to Time converted into Shares or Stock, be extinguished.

As to Votes
of Holders
of Mortgage
Stock.

XXIX. The Holders of such Mortgage Stock shall not be entitled to vote in the Affairs of the Company, unless it shall be otherwise resolved by a Majority of Three Fifths of the Votes of the Shareholders voting at an Extraordinary Meeting.

Limiting
Dividends
upon Ca-
pital.

XXX. The Dividends upon the said existing Capital Stock of Twenty thousand Pounds, and also upon any Shares to be created for raising the said Sum of Twenty-eight thousand Pounds or any Part thereof, shall not exceed the Rate of Seven Pounds Ten Shillings *per Centum per Annum* on the Amount for the Time being paid up in respect of such Stock or Shares; and the Dividends upon any such Mortgage Stock as aforesaid shall not exceed the Rate of Five Pounds *per Centum per Annum* upon the Amount for the Time being paid up in respect thereof, unless in any of the above-mentioned Cases a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend, in any Year within Three Years after such Deficiency shall occur, which shall have fallen short of the said yearly Rate of Seven Pounds Ten Shillings *per Centum per Annum*, or Five Pounds *per Centum per Annum*, as the Case may be, and such Dividends shall be deemed the prescribed Rate of Dividend under "The Waterworks Clauses Act, 1847."

As to
Amount,
Payment,
and Disposal
of Shares.

XXXI. All Shares which may be created by virtue of this Act shall form Part of the general Capital of the Company, and shall be payable by such Instalments or Calls, and at such Periods, and shall be allotted and disposed of in such Manner and upon such Terms and Conditions as the Company shall think proper; and it shall be lawful for the Company, with the Consent of Three Fifths at least of the Votes of the Shareholders voting in Person or by Proxy at any General Meeting or Meetings of the Company convened with Notice of the Object, to attach to any such Shares such fixed Amount of Dividend, not exceeding Six Pounds *per Centum per Annum* on the Amount for the Time being paid thereon, and such other Privileges by way of Preference, or Priority in Payment of Dividend, or otherwise, as shall be determined at such Meeting or Meetings: Provided always, with the Exception of Fifteen hundred Shares, on which the Company may make Calls of such Amount and at such Intervals as they think proper, that Ten Pounds *per Centum* of the total Amount of any such Shares shall be the highest Amount of any One Call in respect of such Share; and there shall be an Interval of Three Months at the least between successive Calls, and no more than Forty Pounds *per Centum* on the total Amount of any such

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such Share shall be called in any One Year: Provided also, that nothing in this Act contained shall repeal, prejudice, or affect the Right of Preference or Priority at present existing in favour of the Proprietors or Holders of the said Terminable Preference Shares under the Resolutions of the Company hereby dissolved, passed upon the said Nineteenth Day of *May* and Third Day of *July* One thousand eight hundred and fifty-four as aforesaid, which Resolutions and the Rights of Preference and Priority of the Holders of the said Shares are hereby expressly confirmed.

XXXII. At all Meetings of the Company, every Holder of Stock or Shares, as well original as new, representing the Sum of Fifty Pounds in the Capital of the Company, and upwards, shall be entitled to One Vote in respect of every Sum of Fifty Pounds represented by such Stock or Shares, up to the Sum of Two hundred and fifty Pounds, and he shall have an additional Vote for every further Sum of Two hundred and fifty Pounds in the Capital of the Company held by him, but no such Holder shall be entitled to more than Ten Votes in all.

Manner of voting at Meetings.

XXXIII. If any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Receipts for Money payable to Minors, &c.

XXXIV. Subject to the Provisions herein-after contained for reducing the Number of Directors, the Number of the Directors of the Company shall be Seven; and the Qualification of a Director shall be the Possession by him in his own Right of Two hundred Pounds at least of the Capital of the Company.

Number and Qualification of Directors.

XXXV. It shall be lawful for the Company, by Vote of any General Meeting, from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Five.

Power to vary the Number of Directors.

XXXVI. The Persons who immediately before the passing of this Act were the Committee of the Company hereby dissolved shall be the First Directors of the Company.

First Directors.

XXXVII. A Quorum of a Meeting of Directors shall be Three.

Quorum.

XXXVIII. It shall not be necessary for the Company to appoint more than One Auditor; and the Auditors or Auditor, as the Case may be, need not hold Shares or Stock in the Company.

Auditors.

[*Local.*]

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XXXIX. The

The Chester Waterworks Act, 1857.

Quorum of
General
Meetings.

XXXIX. The Quorum of any General Meeting of the Company shall be Eight Shareholders, holding in the aggregate not less than Two thousand Pounds of paid-up Capital of the Company.

First and
other Meet-
ings.

XL. The First Ordinary Meeting of the Company shall be held within Two Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* and *August* in every succeeding Year.

Extraordi-
nary Meet-
ings.

