ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cvii.

An Act to empower the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to construct additional Reservoirs and other Works; to alter the Charges for the Supply of Water within the Limits of their District, and to make other Rates and Charges in respect of such Supply; and for other Purposes.

[30th *June* 1862.]

WHEREAS by an Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, called "The Act Ninth and Tenth of *Victoria*, Chapter One hundred and Twenty-seven, *Liverpool* Sanitary Act, 1846," (in this Act called "the Act of 1846,") the Council of the Borough of *Liverpool* were empowered to levy a Water Rate, but such Rate was limited to defraying the Costs, Charges, and Expenses of the Water Department, as defined in the said Act: And whereas the following Acts relate to the *Liverpool* Corporation Waterworks: "The *Liverpool* Corporation Waterworks Act, 1847," "The *Liverpool* Corporation Waterworks (Amendment) Act, 1850," "The *Liverpool* Corporation Waterworks (Deviations) Act, 1852," "The *Liverpool* Corporation Waterworks Act, 1855," and "The 9 & 10 Vict. c. cxxvii.

Liverpool Corporation Waterworks Act, 1860," in this Act called "the Waterworks Acts;" and under the Provisions of those Acts or some of them the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* (in this Act called "the Corporation") were authorized to supply Water within the Limits prescribed by those Acts or some of them: And whereas large Sums of Money have, under the Authority of the Waterworks Acts, been expended by the Corporation for the Purpose of affording a Supply of Water within the said Borough, whereby the Value of all Property within the Borough has been materially increased and such Property improved and benefited, and it is expedient that the Corporation should be empowered to levy a Rate within the said Borough in respect of such Expenditure: And whereas the Corporation are authorized to make Charges for the Supply of Water for domestic and other Purposes within the District and Places which, under the Waterworks Acts or some of them, they are authorized to supply with Water, but such Charges are found to be in some Cases unequal and unjust, and it is therefore expedient that such Charges should be revised: And whereas it is expedient that the Corporation should be empowered to lay additional Conduits or Main Pipes, and to construct the additional Reservoirs and Works in this Act mentioned, and to raise a further Sum of Money: And whereas it is also expedient that some of the Powers and Provisions of the Waterworks Acts should be altered, amended, and enlarged; but the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Liverpool* Corporation Waterworks Act, 1862."

Interpretation of Terms.

2. In this Act the following Expressions shall have the following Meanings; (that is to say,)

The Expression "net annual Value" shall mean the net annual Value of the Property as ascertained and acted upon in the last Rate or Assessment for the Relief of the Poor in the Year preceding:

The Expression "lock-up Premises" shall mean any Premises used as a Bank, Office, or Counting House, Shop, or Warehouse, but no Part of which is occupied as a Residence, and where Persons in the Employ of the Occupier thereof do not habitually take their Meals, the same being cooked or prepared on such Premises:

The Expression "compound Premises" shall mean any Premises used partly as a Bank, Office, or Counting House, Shop, or Warehouse, and partly as a Residence by the Occupier of such Premises or any Member of his Family, or by any Persons in the Employ of such Occupier, or upon which Premises the Occupier or any Persons whomsoever

whomsoever habitually take their Meals, the same being cooked or prepared on such Premises, and also any Public House or Eating House in which Beds are not let for Hire:

The Expression "Dwelling House" shall mean any Premises used as a Residence, and not being compound Premises, and shall include any Club House, and any Hotel, Inn, Public House, or Eating House, except as aforesaid:

Provided that no Premises shall, for the Purposes of this Act, be considered a Dwelling House or compound Premises if the same be occupied as a Residence by some Person only for the proper Care and Charge of such Premises:

The Word "Owner" shall mean the Person for the Time being receiving the Rackrent of any Lands and Premises, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rackrent.

Commencement of Act.

3. This Act shall commence and have effect on and from the First Day of *January* One thousand eight hundred and sixty-three.

8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., and 10 & 11 Vict. c. 17. incorporated.

4. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Act, 1847," (save so far as any of the Sections and Provisions of those Acts respectively are expressly varied or excepted by or are inconsistent with the Provisions of this Act), are incorporated with this Act.

Power to make Waterworks according to deposited Plans.

5. And whereas Plans and Sections describing the Line, Levels, and Situation of the Works proposed to be executed under the Authority of this Act, and the Lands through or upon which the same are to be made, with a Book of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Lancaster*: Therefore, subject to the Provisions of this Act, and with and subject to such of the Powers and Provisions of the Waterworks Acts and of the Acts incorporated therewith and herewith as are not by this Act altered or repealed, the Corporation may make and maintain the said Works in the Line or Situation, according to the Levels, and upon the Lands delineated on the said Plans and Sections and described in the said Book of Reference, and for that Purpose may purchase and may enter upon, take, and use such of the said Lands as shall be necessary for that Purpose, or any Easement, Privilege, Power, or Authority in or over the same, and the said new Works shall for all Intents and Purposes become and be Part of the Undertaking of the *Liverpool* Corporation Waterworks.

Limits of Deviation from Line and Levels.

6. Subject to the Provisions of this Act, the Corporation in the Execution of the Works may deviate laterally from the Lines thereof delineated

delineated on the deposited Plans to any Extent within the Limits of Deviation delineated on those Plans, and may also deviate from the Levels shown on the deposited Sections to any Extent as respects the Reservoirs not exceeding Three Feet, and as respects any other Works not exceeding Five Feet.

Powers for compulsory Purchases limited.

7. The Powers of the Corporation for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for the Completion of the Works.

8. The Powers of the Corporation for the Construction of the Works by this Act authorized shall not be exercised after the Expiration of Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Corporation for executing those Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed: Provided always, that as regards the Works shown on the deposited Plans as intended to be constructed at *Dudlow Lane* and on *Woolton Hill*, the Corporation shall and they are hereby required to complete the same within Two Years after the passing of this Act.

For compensating the Trustees of the Liverpool, Prescot, and Ashton in Mackerfield Turnpike Road.

