ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xxviii.

An Act for better supplying *Childwall*, *Thingwall*, *Little Woolton*, *Much Woolton*, and *Gateacre*, all in the County of *Lancaster*, with Water.

[25th *June* 1850.]

WHEREAS it would be of great Advantage to the Public if an additional Supply of Water were afforded to the Inhabitants of the several Parishes, Hamlets, Townships, and extra-parochial Places following; (that is to say,) *Childwall*, *Thingwall*, *Little Woolton*, *Much Woolton*, and *Gateacre*, all in the County of *Lancaster*, or any of them: And whereas the Most Noble *James Brownlow William Gascoyne* Marquis of *Salisbury* is willing to construct Wells, Shafts, Reservoirs, Waterworks, Aqueducts, Drains, Cuts, Sluices, Pipes, Culverts, Engines, and other Works, upon certain Lands within the said Parish of *Childwall*, of which he is or claims to be Tenant for Life, and by such Means to obtain, raise, and store large Supplies of Water, and to dispose thereof for the Use of the said Inhabitants: And whereas in consideration of the Expense which the said Marquis will incur in making and maintaining the said Works, it is reasonable that he and his Heirs and Successors should be invested with the several Powers, and should be authorized to levy and receive the several Rates and Duties herein-after mentioned; but these Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and

and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in so far as not inconsistent with or not otherwise provided for or not altered and varied by this Act, "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, save and except so much of the Clause numbered xxxv. in the Copies printed by the Printers to the Queen as requires the Supply of Water to be constantly laid on at such a Pressure as would make the Water reach the top Story of the highest Houses within the Limits of this Act.

Certain Provisions of 10 & 11 Vict. c. 17. incorporated with this Act.

Land Clauses Consolidation Act, 1845, not to extend to this Act.

II. And be it enacted, That notwithstanding anything in this Act or the Act incorporated therewith contained, the Lands Clauses Consolidation Act, 1845, shall not be incorporated with or be applicable to this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Deeds, and Proceedings, it shall be sufficient to use the Expression "The *Childwall* Waterworks Act, 1850."

As to the Construction of the Waterworks.

IV. And whereas Plans and Sections of the proposed Waterworks showing the Situation and Levels thereof, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands in, upon, or through which the same are intended to be made, have been deposited with the Clerk of the Peace of the County of *Lancaster*: Be it enacted, That, subject to the Provisions contained in this Act and in the Act incorporated herewith, it shall be lawful for the said Marquis of *Salisbury*, and his Heirs and Successors, to make and maintain the said Waterworks in the Situation and upon the Lands delineated upon the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the said Lands as may be necessary for the Purposes aforesaid.

Limits of the Act.

V. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the said Marquis of *Salisbury* to supply Water within the several Parishes, Townships, or extra-parochial Places following; (that is to say,) *Childwall*, *Thingwall*, *Little Woolton*, *Much Woolton*, and *Gateacre*, all in the County of *Lancaster*, or any of them, which said several Parishes, Townships, and extra-parochial Places shall be deemed the Limits of this Act.

Rates for the Supply of Water.

VI. And be it enacted, That the said Marquis of *Salisbury* 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 said Marquis of *Salisbury* 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 domestic Uses, at the Rates herein-after specified; (that is to say,)

If there be no Water-closet or Bath in the Dwelling House, or Part of the Dwelling House, to be supplied with Water, at the following Rates:

Where the annual Value of such House shall not exceed Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds:

Where the annual Value of such Dwelling House shall exceed Twenty Pounds but shall not exceed Forty Pounds, at a Rate *per Centum per Annum* not exceeding Four Pounds and Ten Shillings:

Where such annual Value shall exceed Forty Pounds but shall not exceed Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Four Pounds:

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

Where such annual Value shall exceed One hundred and sixty Pounds, at a Rate *per Centum per Annum* not exceeding Three Pounds:

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

When the annual Value of such Dwelling House does not exceed Ten Pounds, the Sum of Three Shillings *per Annum* for each such Bath and Water-closet:

When the annual Value of such Dwelling House exceeds Ten Pounds but does not exceed Twenty Pounds, the Sum of Four Shillings *per Annum* for each such Bath and Water-closet:

When the annual Value of such Dwelling House exceeds Twenty Pounds but does not exceed Forty Pounds, the Sum of Six Shillings *per Annum* for each such Bath and Water-closet:

When the annual Value of such Dwelling House exceeds Forty Pounds but does not exceed Eighty Pounds, the Sum of Eight Shillings *per Annum* for each such Bath and Water-closet:

When the annual Value of such Dwelling House exceeds Eighty Pounds but does not exceed One hundred and sixty Pounds, the Sum of Ten Shillings *per Annum* for each such Bath and Water-closet:

When the annual Value of such Dwelling House exceeds One hundred and sixty Pounds, the Sum of Twelve Shillings *per Annum* for each such Bath and Water-closet:

Provided

Provided always, that the said Marquis of *Salisbury* shall not be compelled to supply any Water-closet, or the Apparatus or Pipes connected therewith, which shall not be constructed in the Manner approved of by the Inspector or other Officer for the Time being appointed by the said Marquis of *Salisbury*: Provided also, that a Supply of Water for domestic Purposes shall not include a Supply of Water for public Baths, Horses, or Cattle, or for washing Carriages, or for any Trade or Business whatsoever.