XLI. If at any Time it shall appear to the Directors, or a Majority of them, or to any Ten or more Shareholders possessed of Fifty Shares at least in the Capital of the Company, to be necessary or expedient to call an Extraordinary Meeting of the Company, it shall be lawful for such Directors, or the Majority of them, or for such Shareholders, to call an Extraordinary Meeting of the Company, by Notice inserted in some One or more Newspaper or Newspapers published in the City of *Chester*, specifying the Time and Place when and where the said Extraordinary Meeting is intended to be holden (not being less than Fourteen Days after the First Publication of such Notice), and the Purpose for which the Meeting is called, such Place being either at the Office for the Time being of the said Company, or at some other suitable and convenient Place within the City of *Chester*.

Application
of Revenue
of the Com-
pany.

XLII. The Rates, Rents, and Profits to be derived by the Company from their Undertaking shall, subject to the Provisions of this Act, be applied by the Company as follows; namely, first, in paying the Expenses of maintaining and keeping in repair the said Waterworks; secondly, in paying to the Owners or Proprietors of the old *Chester* Waterworks the said fixed yearly Rent or Sum of Five hundred Pounds mentioned in the said recited Indentures, which is hereby declared to be a Charge upon the Undertaking of the Company, and the Rents, Rates, and Profits to be received in respect thereof, in Priority of all Interest and Dividends; thirdly, in paying the Interest on all Principal Monies secured by Mortgage upon the said Undertaking, and on the Mortgage Stock, if any; and lastly, subject to the Provisions of this Act limiting the Dividend upon the Stock or Shares of the Company, in Payment of a Dividend to and among the Holders or Proprietors of Stock or Shares of the Company according to their several and respective Rights and Interests: Provided always, that so long as the preference or guaranteed Dividend on the said Terminable Preference Shares or Stock shall continue to be payable, the said Terminable Preference Shares or Stock shall be entitled to participate in any Surplus which shall remain after Payment of a Dividend at the Rate of Six Pounds *per Centum*
per

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per Annum on the ordinary Stock or Shares of the Company, *pari passu* with such ordinary Shares or Stock.

XLIII. The Company shall, at the Request of any 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 on the Application of any Person who, under the Provisions of this Act, or of 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 domestic Use at the following Rates *per Centum per Annum*; (that is to say,)

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

Where the annual Value of such Dwelling House or Part of a Dwelling House shall not exceed Twenty Pounds *per Annum*, at a Rate not exceeding Seven Pounds and Ten Shillings:

Where such annual Value shall exceed Twenty Pounds and not exceed Forty Pounds *per Annum*, at a Rate not exceeding Seven Pounds:

Where such annual Value shall exceed Forty Pounds and shall not exceed Sixty Pounds *per Annum*, at a Rate not exceeding Six Pounds Ten Shillings:

Where such annual Value shall exceed Sixty Pounds and shall not exceed Eighty Pounds *per Annum*, at a Rate not exceeding Six Pounds:

Where such annual Value shall exceed Eighty Pounds and shall not exceed One hundred Pounds *per Annum*, at a Rate not exceeding Five Pounds Ten Shillings:

And where such annual Value shall be above One hundred Pounds *per Annum*, at a Rate not exceeding Five Pounds.

XLIV. In addition to the Rates by this Act authorized to be taken for a Supply of Water for domestic Purposes, the Company may demand and receive, in respect of every additional Watercloset beyond the first, and for every Bath in any Dwelling House supplied by the Company with Water, not exceeding the following Rates; (that is to say,)

Rates for Water-closets and Baths.

Where the annual Value of such Dwelling House shall be under Fifteen Pounds, the Sum of Three Shillings for One such Watercloset and Five Shillings for One such Bath, and the Sum of Four Shillings for each additional Watercloset or Bath:

Where the annual Value of such Dwelling House shall be Fifteen Pounds and under Twenty Pounds, the Sum of Six Shillings for One such Watercloset and Eight Shillings for One such Bath, and the Sum of Four Shillings for each additional Watercloset or Bath:

Where the annual Value of such Dwelling House shall be Twenty Pounds and under Thirty Pounds, the Sum of Eight Shillings for

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for One such Watercloset and Ten Shillings for One such Bath, and the Sum of Four Shillings for each additional Watercloset or Bath :

Where the annual Value of such Dwelling House shall be Thirty Pounds and upwards, the Sum of Ten Shillings for One such Watercloset and Fifteen Shillings for One such Bath, and the Sum of Four Shillings for each additional Watercloset or Bath :

Provided always, that the Company shall not be compelled to supply with Water any Watercloset, 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 or other noisome or impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Company.

Company may contract with Landlords of Houses not exceeding the yearly Rent of 10*l*.