9. And whereas the Works by this Act authorized comprise a Main Pipe or Aqueduct for the Conveyance of Water for the Purposes of the Waterworks Acts and this Act, under the Turnpike Road leading from *Liverpool* to *Prescot* and *Ashton in Mackerfield*, for a Distance of Four and a Half Miles or thereabouts: And whereas during the Construction of such Works more than ordinary Damages may be occasioned to those Parts of that Road which are not actually broken up for the Purpose of laying down such Pipe or Aqueduct: Therefore the Corporation shall pay to the Trustees of the said Road, for and in respect of the Damage which may be caused during the Progress of such Works to such Parts of the Road as may not actually be broken up, such an Amount of Compensation as may be agreed on between the Corporation and the said Trustees, or as shall, in case of Difference, be settled by Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845."

In constructing Works upon the Roads Corporation to abide by the Restrictions herein named.

10. In the Construction of the Works upon and under the said Road, the Corporation shall be subject to and shall abide by the following Restrictions:

It shall not be lawful for them to alter the Level of such Turnpike Road or any Part thereof without the Consent of the Trustees:

A clear Carriageway of Five Yards at the least shall, if required by the said Trustees, be kept for the Passage of Carriages along such Road during any Interference therewith by the Corporation:

No greater Length than One hundred Yards shall, without the Consent of the said Trustees, be broken up at any One Place at the same Time;

Time; and the Works shall not, without such Consent, be carried on at the same Time at any other Place at a less Distance than Two hundred Yards; and in case the Trench for the Pipes or any Cutting made by the Corporation shall be flooded, they shall provide a Pump and Pipes to convey such Water away, and shall not cast the same upon any Part of the said Road.

Provision for Reinstatement of Road.

11. When the Corporation break up or open the said Road they shall, with all convenient Speed, complete the Work for which the same shall be broken up or opened, and fill in, reinstate, and make good the said Road so broken up or opened with the same Quality and Depth of Surface Material as shall be found in it at the Time of its being so broken up or opened, and to the Satisfaction of the Surveyor for the Time being of the said Trustees, and shall carry away all the Rubbish occasioned by such breaking up or opening as aforesaid, and shall at all Times whilst the said Road shall be so broken up or opened cause the same to be fenced and guarded, and shall cause Lights sufficient for the warning of Passengers to be set up and kept against the Part of the Road so broken up or opened as aforesaid, every Night during which such Road shall be continued broken up or opened, and shall, after replacing and making good in manner aforesaid the said Road which shall have been so broken up or opened, pay to the said Trustees the Expense incurred by them in keeping the Portion thereof so broken up or opened in good Repair for the Space of Two Years thereafter.

Corporation liable to Penalty on not complying with before-mentioned Restrictions.

12. If the Corporation or any of their Contractors or Servants shall act in any Manner contrary to any of the Restrictions herein-before contained relative to the said Turnpike Road, unless with the Consent of the Trustees of such Road or their Surveyor, the Corporation shall forfeit and pay to the Trustees, as and by way of ascertained Damages, the Sum of Forty Shillings, and the further Sum of Five Pounds for every Day during which the Act or Thing done or omitted to be done contrary to the Provisions aforesaid shall continue or shall remain unperformed after Notice from the said Trustees or their Surveyor.

Provisions in 10 & 11 Vict. c. 17. as to breaking up Streets to extend to Turnpike Roads herein named.

13. All the Provisions, Matters, and Things contained in "The Waterworks Clauses Act, 1847," relating to the opening or breaking up of Streets and laying down and placing Pipes, Conduits, and other Works in and under such Streets, shall extend to and apply to the opening or breaking up of the said Turnpike Road from *Liverpool* to *Prescot* and *Ashton in Mackerfield*, except so far as such Provisions, Matters, and Things are inconsistent with the Enactments herein-before contained with respect to such Road.

Power for Justices to order In-

14. In order to provide against Accidents to Life or Property by the bursting of the Reservoirs authorized to be made under the Provisions of this

quiry into State of Reservoir.

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 Inquiry 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.

Order of Justices for immediate Repair.

15. If on any such Inquiry or View the Justices be satisfied that the Complaint is well founded, and that such Reservoir is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint or Danger, they shall order such Persons as they think fit to enter on the Property of the Corporation, and to lower the Water in such Reservoir, 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 Summons on Corporation to repair Reservoir.

16. 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 an imminently dangerous Condition as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Corporation to answer the Complaint, and upon hearing the Parties the Justices may, or upon default of Appearance by the Corporation then in their Absence the Justices shall, by Order in Writing under their Hands, order the Corporation, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the said Reservoir, and to do such Works and Things as they think requisite and proper for removing the Cause of Complaint or Danger.

Order of Justices on Failure of Corporation to obey Orders.

17. If in any such Case the Corporation 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 or Danger, the Justices who made the Order or any other Two Justices, on being satisfied as to such Failure by the Corporation, shall order such Persons as such Justices think fit to enter on the Property of the Corporation, and to lower the Water in such Reservoir, and to do all such Works and Things specified in the Order and not done by the Corporation, and all such other Works and Things (if any) as the Justices think requisite and proper for removing the Cause of the Complaint or Danger.

Form of Order.

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

‘ To *A. B.*,

‘ (*or A. B.* of, *&c.*)

‘ WE, the undersigned, Two of Her Majesty's Justices of the Peace ‘ acting for the County Palatine of Lancaster, do hereby order and ‘ direct

'direct you, and such Person or Persons as you may require to aid and 'assist you therein, forthwith to lower the Water, &c. [*here specify the 'Work to which the Order applies*], and to do all such Acts and Things 'as are requisite to make good the same (and you shall do as little 'Injury as possible to the Property of the Corporation or other the 'Owners of the said Works), and in acting in obedience to the said 'Premises this shall be your sufficient Warrant.

'Given under our Hands, this Day of in 'the Year of our Lord .'

Persons acting under Order of Justices not deemed Trespassers.

19. 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.

Justices may impose Penalty on Corporation for disobeying Order.

20. If the Justices so think fit, they may by any such Order under this Act impose on the Corporation 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 Persons to remove the Cause of Complaint.

