ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. lxxx.

An Act to extend the Time limited by the *Liverpool* Corporation Waterworks Act, 1847, for purchasing Lands and constructing the Works authorized by such Act, and for other Purposes.

[29th *July* 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for the Improvement* 9 & 10 Vict. *of the Sewerage and Drainage of the Borough of* Liverpool, *and for* c. 127. *making further Provisions for the sanatory Regulation of the said Borough*, under and by virtue of which Act certain Waterworks, Land, and Machinery, commonly called "The *Green Lane* Waterworks," were vested in the Mayor, Aldermen, and Burgesses of the said Borough: And whereas an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, called "The *Liverpool* Corporation Waterworks 10 & 11 Vict. Act, 1847," whereby the said Mayor, Aldermen, and Burgesses were c. 261. authorized and required to purchase the Waterworks, Land, Machinery, and other Property, Rights and Privileges, of the Company of Proprietors of the *Liverpool and Harrington* Waterworks, and of the Company of Proprietors of the *Liverpool* Waterworks, and were authorized to construct the Waterworks described on the Plans

referred to in the said Act, and for that Purpose to purchase either absolutely for a Sum in gross, or to take on Lease at an annual or other Rent, and to enter upon, take, and use, such of the Lands, Streams, and Waters delineated on the said Plan and referred to in the Book of Reference thereto as should be necessary for that Purpose, or any Easement, Privilege, Power, or Authority in or over the same; and it was by the said Act enacted, that such Waterworks should be completed within Five Years from the passing thereof, and that on the Expiration of such Period the Powers by such Act or the Acts incorporated therewith granted to the Mayor, Aldermen, and Burgesses for executing such Works, or otherwise in relation thereto, should cease to be exercised, except as to so much of the said Waterworks as should then be completed; and by "The Lands Clauses Consolidation Act, 1845," incorporated with such Act, the said Mayor, Aldermen, and Burgesses were restricted from exercising the Powers for the compulsory Purchase or taking of Lands for the Purposes aforesaid after the Expiration of Three Years from the passing of the said *Liverpool* Corporation Waterworks Act, 1847: And whereas, pursuant to the Provisions of the last-recited Act, the said Mayor, Aldermen, and Burgesses have purchased the Waterworks, Land, Machinery, and other Property, Rights and Privileges, of the said Companies, for Sums amounting in the whole to Five hundred and eighty-one thousand three hundred Pounds or thereabouts, including the Costs incident to such Purchase and winding up the Affairs of the said Companies: And whereas it is expedient that the Time limited by the secondly-recited Act and the Acts incorporated therewith for the Completion of the Works thereby authorized to be made, and for the compulsory Purchase or taking of Lands, should be extended, and that Provision should be made for extending and rendering more efficient the present Means of raising and distributing Water within the District to which the said secondly-recited Act applies: And whereas 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

Interpretation.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Expression "Two Justices" shall mean Two Justices assembled and acting together in Petty Sessions, or One Stipendiary or Police Magistrate:

The Expression "the Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, and the Word "Council" shall mean the Council of the said Borough:

The Word "Borough" shall mean the Borough of *Liverpool* as enlarged and extended by the Act for the Regulation of Municipal Corporations in *England* and *Wales*.

Provisions of Liverpool Corporation Waterworks Act, &c. limiting Time for purchasing Lands and completing Works, repealed.

II. And be it enacted, That so much of the said *Liverpool* Corporation Waterworks Act, 1847, or of the Acts incorporated therewith, as restricts the Mayor, Aldermen, and Burgesses, or the Council, from exercising the compulsory Powers thereby granted for purchasing or taking Lands for the Purposes of such Act after the Expiration of Three Years from the passing of such Act, and as enacts that the Waterworks by such Act authorized to be constructed should be completed within Five Years after the passing of such Act, and that on the Expiration of such Period the Powers by such Act or the Acts incorporated therewith granted to the Mayor, Aldermen, and Burgesses, or to the Council, for executing such Works, or otherwise in relation thereto, should cease to be exercised, except as to so much of the said Waterworks as should then be completed, shall be and the same is hereby repealed.

Limiting Time for compulsory Purchase of Lands.