XLV. Wherever the Landlord or Owner of a Number of Houses let at Rents not exceeding Ten Pounds a Year for every House is desirous of agreeing with the Company for a Supply of Water for the same, the Company shall, subject to the Provisions of "The Waterworks Clauses Act, 1847," contract with such Landlord or Owner for the Supply required according to the Rate specified in this Act, or may contract with him on such other Terms and Conditions as may be mutually agreed on.

What shall be deemed domestic Purposes.

XLVI. A Supply of Water for domestic Purposes shall include a supply for One Watercloset, but not for Baths, or for Steam Engines or Railway Purposes, or for working any Machine or Apparatus, or for Horses or Cattle, or for washing Carriages (where such Horses or Carriages are kept by a Dealer or for the Purposes of Hire), or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens or for Fountains, or for any ornamental Purpose whatsoever.

Water for other than domestic Purposes.

XLVII. The Company shall and they are hereby required to supply any Person with Water for other than domestic Purposes, at such Rate and upon such Terms and Conditions as may be mutually agreed on between the Company and such Person, or, failing such Agreement, upon such Terms and Conditions as may be determined by any Two Justices of the Peace for the City and Borough of *Chester*, not being Holders of Stock or Shares in the said Undertaking, who are hereby authorized and required to settle the same upon the Application either of the Person or Persons requiring such Supply or of the Company: Provided always, that the Supply of Water for domestic Purposes be not in any way interfered with or endangered.

Company to supply Water to

XLVIII. The Company shall supply, free of Charge, Water in such reasonable Quantities as may be required for watering the Streets within

The Chester Waterworks Act, 1857.

within the City and Liberties of *Chester*, and shall also, upon Application being made to them for that Purpose, furnish and supply with a sufficient Quantity of Water, free of Charge, all the Public Charities within the said City and Liberties: Provided, that it shall not be lawful for the Governors or Managers or any Person having the Charge of any such Public Charity to use or allow to be used the Water supplied by the Company for any Purpose of Profit, or in consequence whereof any Charge shall be made upon Individuals or the Public, or for any Purpose other than such as is directly required for the ordinary domestic Purposes of such Charity, without first making an Agreement with the Company for the Payment of a reasonable Rent or Price for the Water intended to be used for such other Purpose, and paying or undertaking to pay the same; and that in case the Water supplied to any such Public Charity shall be used for any other Purpose than as aforesaid, or in case of any Waste or other Misuse of the Water supplied by the Company, the Obligation of the Company to supply any Water to such Public Charity shall thereupon cease, and shall not again attach until such Use, Waste, or other Misuse, as the Case may be, shall have been *bonâ fide* discontinued, or such Agreement as aforesaid as to a Rent or Price for the same shall have been entered into: Provided also, that if any Question or Difference shall arise between the Company and the Corporation as to the Supply of Water required for watering the Streets, or in case any Question or Difference shall arise between the Company and the Governors or Managers of any such Public Charity as to the Supply of Water to be furnished to such Charity, the same may from Time to Time, on the Application of any of the said Parties, as the Case may be, be referred to and determined by Two Justices of the Borough and City and County of the City of *Chester*, or of the County of *Chester*, who shall thereupon have Power to hear and adjudicate and make any Order upon the same, and whose Decision shall be final.

Public Charities and for watering Streets, free of Charge.

XLIX. Whenever, by reason of the Elevation of any Premises, it shall be difficult to afford a continuous and constant Supply of Water thereto without the Intervention of a Cistern, the Owner or Occupier of any such Premises shall, if required by the Company, provide a proper Cistern or other Receptacle for the Water with which he shall be so supplied, with an efficient Ballcock or other like Apparatus; and the Surveyor or any other Person acting under the Authority of the Company may, between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, enter into any House in order to examine if there be any Waste, Misuse, or undue Consumption of Water by means of any Overflow Spout, Waste Pipe, or other Means or Contrivance; and in case any such Waste, Misuse, or undue Consumption of Water shall be found to exist, or shall be deemed likely to occur from the Use of any such Overflow Spout,

Cisterns to be supplied with proper Ballcocks, &c.

Company empowered to enter Houses in certain Cases.

[*Local.*]

O o

Waste

The Chester Waterworks Act, 1857.

Waste Pipe, or other Means or Contrivance, it shall be lawful for such Surveyor or other Person to give Notice to the Person so supplied with Water either to repair and amend or to remove such Overflow Spout, Waste Pipe, or other Means or Contrivance; and if the same shall not be forthwith repaired and amended or removed in accordance with such Notice, it shall be lawful for the Company immediately thereafter to turn off the Water from the House and to cease to supply the same with Water until the Thing complained of shall be repaired or amended or removed.

No Inhabitant to tap or interfere with any Main Pipe of the Company.