Rates for the Supply of Water for other than domestic Purposes.

VII. And be it enacted, That it shall be lawful for the said Marquis of *Salisbury* to supply any Person with Water for trading or manufacturing Purposes, or for any Purposes other than domestic Purposes, private Baths, and Water-closets, at such Rate or Price, and upon such Terms and Conditions, as shall be agreed upon between the said Marquis of *Salisbury* and the Persons desirous of having such Supply of Water.

Recovery of Water Rates.

VIII. And be it enacted, That in case any Person who shall have been supplied with Water by the said Marquis of *Salisbury*, or who shall be liable to Payment in respect of a Supply of Water under or by virtue of the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Fourteen Days after Demand thereof by the said Marquis of *Salisbury*, his Agent or Collector, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside to issue his Summons to such Person, requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of such Person, or in default of Appearance after Proof of the Service of the Summons, either personally or at the last known Place of Abode or of Business of such Person, no sufficient Cause shall be shown to the contrary, it shall be lawful for any Justice to issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person, for the Recovery of the Amount which may be proved before such Justice to be due from such Person, together with such Costs as to such Justice shall seem just and reasonable.

Power to sell or lease the Waterworks, or to supply Water in Bulk to any Waterworks Company, &c.

IX. And be it enacted, That it shall be lawful for the said Marquis of *Salisbury* from Time to Time to contract and agree, either permanently or for a stated Period, with any Waterworks Company, Corporation, or Person authorized to supply Water within the Limits of this Act, or requiring a Supply of Water in Bulk for public Trading, or Business, or other Purposes, for the Sale or Demise of the Waterworks and other Works to be constructed under the Powers of this Act, or for the Supply to such Waterworks Company, Corporation, or Person, of such Quantity of Water as such Waterworks Company,

Company, Corporation, or Person may agree to purchase, and to enter into and make such Terms, Stipulations, and Arrangements for effecting the Purposes aforesaid, or with reference or incidental thereto, as such Waterworks Company, Corporation, or Person and the said Marquis of *Salisbury* may mutually agree upon.

Officers to account.

X. And be it enacted, That every Officer appointed and employed by the said Marquis of *Salisbury* in the Execution of this Act shall, from Time to Time when required by him, make out and deliver to him, or to any Person appointed by him for that Purpose, true and perfect Accounts in Writing under his Hand of all Monies received by such Officer on behalf of the said Marquis of *Salisbury*, which Accounts shall state how and to whom and for what Purpose such Monies have been disposed of, and together with such Accounts such Officer shall deliver the Vouchers and Receipts for such Payments, and every such Officer shall pay to the said Marquis of *Salisbury*, or to any Person appointed by him to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

XI. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and Receipts relating thereto in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the said Marquis of *Salisbury*, or to any Person appointed by him to receive the same, all Papers and Writings, Property, Effects, Matters, or Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the said Marquis of *Salisbury*, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where the Matter has arisen or where such Officer may be found, such Justice shall summon such Officer to appear before any Two or more Justices, at a Time and Place to be set forth in such Summons, to answer such Charge; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons was served upon such Officer personally, or left at his last known Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it shall appear either upon the Confession of such Officer, or upon Evidence, or upon Inspection of the Accounts, that any Monies of the said Marquis of *Salisbury* are in the Hands of such Officer, owing by him to the said Marquis of *Salisbury*, such Justices may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding

Three Calendar Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Justices at the Time appointed; or

If such Officer appear, but fail to make out such Accounts in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Accounts in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the said Marquis of *Salisbury*, in his Possession or Power;

Such Justices may lawfully commit such Officer to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out such Accounts, and delivered up the Vouchers and Receipts (if any) relating thereto in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things (if any) in his Possession or Power.

Reserving Remedy against Surety for Officer.

XII. And be it enacted, That no such Proceeding against or dealing with any such Officer as aforesaid shall deprive the said Marquis of *Salisbury* of any Remedy which he might otherwise have against any Surety of such Officer.

Interpretation of Terms.

XIII. And be it enacted, That in addition to the Interpretation to be given to Words and Expressions according to "The Waterworks Clauses Act, 1847," the Expression "Marquis of *Salisbury*" in this Act shall extend to and include the Heirs, Successors, and Assigns of the said Marquis of *Salisbury*, and the Trustees, Executors, or Administrators of any of such Heirs, Successors, or Assigns, in Minority or under legal Incapacity or Disability, Proprietors of the said Lands in the Parish of *Childwall* for the Time being.

Public Act.

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

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