III. Provided always, and be it enacted, That the Mayor, Aldermen, and Burgesses shall and they are hereby required to purchase all the Lands which they are authorized to purchase under the *Liverpool* Corporation Waterworks Act, 1847, and which are required for the carrying out of the said Works, within the Space of Two Years from the passing of this Act; and it shall not be lawful for the Mayor, Aldermen, and Burgesses, or the Council, to exercise the Powers for the compulsory Purchase or taking of such Lands after the Expiration of such Two Years from the passing of this Act.

Limiting Time for Completion of Works.

IV. Provided also, and be it enacted, That the Waterworks authorized to be constructed by the said *Liverpool* Corporation Waterworks Act, 1847, shall be completed, and the Mayor, Aldermen, and Burgesses are hereby authorized and required to complete the same, within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by the said Act and the Acts incorporated therewith granted to the Mayor, Aldermen, and Burgesses for making such Works shall cease to be exercised.

Providing for Compensation.

V. And be it enacted, That all Justices of the Peace, Arbitrators, Umpires, or Juries, as the Case may be, who, under the Provisions of the said *Liverpool* Corporation Waterworks Act, 1847, shall award or assess the Compensation to be made by the Mayor, Aldermen, and

and Burgesses, or the Council, to the Owners, Lessees, or Occupiers of, or other Persons interested in, any Lands or Streams taken or used or which shall be taken or used for the Purposes of the Waterworks thereby authorized to be constructed, or injuriously affected by the Construction thereof, shall, in every Case in estimating the Amount of such Compensation, have regard to the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Time for purchasing the said Lands or Streams or completing the said Works having been extended under the Provisions of this Act, and shall also award or assess Compensation for any Damage sustained, and for all Costs, Charges, and Expenses properly incurred subsequently to the passing of the said recited Act by reason of Notices served by the said Mayor, Aldermen, and Burgesses for the Purchase or taking of Lands under the said recited Acts.

For supplying Water to Withnell Mill and Abbey Mill.

VI. And whereas by the said secondly-recited Act Provision was made for conveying certain Water flowing down the *Whave Brook* and the *Horr Spring* to a certain Mill called *Withnell Mill*, and the Water from a Reservoir on *Brooke's Farm* to a certain Mill called *Abbey Mill*, provided that within Three Months from the passing of such Act the Owners or Occupiers of the said Mills respectively should obtain the Consent of the Owners and Occupiers of the Lands through which it might be necessary to lay down any Pipes or construct any Works for such Purposes to the laying down of such Pipes or the Construction of such Works on the Lands belonging to and occupied by them respectively: Be it enacted, That such Provision shall continue in full force and effect, notwithstanding such Consent may not have been obtained within the Time limited by the said Act, provided that such Consent as aforesaid shall be obtained by the Owners and Occupiers of the said Mills respectively within Three Months after the passing of this Act.

Not to affect Provisions in 10 & 11 Vict. c. 261. for Protection of Chorley Waterworks Company.

VII. And be it enacted, That nothing in this Act contained shall be held or taken to abridge, alter, or in anywise affect any of the Provisions contained in the said *Liverpool* Corporation Waterworks Act, 1847, for the Protection of the *Chorley* Waterworks Company.

Chorley Waterworks Company to be repaid Expenses, and have Compensation for Injury caused by Delay in executing Works.

VIII. And be it enacted, That if the said *Chorley* Waterworks Company shall have incurred any Expense or sustained any Injury by reason of the Delay on the Part of the said Mayor, Aldermen, and Burgesses in putting in execution the Powers of the said *Liverpool* Corporation Waterworks Act, 1847, it shall be lawful for the said Company to recover such Expenses as well as Compensation for such Injury from the said Mayor, Aldermen, and Burgesses, the Amount thereof respectively in case of Difference to be settled by Arbitration in the Manner provided by the Lands Clauses Consolidation Act, 1845,

1845, for settling Questions of disputed Compensation: Provided always, that it shall be in the Discretion of the Arbitrator to award to the said Company Compensation for any Expenses which may appear to him to have been necessarily incurred by them prior to the First Day of *May* One thousand eight hundred and fifty in the Construction of Works, and for such Loss (if any) as the said Company may be proved to have sustained by reason of any Contract for Works necessarily and properly entered into by them prior to the aforesaid Period in consequence of Negociations with the said Mayor, Aldermen, and Burgesses, with a view to obtain a Supply of Water from the *Anglezark* Reservoir, and which Works would not have been required for the Purposes of the *Chorley* Waterworks Act, 1846.