L. The Brass Ferule or other Medium of Connexion between the Service Pipe of any Inhabitant and any Main or Service Pipe of the Company shall in all Cases be provided and fixed by the Company, who shall be entitled to make and recover a reasonable Charge in respect of the same; and no Inhabitant or other Person shall, on any Pretence, be authorized to tap, break into, or interfere with any Main or Service Pipe of the Company, unless the Company shall have neglected or refused to make such Connexion after Five Days Notice left at the Company's Office requiring such Connexion to be made; and every Person who shall tap, break into, or interfere with any Main or Service Pipe of the Company, except after such Neglect or Refusal as aforesaid, shall forfeit to the Company for every such Offence a Sum not exceeding Five Pounds: Provided always, that no Inhabitant, except the Owner or Occupier of a Dwelling House laying any Service Pipe for the Supply of such Dwelling House, or other Person entitled to demand a Supply of Water under this Act or the Provisions of "The Waterworks Clauses Act, 1847," shall be entitled to have any Service Pipe connected with any Main or Service Pipe of the Company, except he shall have agreed with the Company for a Supply of Water to his Buildings and Premises.

Provision for guarding against fouling the Water of the Company.

LI. The Clauses of "The Waterworks Clauses Act, 1847," with respect to the Provision for guarding against fouling the Water of the Undertakers, shall be read and construed in this Act as applicable and applying to the fouling of the Water of the River *Dee* at any Part thereof within Five hundred Yards of the Place from whence the Supply of Water for the Purposes of their Undertaking is taken by the Company; and the Expression in that Act, "Stream belonging to the Undertakers," shall for this Purpose be read and construed as the Stream of the said River *Dee*, within the Limits aforesaid.

Undisputed Rates, &c. may be recovered by Distress.

LII. All Water Rates or Rents due to the Company, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount whereof shall not be disputed, may be levied by Distress, and any Justice on Application may issue his Warrant accordingly.

LIII. Any

The Chester Waterworks Act, 1857.

LIII. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Several Names in One Warrant.

LIV. Any Justice who issues any such Warrant of Distress shall order that the Costs of the Proceedings for the Recovery of such Rate or Sum shall be paid by the Person liable to pay such Rate or Sum, and such Cost shall be ascertained by the Justice, and shall be included in the Warrant of Distress.

Costs of Distress.

LV. Whenever any Person neglects to pay any Rate or Sum due to the Company, the Company may recover the same with full Costs of Suit in any Court of competent Jurisdiction, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies for the Recovery of such Rate or Sum.

Recovery of Rates otherwise than by Distress.

LVI. The Company may, under the Provisions of this Act or the Acts incorporated herewith, from Time to Time purchase and take any Lands which the Company from Time to Time require for the Purposes of this Act or the Use thereof, and any Easement, Power, or Authority in or over the same, but only by Agreement with the Owners thereof and with the Consent of the Parties interested in and entitled to sell the same, on such Terms as may be mutually agreed on, and may construct and maintain in and upon such Lands and Premises such Works as they may consider necessary for more effectually carrying out the Purposes of this Act.

Power to purchase Land, &c. by Agreement.

LVII. All Persons by this Act or the Acts incorporated herewith empowered to convey Lands to the Company shall have full Power, for the Purposes of this Act, to grant to the Company any Easement, Power, or Authority in or over such Lands.

Power for Owners to grant Easements.

LVIII. The Company may from Time to Time sell and dispose of such Lands belonging to them as may not be required for the Purposes of their Undertaking, and, subject to the Provisions of this Act, they may apply the Price or Prices to be received therefor either in reduction of their Mortgage Debt or in new Works as they may consider most advantageous for the Company.

Power to sell superfluous Lands.

LIX. Notwithstanding anything in this or "The Waterworks Clauses Act, 1847," contained, the Water to be supplied need not be constantly laid on under Pressure, in Terms of the Thirty-fifth Section of the said Act, but the Company shall be bound to lay on a sufficient Supply of Water once at least daily, with the Exception of *Sundays*, at such a Pressure as will make the Water reach a Level not less than

Limitation of High Service.

Twenty

The Chester Waterworks Act, 1857.

Twenty Feet above the Pavement of the highest Street within the Borough of *Chester*: Provided always, notwithstanding anything in this Act contained, that the Company shall keep at all Times charged with Water, under the Pressure herein defined, the principal Main from the Works to the Cross or Centre of the City, for the Purpose of Extinguishment of Fires, and that a Key to the Stopcocks connected with such Main, so as to turn on the Water to the other Pipes or Mains in the City, shall be deposited by the Company in like Manner as is provided by the Thirty-ninth Section of "The Waterworks Clauses Act, 1847," with reference to the providing of Keys for Fireplugs.

Power to
Justices to
order Re-
pair of
Reservoirs,
and in cer-
tain Cases to
direct the
Water there-
in to be
lowered.

LX. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That whenever any Person interested complains to Two Justices that any such Reservoir is in a dangerous State, the Justices shall forthwith make Inquiries into the Truth of the Complaint: Provided always, that any Two Justices on their own View, and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them.

Power to
Justices to
order imme-
diate Repair
of Reser-
voirs.