Order of Justices on Corporation for Payment of Costs.

21. 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, and also all or 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 Corporation, to be paid by the Corporation; and every Amount so to be paid shall be paid by the Corporation to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Power to Corporation to appeal against Order.

22. Provided always, That if the Corporation feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices on any such Complaint, the Corporation shall have like Power 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 enforced.

Corporation not to be liable for Consequences of such Order.

23. Provided also, That the Corporation shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of, or be answerable or accountable for, any Diminution or Cessation of the Supply of Water, or any other Breach or Nonperformance of their or

or any of their Duties, Liabilities, or Obligations under this Act or the Acts incorporated herewith, which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in the Waterworks Acts, or in this Act or the Acts incorporated herewith, or either of them, to the contrary notwithstanding.

Authentication of Notices, &c.

24. Any Summons, Notice, Writ, or other Proceeding at Law or in Equity, or otherwise in relation to carrying into effect the Objects and Purposes of the Waterworks Acts and this Act respectively required to be served upon the Corporation, may be lawfully served by delivering the same to the Town Clerk of the Borough of *Liverpool*, or leaving the same at his Office with some Person employed there by him; and any Notice, Demand, or other written Document served by the Corporation for the Purposes of the said Acts respectively may be signed by the Town Clerk, and need not have the Corporate Seal of the Corporation affixed thereto.

Exceptions to constant Supply and and High Pressure.

25. The Water to be supplied by the Corporation under the Waterworks Acts and this Act respectively need not be laid on under a Pressure or supplied to an Elevation greater than can be afforded by Gravitation from their Works.

Repeal of Provisions of 9 & 10 Vict. c. cxxvii. with respect to Rates.

26. From and after the Commencement of this Act, the Sections One hundred and fifty-three and One hundred and fifty-four of the Act of 1846, relating to the making, levying, and Recovery of a Water Rate, shall be repealed; provided nevertheless, that the Corporation may recover all Rates then due and unpaid in the same Manner as they might have done if those Sections had not been repealed: Provided also, that the Rate by this Act required to be laid shall be in substitution for such Water Rate, and the Proceeds of the Rate by this Act required to be laid shall in every Year be carried to the Credit of the *Liverpool* Water Account; and provided also, that, notwithstanding such Repeal, the Corporation shall maintain a Sinking Fund in like Manner as they would have been required to do if this Act had not been passed.

Power for Corporation to levy Water Rate.

27. The Corporation shall once in every Year make a Rate, to be called "the Water Rate," to be made and levied on every Person who shall hold, use, or occupy any House, Shop, Warehouse, Counting-house, Coach-house, Stable, Cellar, Vault, Building, Workshop, Manufactory, Garden, Land, or Tenement whatsoever, or any Yard or other Place where Goods or other Property are deposited or Business carried on within the Borough of *Liverpool*, which for the Time being shall be actually and lawfully included in any Rate or Assessment made for the Relief of the Poor in the said Borough, or any Part thereof, the said Water Rate to be made at the Rate of Sixpence in the Pound, according to the net annual Value of such Properties respectively, and the said Rate

Rate shall from Time to Time be collected and paid by yearly Payments, or at shorter Periods, as the Corporation shall think proper, and shall commence from such Time as shall be fixed by the Corporation; and every such Rate shall, as between the Owner and the Occupier respectively of such Premises, be borne by them in equal Moieties.

Certain Property not to be rated to more than One Fourth of net annual Value.

28. Provided always, That no Person occupying Lands used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, or any Land covered with Water, and used only as a Dock or a Canal, or the Towing-path thereof, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be rated in respect of the same in any greater Proportion than One Fourth Part of the net annual Value thereof; and no Person shall be rated in respect of any Church, Chapel, or other Building exclusively used for Public Worship, or in respect of any Rentcharge in lieu of Rectorial or Vicarial Tithes, or any Composition in lieu of any such Rentcharge, or in respect of any Building used for the Education of the Poor exclusively.

Poor Rate may be inspected and copied.

29. The Corporation may, by Writing signed by the Town Clerk, grant Authority to any Person at all reasonable Times to inspect and take Copies of any of the Rates made for the Relief of the Poor within the said Borough, or the Books wherein the Assessment thereto shall be entered; and if any Person in whose Custody or Power any of the said Rates or Books shall be shall refuse or neglect to produce the same in manner hereby required, or to permit such Copies or Extracts to be made as aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to levy Rates in respect of Property not included in the Poor's Rate.

30. If any Property actually and lawfully liable to be included in any Rate or Assessment made for the Relief of the Poor shall be omitted from any such Rate, or shall be erected, completed, or occupied after the Rate shall have been made for the Relief of the Poor, it shall be lawful for the Corporation to cause a Valuation to be made of the net annual Value thereof according to the Principle upon which such net annual Value would be ascertainable for the Purposes of a Poor Rate, and to cause the same Rates or Assessments under this Act to be made upon the Owners or Occupiers thereof, as the Case may be, as they could have done if such Property had been rated or assessed to the Rate for the Relief of the Poor: Provided always, that such Owners and Occupiers shall have the same Right of Appeal against any such Rate or Assessment as is granted by the Acts relating to Poor Rates against the Rates to be made by virtue thereof.

Rates may be prospective or retrospective.

31. It shall be lawful for the Corporation to make any such Rate for the Purposes aforesaid prospectively to raise Money to pay Charges and Expenses

Expenses to be incurred thereafter, or retrospectively to raise Money to pay Charges and Expenses already incurred.

Owner of unoccupied Premises to be rated to the Water Rate.