Streams and Reservoirs belonging to the Chorley Waterworks Company not to be interfered with.

IX. Provided always, and be it enacted, That nothing in this Act, or in the *Liverpool* Corporation Waterworks Act, 1847, contained, shall be held to authorize the Mayor, Aldermen, and Burgesses to intercept or divert any Streams or Springs of Water which the *Chorley* Waterworks Company are authorized to take or appropriate under the Provisions of the *Chorley* Waterworks Act, 1846, from flowing into the Reservoirs on the Watercourse marked from F to G and from G to H on the Plans referred to in the last-mentioned Act, which the said Company are empowered to construct, and which they shall construct, under the Powers of the said Act and according to the said Plans.

Regulating the Construction of an Embankment and proposed Diversion of Roads across the proposed Rivington Reservoir; and protecting the Waters against the Corporation of Liverpool.

X. And whereas in the Plan and Section showing the Line and Levels of the Waterworks authorized to be constructed by the *Liverpool* Corporation Waterworks Act, 1847, deposited as therein mentioned, an Embankment and proposed Diversion of Roads is delineated or described across the Reservoir called "Proposed *Rivington* Reservoir" from R to Q in the said Plan: And whereas Sections of the said Embankment and proposed Diversions of Road, and certain Arches and Arching in or connected with the said Embankment, are delineated and described on Sheets, respectively marked Sheet Number 13, and Sheet Number 23, of the said Plan and Section: Be it enacted, That the said Arches and Arching in or connected with the said Embankment shall be constructed and made of not less Dimensions than those mentioned in the said Plan and Section, without Prejudice to the Powers of Deviation under the said *Liverpool* Corporation Waterworks Act, 1847; and it shall not be lawful for the Mayor, Aldermen, and Burgesses, or the Council, or any Person, to hinder or obstruct the Flow of Water under such Arches from One Side of the said Embankment to the other, or cause to be impounded any Water in the said Reservoir at any higher Level on one Side of the said Embankment than on the other Side thereof, save during

the Construction of the Works or during the Period of any necessary Repair.

Power to borrow Money.

XI. And be it enacted, That it shall be lawful for the Council and they are hereby authorized from Time to Time to borrow and take up at Interest on the Credit of "The *Liverpool* Water Account," of and from any Person who shall be willing to advance the same, in addition to the several Sums which the said Council are authorized by the said secondly-recited Act to borrow and take up at Interest on the Credit of the said Account, such Sum or Sums of Money as may from Time to Time be necessary for the Purposes of this Act, and for repairing and improving the Waterworks purchased by and vested in the Mayor, Aldermen, and Burgesses, and extending and improving the Means of distributing Water therefrom and from the Works by the said secondly-recited Act authorized to be constructed.

Power to reborrow.

XII. And be it enacted, That in the event of any Part of the Money which the Council are by the said secondly-recited Act or this Act authorized to borrow being repaid, it shall be lawful for the Council to reborrow the same.

Mortgages may be granted.

XIII. And be it enacted, That for securing the Repayment of any Sum or Sums of Money borrowed under the Powers of this Act, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the Council may mortgage and assign over the "*Liverpool* Water Account," or any Part thereof, or any Monies accruing and by the said recited 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.

Provision of first-recited Act as to Money borrowed upon Mortgage to apply to Mortgages under this Act.

XIV. And be it enacted, That all the Provisions of the said first-recited Act with regard to any Money to be raised and borrowed and charged upon and secured by Mortgage of the Water Rate by that Act authorized, and which are respectively contained in and comprised between the One hundred and eighty-fifth and One hundred and ninety-sixth Sections of the same Act, both inclusive, shall be held and taken to apply to all Mortgages, Bonds, and Assignments under the Powers and Provisions of this Act as fully as if the same were herein repeated and re-enacted.