LXI. If on any such Inquiry the Justices be satisfied that the Complaint is well founded, and that any Reservoir as aforesaid is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they may, if they think fit, order such Persons as they think fit to enter on the Property of the Company, and to do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of
Justices
after Sum-
mons on
Company to
repair
Reservoirs.

LXII. If on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such imminently dangerous Condition so as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Company to answer the Complaint; and upon hearing the Parties, or upon Default of Appearance by the Company, then in their Absence the Justices shall, by Order in Writing under their Hands, order the Company, within such Period as the Justices think reasonable and specify in the Order, to do such Works and Things as they think requisite and proper for removing the Cause of Complaint.

Order of
Justices on
Failure of
Company to
obey Orders.

LXIII. If in any such Case the Company do not, within such Period as the Justices specify in that Behalf in the Order, do the Works and Things thereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Company, may, if they think

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think fit, order such Persons as such Justices think fit to enter on the Property of the Company, and to do all such Works and Things specified in the Order and not done by the Company, and all such other Works and Things (if any) as the Justices think requisite and proper for removing the Cause of Complaint.

LXIV. Any such Order of Justices may be in the Form or to the Effect following: Form of Order.

‘ To *A.B.* of
 ‘ WE, the undersigned, Two of Her Majesty’s Justices of the Peace
 ‘ acting for the Borough of Chester, do hereby order and direct
 ‘ you [and such Person or Persons as you may require to aid and
 ‘ assist you therein] forthwith to do all such Works and Things as
 ‘ are requisite to repair and make good [*here specify the Reservoir*
 ‘ *to be repaired and made good*], and you shall do as little Injury
 ‘ as possible to the Property of the said Company; and in acting
 ‘ in obedience to the Premises, this shall be your sufficient Warrant.
 ‘ Given under our Hands this Day of in the Year
 ‘ of our Lord One thousand eight hundred and .

LXV. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser, and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do or instigate or suffer to be done anything in contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds. Persons acting under Order of Justices not to be Trespassers, &c.

LXVI. If the Justices so think fit, they may by any such Order under this Act impose on the Company, for not carrying the Order into effect, any Penalty not exceeding Ten Pounds for every Day’s Default, which the Justices think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Person to remove the Cause of Complaint. Justices may impose Penalty on Company for disobeying Orders.

LXVII. The Justices may order all or such Part as they think fit of the Costs of and incident to the applying for and obtaining of any such Order on the Company, and also all and such Part as the Justices think fit of the Expenses of the Works and Things done in pursuance of any such Order by any Person other than the Company, to be paid by the Company; and every Amount so to be paid shall be paid by the Company to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction. Order of Justices on Company for Payment of Costs.

LXVIII. Provided always, That if the Company feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices, on any such Complaint, the Company shall have like Power Appeal by Company.
 [*Local.*] *P p* of

The Chester Waterworks Act, 1857.

of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that pending any such Appeal, and except only so far (if at all) as on the Appeal it be quashed or altered, the Order appealed against shall be in force.

Company not to be responsible for Consequences of such Order.

LXIX. Provided also, That the Company shall not be liable to pay any Person any Damages, Penalties, Costs, Charges, or Expenses for or in respect of, or be answerable or accountable to any Person for, any Diminution or Cessation of the Supply of Water or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under this Act, which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in this Act to the contrary notwithstanding.

Power to sell and purchase the Undertaking of the Company.

LXX. It shall be lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders voting in Person or by Proxy at any General Meeting of such Company convened with Notice of that Object, to sell to the Mayor, Aldermen, and Burgesses of the Borough of *Chester*, and it shall be lawful for the Corporation to purchase at such Price and upon such Terms and Conditions as shall be mutually agreed upon between them, the said *Chester Waterworks*; subject nevertheless and without Prejudice to the fixed Rent or Sum of Five hundred Pounds payable to the Owners or Proprietors of the old *Chester Waterworks* as aforesaid, and to all Mortgage and other Debts of the Company which shall be directly charged upon the said Undertaking or any Part thereof.

Receipt of Three Directors to be sufficient Discharge for Purchase Money.

LXXI. The Receipt in Writing under the Hands of any Three of the Directors for the Time being of the Company shall be a sufficient Discharge to the Corporation for the Purchase Money agreed to be paid for the Undertaking of the Company, or for so much thereof as in such Receipt shall be expressed to have been received; and the Corporation shall not be obliged or concerned to see to the Distribution of such Purchase Money, or be otherwise answerable or accountable for any Loss or Misapplication or Nonapplication thereof or any Part thereof.

Payment and Application of Purchase Money.