32. When any Property whatsoever, in respect of which any Occupier would be liable to be rated and assessed to the Water Rate under the Provisions of this Act, shall at the Time of making such Rate be unoccupied, then and in every such Case it shall be lawful for the Corporation, and they are hereby required, to rate and assess the Owner of such unoccupied Premises to One Moiety of such Rate, and every such Owner shall pay the Amount of such Rate due from such Owner, and when any such Property shall at the Time of making such Rate be unoccupied, the Corporation may include such Property in the said Rate, describing the same in the Column in the said Rate appropriated to the Name of the Occupier as being void; and if any Person shall afterwards occupy such Property during any Part of the Period for which such Rate shall have been made, the Corporation may insert in such Rate the Name of such Occupier, and collect from him such Portion of the Occupier's Moiety of the Rate as shall be proportioned to the Time during which he shall occupy such Property, and he shall thereupon be deemed to be properly rated; and such Rate, and also any Arrear unpaid by the Owner, may be recovered from such Occupier under the Provisions of this Act, as if his Name had been inserted in the Rate in the first instance.

Owner or Occupier may be rated without stating his Name.

33. Whenever the Name of any Owner or Occupier liable to be rated under the Provisions of this Act shall not be known to the Corporation, it shall be sufficient to rate such Owner or Occupier in the Rate Book of the Corporation as the Owner or Occupier of the Property to be rated, by the Designation of "the Owner" or "the Occupier," without stating his Name.

Notice of Rate to be given.

34. Notice of the Intention of making every Rate authorized to be made under the Provisions of this Act, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection, shall be given by the Corporation, by Advertisement twice in some Newspaper published and circulated within the Borough immediately previous to such Rate being made, or as nearly so as may be.

Rate may be inspected by Ratepayers.

35. Immediately after any Rate shall be made under the Provisions of this Act, the same shall be open to the Inspection of any Person rated or otherwise interested in such Rate at all seasonable Times, and any such Person may take Copies or Extracts from such Rate without paying anything for the same; and if the Person having the Custody of such Rate shall refuse or shall not permit any such Person as aforesaid to take Copies or Extracts from such Rate, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

36. In

Rates to be amended.

36. In case the Assessment of any Person to the Poor Rate shall be altered on Appeal against such Poor Rate the Corporation shall forthwith amend the Water Rate so as to make the same as to the Assessment of such Person therein conformable to the amended Poor Rate, and the Corporation may from Time to Time amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by making such other Amendments therein as will make such Rate conformable to this Act, as nearly as may be, and no such Amendments shall be held to avoid the Rate.

Rates to be recovered by Action or Distress.

37. If any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Corporation or their Collector, it shall be lawful for the Corporation to recover the same in any Court of competent Jurisdiction, including any County Court or other Court having Cognizance of any Cause of Action of like Amount, or any Justice shall, on the Application of the Corporation or of their Collector, summon any such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rate due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

38. The Warrant of Distress for the Recovery of any Rate made payable by this Act may include One Person or several Persons, and may be in the Form or to the Effect mentioned in the Schedule to this Act annexed; and in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of Rates, aid in making a Distress or Sale pursuant to such Warrant; and every Constable who shall refuse so to do shall be liable to a Penalty not exceeding Five Pounds.

Recovery of Rates.

39. If any Person who shall be liable to the Payment of any Rates made or levied by virtue of the Provisions of this Act, or of any Composition made or entered into by virtue of this Act, shall refuse or neglect to pay the Amount of such Rates or Composition for the Space of Fourteen Days after Demand, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside, or where the Property in respect of which the said Rates or Composition shall be due and payable is situate, to issue his Summons, which Summons may include all the Sums due from any such Person in respect of all or any of the said Rates or Compositions respectively to such Person, requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum or Sums so demanded should not be paid; and

and if on the Appearance of such Person, or in default of Appearance after Proof of the Service of such Summons, either personally or by leaving the same at the Place of Abode or of Business of such Person within the Borough of *Liverpool*, or if the Place of Abode or of Business of such Person be not known, by leaving the same upon the Premises in respect of which the said Rates or Composition are due and payable, no sufficient Cause shall be shown to the contrary, it shall be lawful for any Justice having Jurisdiction as aforesaid 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 in respect of all or any of the said Rates or Compositions, together with such Costs as to such Justice shall seem just and reasonable.

Persons about to quit liable to pay Rates on Demand.

40. If any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Corporation or their Collector on Demand, it shall be lawful for any Justice of the Peace having Jurisdiction where such Person may reside or his Goods be found to summon such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid, and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be apportioned.

41. When any Rate shall be made for a particular Period, and the Owner or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated before the End of such Period, such Owner or Occupier shall be liable to pay a Portion only of such Rate payable for the whole of such Period proportionate to the Time during which he continued to be Owner or Occupier, and in every such Case, if any Person shall become the Owner or Occupier of any Property so rated as aforesaid during any Part of any Period for which any such Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated, and the same shall be recovered from him in the same Manner as if he had been originally rated for such Property.

Rates due from Owner may be recovered from Occupier.

42. When the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall remain unpaid for the Space of Three Months, it shall be lawful for the Corporation or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by Distress and Sale of his Goods and Chattels, in like Manner as Rates may be recovered from the Occupiers of any Property liable to be rated: Provided always, that no Occupier shall be required to pay

nor

nor shall his Goods and Chattels be distrained for any further Sum than the Amount of Rent due from him at the Time of the Demand made upon him for such Amount of Rate, or which shall after such Demand and Notice not to pay the same to his Landlord at any Time accrue and become payable by him, unless he shall refuse, on Application being made to him for that Purpose by or on behalf of the Corporation, truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent which was due by him at the Time of such Notice or which shall have since accrued shall lie upon such Occupier.

Occupier refusing to give Name of Owner liable to a Penalty.

43. If on the Request of the Corporation or of any Collector of the said Rates the Occupier of any Property shall refuse or wilfully omit to disclose or shall wilfully mis-state to the Corporation or Collector making such Request the Name of the Owner of such Property or of the Person receiving or authorized to receive the Rents of the same, it shall be lawful for any Justice of the Peace, on Oath made before him of such Request and of such Refusal or wilful Omission or Mis-statement, to summon the Person who shall have so refused or wilfully omitted or mis-stated as aforesaid to appear at the Time and Place to be mentioned in such Summons, before such Justice or before some other Justice, and if the Person so summoned shall neglect or refuse to attend at the Time and Place mentioned in the Summons, or if he shall attend and not show good Cause to the Justice then present for such his Refusal or wilful Omission or Mis-statement, it shall be lawful for such Justice, upon Proof, in case of the Neglect or Refusal to attend as aforesaid, of the due Service of the said Summons, to impose a Penalty upon such Person who shall have so refused or wilfully omitted or have made such wilful Mis-statement not exceeding the Sum of Five Pounds.

Occupier may recover Money paid for Rates due from Owner, or deduct the Amount from the Rent.

44. If the Amount of any Rate which under the Provisions of this Act ought to be borne and paid by the Owner of any rateable Property shall be paid by the Occupier of such Property or levied on his Goods and Chattels, then the Person who shall be the Owner of such Property at the Time of such Payment or Levy shall reimburse the Occupier, and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress (if any) paid by him, from any Rent due or to become due from him in respect of such Property, and the Payment shall be a good and sufficient Discharge to such Occupier against such Owner for so much Money as he shall have paid in the Manner directed by this Act or shall have sustained the Loss of by reason of any Distress made under this Act; or such Occupier may recover the same from such Owner as aforesaid by Action in any Court of competent Jurisdiction, including any County Court or other Court having Cognizance of any Cause of Action of like Amount.

One Half of Water Rates may be deducted by Occupier from his Rent.

45. In every Case in which any Occupier of any rateable Property shall have paid any Sum for Water Rates which should be borne by the Owner, he shall be entitled to deduct from the Rent which shall at the Time of such Payment be due in respect of such rateable Property, or which may thereafter accrue due and become payable by him, the Amount of Water Rates so to be borne by such Owner as aforesaid: Provided always, that nothing herein contained shall be taken to affect any special Contracts between any Lessor and Occupier of such rateable Property whereby it is agreed that the Occupier shall pay and discharge the Water Rates due or to become due in respect of such Property.

Rates on Premises under 10*l.* to be compounded.

46. When the net annual Value of any Premises liable to Assessment to the Water Rate under this Act does not exceed the Sum of Ten Pounds, the Corporation shall from Time to Time compound with the Owner of such Premises for the Payment of such Rate upon a reduced Estimate of Three Fourths of the net annual Value at which the Premises are then assessed; and any Owner who shall omit, neglect, or refuse to enter into such Composition shall be rated to and pay the Rates assessed upon such Premises in respect of which the Composition is offered, and if at any Time the Amount of Composition or any Rate to which an Owner is assessed as last aforesaid be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rate as aforesaid; provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rate as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due or from Time to Time becoming due from him or them, unless there be an Agreement to the contrary, and the Receipt for the Amount paid by him or them shall to that Extent be as against the Owner in default a sufficient Discharge for Rent; provided also, that when the net annual Value of any Premises liable to Assessment as aforesaid exceeds the Sum of Ten Pounds but does not exceed the Sum of Thirteen Pounds the Owner of such Premises may from Time to Time, if he thinks fit, compound with the Corporation for the Payment of such Rates upon a reduced Estimate of Three Fourths of the net annual Value at which the Premises are then assessed, the Amount of such Composition, in case of the Nonpayment thereof at the Time agreed upon between the Corporation and any such Owner, to be recovered as Rates are by this Act directed to be recovered; and every Composition under this Proviso shall be entered into and completed

Owners of Premises exceeding 10*l.* and not exceeding 13*l.* annual Value may compound if they think fit.

Compositions to be

pleted within One Month next after the Time at which the Rate in respect of which the same is made shall have been laid by the Corporation; and from the making thereof all Proceedings in respect of such Composition may be taken against such Owner, as if he had been originally rated in the Amount of the Composition.

entered into within One Month after making the Rate.

47. No Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be disabled to act as a Justice of the Peace or otherwise in any Matter relating to the carrying of this Act into execution.

Liability to Rates not to disqualify certain Officers to act.

48. In lieu of the Rents, Rates, or Charges which the Corporation are by the Waterworks Acts authorized to make and fix in respect of a Supply of Water for domestic Purposes within the District supplied by them with Water under such Acts, the Corporation may, subject to the Provisions of this Act, demand for a Supply of Water for domestic Purposes within the said District the following Charges, to be fixed by the Corporation as herein-after mentioned, and to be called "the Domestic Water Rent:"

Rents for Water.

In respect of any Dwelling House, at a Rate not exceeding Five Pounds *per Centum* on the net annual Value of such Dwelling House:

In respect of any lock-up Premises, at a Rate on the net annual Value thereof of One Third of the Domestic Water Rent for the Time being for a Dwelling House:

In respect of any compound Premises, if the net annual Value thereof does not exceed Fifty Pounds, at the Domestic Water Rent for the Time being for a Dwelling House calculated on such net annual Value: and

If the net annual exceeds Fifty Pounds, as to such Fifty Pounds at the Domestic Water Rent for a Dwelling House then in force, and as to the remaining Amount of such net annual Value as to One Third thereof at the Domestic Water Rent for a Dwelling House then in force, and as to the remaining Two Thirds of such net annual Value at the Proportion of the Domestic Water Rent hereby prescribed in respect of lock-up Premises:

Provided, that Dwelling Houses and compound and lock-up Premises respectively which are situate beyond the Limits of the Borough shall be charged, for the Purposes of the Domestic Water Rent, on the net annual Value thereof, at a Rate of One Pound and Five Shillings *per Centum* in addition to the Rate *per Centum* at which the same Premises would for the Time being have been charged for the Purposes of the Domestic Water Rent if the same were situate within the Limits of the Borough: Provided also, that the Corporation may, if they think fit, charge for a Supply of Water to Premises situate in the Township of *Much Woolton* or *Little Woolton* or either of them, and being at an Elevation

Elevation of One hundred and seventy-five Feet or upwards above the Datum Line described on the Sections deposited as in this Act mentioned, a Sum equal to Ten *per Centum* on the net annual Value of the said Premises, in lieu of the Domestic Water Rent and other Charges by this Act authorized to be charged in respect of such Premises; provided also, that such Charge of Ten *per Centum* shall not be made until a Supply of Water is afforded from the Works to be constructed under the Authority of this Act at *Dudlow Lane* and on *Woolton Hill*, and such Charge shall not be made for a longer Period than Six Years from the First Day of *January* One thousand eight hundred and sixty-five; provided also, that nothing in this Act shall prevent the Occupiers of Dwelling Houses in the Townships of *Much Woolton* and *Little Woolton* or either of them, and situated at an Elevation exceeding One hundred and seventy-five Feet above the said Datum Line, from having the same Right, if any, to a Supply of Water as they at present have, until the said Works at *Dudlow Lane* and on *Woolton Hill* shall have been completed.