LXXII. The Sum agreed upon as the Price or Consideration for the Purchase of the said *Chester Waterworks* shall be paid into such Bank as the Directors for the Time being of the Company shall appoint, to the Account of such Company, and shall be applied by such Directors in manner following; (that is to say,) first, in discharging all outstanding Debts and Liabilities of the Company which shall not have been secured by Mortgage or other direct Charge upon the Undertaking or any Part thereof; and, secondly, in making a fair

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fair rateable Division of the Residue thereof amongst the Holders of Stock or Shares of the Company, including the Holders of Mortgage Stock, if any, in proportion to their respective Shares and Interests in the Undertaking sold.

LXXIII. The Directors of the Company shall give Notice of the Time and Place for Payment to the Holders of Stock or Shares of their respective Portions of such Purchase Money, in like Manner as they are required to give Notice of General Meetings of the Company, and shall pay the same accordingly to such of them as shall apply for and give Receipts for the same.

Time and Place of Payment to Shareholders.

LXXIV. In carrying into execution the Provisions of this Act with respect to the Payment of such Purchase Money to the Holders of Stock or Shares, the Directors of the Company shall not be bound to regard any Manner of Trust, Limitation, Disposition, or Appointment of or affecting any Share in the Undertaking sold, or the Purchase Money for the same, but may deal with the Person who shall be registered in the Books of the Company as the Holder of such Stock or Shares, or the Executors or Administrators of any such deceased Person, as the absolute Proprietor thereof; and the Receipt of such Person (or if Two or more Persons shall be jointly registered as the Holders of any such Stock or Shares, then the Receipt of such Persons) shall be a sufficient Discharge to the Directors for the Purchase Money therein expressed to be received for the same; and if any Person so registered as aforesaid, or his Executors or Administrators, shall be a Feme Covert, and not in Law or Equity a Feme Sole, or shall be an Infant or Lunatic, the Receipt of the Husband, Guardian, or Committee, as the Case may be, shall be a sufficient Discharge, and the Directors shall not be bound to see to the Application of such Purchase Monies, or be answerable for any Loss, Misapplication, or Nonapplication thereof or any Part thereof; but nevertheless such Monies shall, when paid by the Directors, be subject and liable to the same Trusts, Limitations, Dispositions, and Appointments, testamentary or otherwise, as the Share or Shares in respect of which they were paid was or were subject or liable to, or would have been subject or liable to if the Undertaking had not been sold.

Directors may deal with registered Shareholders as absolutely entitled.

Purchase Money to be subject to the same Trusts as the Shares.

LXXV. Immediately on the Payment by the Corporation of such Purchase Money to Three of the Directors of the Company, or in such other Manner as shall have been agreed upon, and upon the Execution by the Company of a Conveyance, under their Common Seal, and duly stamped, of the *Chester Waterworks* to the Corporation, the *Chester Waterworks* shall, by virtue of this Act, become absolutely vested in the Corporation, for all such or the like Estate or Interest

On Payment of Purchase Money and Execution of Conveyance, Property of Company to vest in the Corporation.

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Interest as the Company were seised or possessed of or entitled to therein at the Date of such Conveyance.

When Waterworks are vested in Corporation, Powers of Company to be executed by Corporation.

LXXVI. Immediately upon the *Chester Waterworks* being purchased by and becoming vested in the Corporation under the Provisions herein-before contained, all the Powers, Authorities, Regulations, and Provisions contained in this Act shall be extended to and vested in the Corporation, and be exercised and put in force by or against the Council in the same Manner as if they had throughout this Act been named instead of the Company.

Conveyances, &c., made in favour of or by the Company, to operate in favour of or against the Corporation.

LXXVII. Immediately upon the *Chester Waterworks* being purchased by and becoming vested in the Corporation under the Provisions herein contained, all Contracts, Engagements, Agreements, Conveyances, Leases, Covenants, Indemnities, and Liabilities made or entered into with, to, or in favour of, or by or for or on behalf of the Company, previously to the Completion of such Purchase, or by this Act transferred to or imposed upon the Company, shall be and remain as good, valid, and effectual in favour of and against and in reference to the Corporation, and may be proceeded on and enforced in the same Manner by or against the Corporation to all Intents and Purposes, as if the Corporation had been Parties to and executed or entered into the same, or had been named or referred to therein or in this Act instead of the Company.

Things done or suffered before Purchase to remain valid.

LXXVIII. Immediately upon the *Chester Waterworks* being purchased by and becoming vested in the Corporation under the Provisions herein contained, everything before that Time done or suffered under the said recited Act or this Act shall be as valid as if such Purchase had not been made, and such Purchase and Transfer shall accordingly be subject and without Prejudice to anything done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the said Purchase had not been made, would be incident to or consequent on any and everything done or suffered under the last-mentioned Acts or either of them; and with respect to all such Rights, Liabilities, Claims, and Demands, the Corporation shall to all Intents and Purposes represent the Company: Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

Eventual Dissolution of Chester Waterworks Company.

LXXIX. Upon the Completion of the Sale and Transfer by the Company of the whole of their Undertaking in manner aforesaid, and when and so soon as the Purchase Money paid in respect of such Sale shall have been appropriated and divided in manner herein-before directed, after Payment of the Debts and Liabilities of the Company, and the winding-up of its Affairs, such Company shall cease to exist.