Appeal in case of compound Premises.

49. If the Corporation or the Occupier of any compound Premises whereof the net annual Value exceeds Fifty Pounds shall deem that the Scale of Charge herein prescribed in respect of such Premises is inequitable so far as regards the Proportion of the Value of the Premises charged at the Domestic Water Rent, such Occupier, after having deposited with the Treasurer of the Water Account Thirty Shillings, or the Corporation, may require the Valuer appointed as by this Act provided, to estimate upon how much of the net annual Value over and above Fifty Pounds it may be equitable that the Rent for the Supply of Water should be charged at the Domestic Water Rent, and the Occupier of such Premises shall be charged accordingly: Provided, that if the Valuer shall decide that the Charge herein prescribed in respect of the Premises of the Occupier requiring such Valuation to be made is equitable, such Occupier shall pay the Costs of such Valuation, the Amount of such Costs to be determined in case of Dispute by any Two Justices of the Borough, and if the said Valuer's Decision shall vary in favour of the Occupier the Charge upon the said Premises hereinbefore made, the said Sum of Thirty Shillings shall be returned to such Occupier; provided also, that if any Occupier shall think himself aggrieved by the Decision of the said Valuer, he may appeal against such Decision to any Two Justices of the Borough in Petty Sessions assembled, who shall have full Power to examine and inquire into and decide the Matter upon Oath, and the Decision of such Justices shall be final and conclusive with respect to the then current Year; and if the Decision of the said Valuer shall be confirmed the Costs both of the Appellant and Respondent of such last-mentioned Appeal shall be paid by the said Occupier, and if such Decision shall be varied by the Justices so as to reduce the Amount decided by the Valuer to be paid,

such Costs shall be paid by the Corporation, the Amount of such Costs in case of Dispute to be settled by the said Justices.

Corporation to appoint Valuers.

50. The Corporation shall, within Two Months from the Commencement of this Act, appoint some competent Persons to be Valuers for the Purposes of this Act, and the Corporation may from Time to Time remove any such Person and appoint another in his Place, and may fill up any Vacancy which may occur in the Office of Valuer by reason of Death, Resignation, or otherwise.

Domestic Supply not to include Supply for Trade.

51. A Supply of Water by the Corporation for domestic Purposes shall include a sufficient Supply of Water to any Dwelling House or compound or lock-up Premises for ordinary domestic Use, and a Supply of Water for Baths and Waterclosets for the Use of the Inmates in the Premises supplied with Water for domestic Purposes, provided that every such Bath be constructed in conformity with Section Seven of "The *Liverpool* Corporation Waterworks Deviations Act, 1852," but shall not include a Supply of Water for public Purposes, or for Railway Purposes, or for public Baths or Wash-houses, or for Horses, or for washing Carriages where such Horses or Carriages are let for Hire or kept for Sale, or at Livery or in a Mews, or are the Property of a Dealer or Stage Coach Proprietor, or common Carrier, or for other Cattle, or for any ornamental Purpose, or for any Steam Engine, or for any Brewery, Warehouse, Store, Vault, Workshop, Mill, or Manufactory, or for Shipping, or for any Trade, Manufacture, or Business whatsoever, or for any Excess in Quantity of Water resulting from any Trade or Business carried on in any Premises supplied with Water for domestic Purposes.

Power to let for Hire Meters.

52. The Corporation may let for Hire to any Consumer of the Water supplied by them any Meter or Instrument for measuring the Quantity of Water consumed and supplied, and any Fittings, Pipes, and Apparatus connected therewith, for such Remuneration in Money as may be agreed upon between the Corporation and the Person to whom the same is so let for Hire, and such Remuneration shall be recoverable in the same Manner as the Rents or Charges due to the Corporation for Water; and such Meters, Fittings, Pipes, and Apparatus shall not be subject to Distress for Rent of the Premises where the same are used, or be attached or taken in execution under any Process of any Court of Law or Equity, or under or in pursuance of any Adjudication or Order in Bankruptcy, or under or in pursuance of any other legal Proceeding against the Person or Goods of the Person in whose Possession the same shall be.

Powers to Corporation for ascertaining Quantity

53. The Officers, Workmen, and Servants of the Corporation may enter into any House, Building, or Lands to, through, or into which Water is supplied by the Corporation by Measure in order to inspect the Meters,

consumed by Meter, and for removing Meters, &c.

Meters, Fittings, Pipes, and Apparatus for conveying, measuring, and regulating the Supply of Water, and for the Purpose of ascertaining the Quantity of Water consumed or supplied, and may from Time to Time enter any House, Building, or Lands for the Purpose of removing or carrying away any Meter, Fittings, Pipes, and Apparatus, or other Works, the Property of the Corporation; and if any Person hinder any such Officer, Workman, or Servant from entering and making such Inspection, or effecting such Removal, every Person so offending shall for every such Offence forfeit to the Corporation a Sum not exceeding Five Pounds: Provided always, that otherwise than with the Consent of a Justice such Power of Entry shall not be exercised except between the Hours of Ten in the Forenoon and Four in the Afternoon.

Power to supply Ships with Water.

54. In lieu of the Rates and Charges which the Corporation are by "The *Liverpool* Corporation Waterworks Act, 1847," authorized to charge for a Supply for Water to Ships and Vessels, the Corporation may make the following Charges; (that is to say,)

For each and every One hundred Gallons of Water so supplied, or for any less Quantity, the Sum of Ninepence; and the Corporation may also charge in addition thereto the Sum of One Shilling for each Attendance of the Officers or Servants of the Corporation engaged in affording such Supply.

Water for other Purposes to be supplied by Agreement.

55. The Corporation may, if they think fit, supply any Person with Water for Purposes other than those herein specified, at such Rents or Charges and upon such Terms and Conditions as shall be agreed upon by and between them and the Person desirous of having such Supply.

Payment in respect of Water for public Baths.

56. The Corporation shall, in consideration of a Supply of Water to Baths established by them and to public Fountains and otherwise for Purposes beneficial to the Inhabitants of the Borough, contribute to the Water Account out of the Borough Fund the annual Sum of Two thousand Pounds, and such Sum shall be a legal Charge upon such Borough Fund, and be payable thereout in equal Moieties on the First Day of *January* and the First Day of *July* in every Year, and the Treasurer of the Borough is hereby required to make such Payments accordingly, and such Payments shall be taken and received as full Payment in respect of the Supply of Water for those Purposes.

Recovery and Application of Rents and Charges.

57. The Rents and Charges by this Act authorized may be recovered and shall be applied in the same Manner as the Rents and Charges authorized by the Waterworks Acts are thereby authorized and directed to be recovered and applied, and the Corporation and all Owners of Property shall have the same Powers as to compounding for such Rents and Charges as they would have had if such Rents and Charges had been those specified in the Waterworks Acts.

58. Whereas

The Liverpool Corporation Waterworks Act, 1862.

Agreements with Landowners as to Drainage.

58. Whereas by "The *Liverpool* Corporation Waterworks Act, 1847," the Owners and Occupiers of any Land forming the Watershed for the Supply of the Reservoirs authorized by such Act to be constructed are authorized to make Drains and Soughs for the Improvement of the same: And whereas the Construction of such Drains and Soughs would not only be of Advantage to such Owners and Occupiers, but the Quality of the Water flowing into such Reservoirs would be thereby improved: Therefore it shall be lawful for the Corporation, if they think fit, to enter into Agreements with any such Owner or Occupier, for the Purpose of effecting such Drainage, and any Amounts raised and applied by the Corporation for such Purpose shall be charged upon the Water Account.

Council to estimate probable Expenses.

59. And whereas the *Liverpool* Water Account is made up and balanced to the Thirty-first Day of *December* in each Year: Therefore the Corporation, at a Meeting of the Council to be held as soon as conveniently may be after the Thirty-first Day of *December* in each Year, shall estimate and fix the Amount of Money necessary for defraying the Costs, Charges, and Expenses payable out of the *Liverpool* Water Account for the Year then current, including therein the Interest on Money borrowed, and every other Expense in any way incident to or legally chargeable upon and payable out of the said Water Account; and the Corporation shall fix the Rate in the Pound at which the Domestic Water Rent is to be charged at such an Amount as, regard being had to the several Sources of Revenue, will be sufficient in the aggregate to meet the estimated Expenses payable out of the said Water Account for the Year to commence on the First Day of *January* then preceding, and end on the Thirty-first Day of *December* then following, and the Decision of the Corporation thereon shall be final and binding and conclusive on all Persons whomsoever; and in estimating the Amounts payable out of the said Water Account for the then current Year, the Corporation shall take into account any Deficiency, or as the Case may be, any Excess which shall have arisen in respect of the Receipts and Expenditure of the last preceding Year.

Provision as to Rate of domestic Charge when Money owing to Corporate Estate.

60. Whereas by "The *Liverpool* Corporation Waterworks Amendment Act, 1850," it is enacted, that the Lands, Tenements, Hereditaments, and Estate of the Corporation shall be a collateral Security for any Principal Sum borrowed or to be borrowed on the Credit of the said Water Account as aforesaid, and the Borough Fund of the said Borough shall be a collateral Security for any Interest accruing due in respect of such Principal Sum; and it is therein provided, that no Reduction in the Maximum of the Rates and Rents or Charges for Water prescribed by "The *Liverpool* Corporation Waterworks Act, 1847," shall be made as therein directed until all Principal Monies and Interest advanced or raised by or out of or on the Credit of the Borough Fund, or by or out of

of or on the Credit of the Lands, Tenements, Hereditaments, or Estate of the Corporation, shall have been fully repaid and reimbursed to the said Borough Fund or Estate, with Interest, by and out of the said Water Account; and by "The *Liverpool* Corporation Waterworks Act, 1860," it is enacted, that the Rates, Rents, and Charges therein prescribed shall, for the Purposes of any of the Acts relating to the *Liverpool* Corporation Waterworks, be in lieu and instead of the Rates for domestic Purposes by such Acts authorized to be levied and received by the Corporation: And whereas the Corporate Estate and the Borough Fund may be sufficiently protected without rendering it compulsory upon the Corporation to fix the maximum Charge for Domestic Water Rent, by reason only that any Amount is then due under the Provisions of the said Act to such Corporate Estate or Borough Fund: Therefore, notwithstanding anything in such Act contained, the Corporation may, in estimating and fixing the Domestic Water Rent in any Year, fix the same at such an Amount as shall in their Judgment be sufficient to produce a Sum equal to any Amount then due to the Corporate Estate and the Borough Fund, together with any other Amounts payable out of or chargeable upon the Water Account.

Power to borrow on Credit of "Water Account."

61. The Corporation may from Time to Time borrow and take up at Interest on the Credit of "the *Liverpool* Water Account," such Sum or Sums of Money in addition to any Sums already borrowed or authorized to be raised by the said Waterworks Acts as the Corporation think fit, not exceeding in the whole the Sum of Forty-nine thousand Pounds.

Power to reborrow.

62. In the event of any Part of the Money which the Corporation are by this Act authorized to borrow being repaid, it shall be lawful for the Corporation to reborrow the same.

Mortgages may be granted.

63. For securing the Repayment of any Sum of Money borrowed under the Powers of this Act, with Interest, the Corporation may mortgage and assign over "the *Liverpool* Water Account" or any Part thereof, or any Monies accruing and by the Waterworks Acts or this Act authorized or directed to be paid thereto or any Part thereof, to the Person who shall advance such Money or his Trustee.

Mortgages Clause.