LXXX. It

The Chester Waterworks Act, 1857.

LXXX. It shall be lawful for the Corporation, for the Purpose of acquiring and maintaining the said *Chester Waterworks*, to borrow and take up at Interest, upon the Security of the Rates, Rents, and Profits to be levied and received under the Authority of this Act, and of the *Chester Waterworks* when acquired, and of the Borough Rate, and of any Property vested in or belonging to the Corporation, such Sum of Money as may be necessary, and all the Provisions of "The Commissioners Clauses Act, 1847," with respect to Mortgages to be executed by the Commissioners, shall be incorporated with and form Part of this Act, and shall be applicable to the borrowing of such Sum or Sums of Money as aforesaid by the Corporation, and shall be read and construed as if the Words "the Corporation" had been in every Case inserted therein instead of the Words "the Commissioners."

Power to borrow Money on Security of the Rates.

LXXXI. In order to enable the Corporation to make a Rate, if necessary, for the Purpose of more effectually securing the said annual Rent or Sum of Five hundred Pounds payable to the Owners or Proprietors of the old *Chester Waterworks*, and any Sum or Sums which may be borrowed by the Corporation for the Purposes of this Act, and any Interest payable in respect thereof, and in order to provide for the Payment thereof respectively, the said Corporation is hereby authorized and required from Time to Time, as Occasion requires, to order a sufficient Rate to be made within the said Borough, which Rate shall be so made as a separate Rate, but shall be considered to be a Borough Rate, and be levied in the Manner authorized in that Behalf by the Provisions of the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, and the other Acts of Parliament passed or to be passed in respect of the levying of Borough Rates, and shall be applicable to the Payment of the said Rent, Sum or Sums, and the Interest thereof, in the same Manner as if the Amount of such Rent, Sum or Sums, and Interest were Expenses incurred in carrying into effect within the Borough of *Chester* the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth.

Power to levy Rate to secure Money borrowed.

LXXXII. And whereas by "The Public Health Act, 1848," Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and Land covered with Water or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, are exempted from the Payment of any greater Proportion than One Fourth of certain Rates leviable under the said Act, and it is just and expedient that the Occupiers of any such Land should not be required to pay any greater Proportion in respect of the Purchase

Principle of 11 & 12 Vict. c. 63. to be applied to the Assessment of certain Lands.

[*Local.*]

Q q

of

The Chester Waterworks Act, 1857.

Certain Drawbacks to be allowed to the Occupiers of such Lands.

of the said Waterworks and the Supply of Water within the said Borough, and the Costs and Expenses of carrying this Act or any Act incorporated herewith into effect, than the Proportion which they would or might pay or be called on to pay under the Provisions of the said Public Health Act, for the Purposes thereof: Be it therefore enacted, That if after the passing of this Act any Sum shall be paid or be required to be paid out of the Borough or other separate Rate or Fund within the Borough, under or in respect of the Provisions of this Act, then and in such Case, and so often as the same shall happen, the Corporation shall and they are hereby required to allow or repay to the Occupiers respectively to whom any such Land situate within the said Borough may belong, a Drawback on the Assessment of such Land to the said Borough or other separate Rate or Fund, equivalent to the full Amount of Three Fourths of so much of such Rate or Fund as the said Occupiers respectively might otherwise be liable to pay or may have paid for or towards the Amount which the said Corporation may require to apply or may have applied in manner aforesaid; and the Amount which such Occupiers may at any Time have paid in excess of the respective Proportions payable by them as aforesaid may be recovered from the Corporation by an Action at Law, or otherwise the said Corporation shall deduct and allow to the said Occupiers respectively the full Amount of the Excess as paid by them, any or either of them, from and out of the next Borough or other separate Rate which may be levied within the said Borough.

Stations, &c. of certain Railway Companies not supplied with Water by Waterworks Company not to be rated.

LXXXIII. Provided always, notwithstanding anything in this Act contained, it shall not be lawful for the said Corporation to rate the whole or any Part or Portion of the Joint Station of the *London and North-western* Railway Company, the *Great Western* Railway Company, the *Chester and Holyhead* Railway Company, and the *Birkenhead, Lancashire, and Cheshire Junction* Railway Company, called or known by the Name of the *Chester General* Railway Station, or any Part or Portion of the Buildings or Lines of Railway within the Limits of the same in the said Borough, which shall not be supplied with Water from the said *Chester Waterworks*.

Water Rents to be primarily liable for Sum borrowed.