64. All the Provisions of the Act of 1846 with regard to any Money to be raised and borrowed, and charged upon and secured by Mortgage of the Rates by that Act authorized, and which are respectively contained in and comprised between the One hundred and eighty-fifth and the One hundred and ninety-sixth Sections of the same Act, both inclusive, and the Thirty-fifth Section of "The *Liverpool* Sanitary Amendment Act, 1854," and (subject to the Provisions of this Act) the Fifteenth and Sixteenth Sections of "The *Liverpool* Corporation Waterworks (Amendment) Act, 1850," shall be held and taken to apply to all Mortgages,

Mortgages, Bonds, and Assignments under the Powers and Provisions of this Act as fully as if the same were herein repeated and re-enacted.

Water may be cut off in certain Cases.

65. If any Person supplied with Water by the Corporation wrongfully do or cause or permit to be done anything in contravention of any of the Provisions of the Waterworks Acts or of the incorporated Acts or of this Act respectively, or wrongfully fail to do anything which under any of those Provisions ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Corporation Water, the Corporation may cut off any of the Pipes by or through which Water is supplied by them to him or for his Use, and may cease to supply him with Water so long as the Cause of Injury remains or is not remedied, and may also recover from him the Amount of any Loss, Damage, or Injury sustained by them by or in consequence of any such Act or Failure, by Action at Law in any Court of competent Jurisdiction, including any County Court or other Court having Cognizance of any Cause of Action of like Amount.

Penalty for Waste of Water by Nonrepair of Pipes, &c.

66. If any Person supplied with Water by the Corporation shall wrongfully cause or suffer any Pipe, Valve, Cock, Cistern, Bath, Soilpan, Watercloset, or other Apparatus or Receptacle to be out of Repair, or to be so used or contrived as that the Water supplied to him by the Corporation is or is likely to be wasted, misused, unduly consumed, or contaminated, or as to occasion or allow the Return of foul Air or other noisome or impure Matter into any Pipe belonging to or connected with the Pipes of the Corporation, such Person shall for every such Offence forfeit to the Corporation a Sum not exceeding Five Pounds, and shall forthwith remove, replace, or alter, or permit to be removed, replaced, or altered, any such Pipe, Valve, Cock, Cistern, Bath, Soilpan, Watercloset, or other Apparatus or Receptacle, to the Satisfaction of the Corporation or its duly authorized Officer.

Penalty on wrongful Use of Water.

67. Every Person who, not having agreed to be supplied with Water by the Corporation, shall wrongfully take or use any Water from any Reservoir, Watercourse, Conduit, or Pipe belonging to the Corporation, or from any Pipe leading to or from any such Reservoir, Watercourse, Conduit, or Pipe, or from any Cistern, Fountain, or other like Place containing Water belonging to or supplied by the Corporation, shall for every such Offence forfeit to the Corporation a Sum not exceeding Five Pounds, and every Person who being rightfully entitled to make use of the Water of the Corporation for any Purpose shall take or use any Water from any such Reservoir, Watercourse, Conduit, or Pipe, or from any such Pipe, Cistern, Fountain, or other like Place for any Purpose other than the Purpose for which he is so entitled to be supplied, shall for every such Offence forfeit to the Corporation a Sum not exceeding Five Pounds, and in any of the Cases aforesaid the Corporation shall be

entitled in addition to recover from any such Person the Amount of any Loss, Damage, or Injury sustained by them by or in consequence of any such wrongful Acts by Action at Law in any Court of competent Jurisdiction, including any County Court or other Court having Cognizance of any Cause of Action of like Amount.

Penalty for extending or enlarging Pipes, &c.

68. Any Person who shall without the Knowledge or Consent of the Corporation affix, extend, or enlarge any Pipe, or use any other Means or Device for the Purpose of supplying any other Person or Tenement with Water from the Works of the Corporation Waterworks, shall forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Offence shall be continued.

Recovery and Application of Penalties.

69. All Penalties by this Act imposed shall be recoverable and be applied in like Manner as Penalties incurred under the Provisions of the Waterworks Acts; provided that where any such Penalty shall be imposed upon the Corporation the same shall be payable to the Overseers of the Poor of the Parish or other Place maintaining its own Poor wherein the Offence in respect to which such Penalty shall have been incurred shall have been committed, and shall by such Overseers be applied in aid of the Poor Rate of such Parish or Place.

As to Appointment of Treasurer.

70. Notwithstanding anything in the recited Acts contained, it shall not be incumbent on the Corporation to employ as the Treasurer of the *Liverpool* Water Account the Person appointed or for the Time being acting as Treasurer under the Act of 1846.

Expenses.

71. All Costs, Charges, and Expenses of and attending the obtaining and passing of this Act, or incidental thereto, shall be paid by the Corporation out of any Monies that may be in their Hands or that they may hereafter receive on the Water Account.

The SCHEDULE referred to in this Act.

Form of Warrant of Distress.

Borough of Liverpool (to wit). To

One of the Collectors of the Rates under an Act passed, *&c.*, intituled, *&c.*, and to all Constables.

Whereas the under-mentioned Persons now or late Owners or Occupiers of Premises within the Borough of Liverpool have been duly rated in or are liable to the Payment of a Rate [*or* Rates, *as the Case may be*] made on the Day of , and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down which they have not paid, as appeareth upon Oath to me, One [*or* us, Two] of Her Majesty's Justices of the Peace in and for the said Borough, and the said several Persons having been duly summoned to appear before me [*or* us] to answer the Premises, and not having shown sufficient Cause why such several Sums of Money should not be paid: These are therefore in Her Majesty's Name to require you or any of you forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me [*or* us], to the End that such further Proceedings may be had as the Law doth authorize and direct. And I [*or* we] do hereby strictly charge and command all and singular the Constables of the said Borough to be aiding and assisting in all Things relating to the Premises.

Given under my Hand and Seal [*or* our Hands and Seals] this Day of in the Year of our Lord One thousand eight hundred and .

	Sums due. £ *s.* *d.*
A.B. - - - -	
C.D. - - - -	

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.