LXXXIV. As between the Waterworks and the Borough Rate, the Water Rents shall be primarily liable to be applied in satisfaction of the said annual Rent or Sum of Five hundred Pounds, and of any Sum or Sums which may be borrowed by the Corporation as aforesaid, and all Interest for the Time being due thereon; but nothing herein contained shall prejudice the Rights of the Owners or Proprietors of the old *Chester Waterworks*, or of any Company or Person lending any Money on the Security herein-before mentioned; and the said Owners or Proprietors, and every such Company or Person, may enforce all their or his Remedies in the same Manner as if this Provision had not been

made:

The Chester Waterworks Act, 1857.

made: Provided always, but without Prejudice to the Security of the said Owners or Proprietors or of any such Company or Person, and to the Claims of any such Company or Person to the Water Rents under any Mortgage thereof, that there shall from Time to Time be repaid from the Sums standing to the Credit of the Account of the Water Rents, to the Credit of the Borough Fund, the Amount of all such Principal Money and Interest as shall from Time to Time be paid for any of the Purposes of this Act by means of any Borough Fund under this Act or otherwise out of the Borough Fund of the said Borough: Provided also, that whenever and so long as any such Sum remains unpaid from the Water Rents to the Borough Fund, the Corporation shall levy not less than One Half of the full Amount of the Water Rents by this Act authorized.

LXXXV. If and when the *Chester Waterworks* shall have been purchased by the Corporation, the Corporation shall keep a separate Account, to be called "the Water Account," of their Expenditure and Receipts in respect of such Undertaking, under the Powers and Provisions of this Act; and all Profits derived therefrom in every Year shall be applied by the Corporation as follows; namely,

Account
and Appli-
cation of
Profits of
Water-
works.

First, In paying the Expenses of maintaining and keeping in repair the said Waterworks:

Secondly, In paying to the Owners and Proprietors of the old *Chester Waterworks*, at the Times and in the Manner stipulated and provided for in the said Indentures of the Fourteenth Day of *August* One thousand eight hundred and twenty-seven and the Nineteenth Day of *July* One thousand eight hundred and fifty-four, the fixed yearly Rent or Sum of Five hundred Pounds:

Thirdly, In paying the Interest on all Principal Monies secured by Mortgage or other direct Charge upon the said Undertaking only, or upon the said Undertaking and the special Rate to be levied by the Corporation under this Act:

Fourthly, In setting apart a Sum not exceeding One Twenty-fifth nor less than One Thirtieth Part of such Principal Monies, as a Sinking Fund for the Payment thereof, and the Residue, if any, of such Profits shall be carried to the Credit of the Borough Fund:

Lastly, In providing all necessary Works for extending the Supply of Water within the Limits.

LXXXVI. The Monies which by virtue of the Provision herein before contained shall be set apart as a Sinking Fund shall be from Time to Time invested by the Corporation in the Manner prescribed by the Eighty-fourth Section of "The Commissioners Clauses Act, 1847;" and such Investments may be changed from Time to Time for others of a like Nature, or may be sold and realized, and the Money

Monies set
apart as a
Sinking
Fund to be
invested.

The Chester Waterworks Act, 1857.

Money applied in Payment of the Principal Moneys for discharging which such Sinking Fund was established.

The Com-
pany not to
alienate
their Rights
but to the
Corporation
of Chester.

LXXXVII. Subject to the Provisions of this Act, it shall not be lawful for the Company at any Time hereafter to sell or dispose of any of the Rights, Privileges, Powers, or Authorities vested in them by this Act to any other Company which may hereafter be established for the Supply of Water, or to any Body Politic or Corporate, or to any Person whomsoever, nor to sell or dispose of, either temporarily or permanently, to any such Company, any of the Works established by virtue or in pursuance of this Act, nor to enter into any Agreement, Understanding, Compromise, or Combination whatsoever with any such Company or Persons as aforesaid for regulating or withdrawing such Supply of Water, except to the Mayor, Aldermen, and Burgesses of the Borough of *Chester*.

The Rights
of the Cor-
poration of
Chester
reserved.

LXXXVIII. Nothing in this Act contained shall extend or be construed to extend to affect, impeach, diminish, or take away any of the Rights, Privileges, Royalties, Franchises, Immunities, Liberties, Powers, Jurisdictions, or Authorities whatsoever which the Mayor, Aldermen, and Burgesses of the Borough of *Chester*, in their Corporate Capacity, or under or by virtue of "The *Chester* Improvement Act, 1845," have hitherto had, used, exercised, or enjoyed.

Power to
Shropshire
Union Canal
Company to
discharge
Water into
the *Dee*.

LXXXIX. Nothing herein contained shall prevent or hinder the *Shropshire Union* Railways and Canal Company from discharging into the said River *Dee* any Water from their Canals which they are authorized to discharge into the said River.

Company
not exempt
from Provi-
sions of
11 & 12 Vict.
c. 63.

XC. Nothing in this Act contained shall be taken to exempt the Company from any of the Powers or Provisions of "The Public Health Act, 1848," or any Act amending the same.

Expenses of
Act.

XCI. All the Costs, Charges, and Expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company.

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