Power to charge Corporate Estate and Borough Fund as a collateral Security.

XV. And be it enacted, That the Lands, Tenements, Hereditaments, and Estate of the said Mayor, Aldermen, and Burgesses 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: Provided always,

always, that it shall not be lawful to pay or discharge any such Principal Sum from or out of the said Lands, Tenements, Hereditaments, and Estate of the said Mayor, Aldermen, and Burgesses, unless the Council shall be unable to borrow the Sum necessary for such Payment on the Credit of the said *Liverpool* Water Account under the Provisions of the said secondly-recited Act and this Act, nor shall it be lawful to pay any such Interest from or out of the Borough Fund of the said Borough unless a Water Rate, under the Provisions of the said first-recited Act, shall be first duly made and levied to an Amount sufficient to pay and discharge the Interest accruing due and payable in respect of a Sum of Sixty-four thousand Pounds or thereabouts expended in the Construction and Completion of the said *Green Lane* Waterworks, and the Pipes and Machinery connected therewith, and One Thirtieth Part of the said Sum, and the Cost of raising or supplying and distributing Water for the public Purposes stated in such Act, nor unless the several Rates, Rents, and Prices for Water by the said *Liverpool* Corporation Waterworks Act, 1847, authorized to be made, levied, and received are made, charged, and levied at the highest Rate specified in the said Act as altered by this Act, and, together with the Amount levied and received under and by virtue of such Water Rate as herein-before mentioned, are insufficient for the Discharge of the Interest upon all Monies borrowed on the Credit of the said *Liverpool* Water Account: Provided also, that no Reduction in the Rates and Rents or Charges for Water shall be made as directed in and by the said secondly-recited Act until all Principal Monies and Interest advanced or raised under the Provisions of this Act by or out of or on the Credit of the Borough Fund of the said Borough, or by or out of or on the Credit of the Lands, Tenements, Hereditaments, or Estate of the said Mayor, Aldermen, and Burgesses, shall have been fully repaid and reimbursed to the said Borough Fund or Estate, with Interest, by and out of the said Water Account.

Corporation not to sell, &c. without the Approbation of the Treasury.

XVI. And be it enacted, That nothing in this Act contained shall enable the said Mayor, Aldermen, and Burgesses to sell, alienate, incumber, or demise for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, any Lands, Tenements, or Hereditaments which they could not have sold, alienated, incumbered, or demised without such Approbation before the passing of this Act, anything in this Act to the contrary notwithstanding:

One Month's Notice to be given of intended Application to Treasury, and Copy of

Provided always, that Notice of the Intention of the Council to make Application to the Lords Commissioners of Her Majesty's Treasury for their Approbation as aforesaid shall be fixed on the outer Door of the Town Hall One Calendar Month at least before such intended Application; and a Copy of the Memorial intended to be

Memorial to be open to Inspection.

be sent to the said Lords Commissioners shall be kept in the Town Clerk's Office during such Calendar Month, and shall be freely open to the Inspection of every Burgess at all reasonable Hours during the same.

Lands, Machinery, &c. not wanted, to be sold.

XVII. And whereas in consequence of the Works authorized to be made by the said *Liverpool* Corporation Waterworks Act, 1847, certain of the Lands now vested in the Mayor, Aldermen, and Burgesses, Buildings, Engines, Machinery, Pipes, and Materials purchased or acquired by the Mayor, Aldermen, and Burgesses under the Provisions of the same Act, may become unnecessary or useless for the Purposes of such Act or of this Act: Be it enacted, That the Mayor, Aldermen, and Burgesses shall, if they think fit, after any such Lands, Buildings, Engines, Machinery, Pipes, or Materials shall so become unnecessary or useless, proceed to sell the same, and the Monies raised by the Sale thereof shall be applied to the Purposes of this Act or of the said *Liverpool* Corporation Waterworks Act, 1847, in or towards paying off the Mortgage or other Debts of the Mayor, Aldermen, and Burgesses, or of the Council, incurred under or by virtue of the said *Liverpool* Corporation Waterworks Act, 1847, or this Act; provided that with respect to such Lands or Buildings it shall be lawful for the said Mayor, Aldermen, and Burgesses to demise or lease the same in like Manner as they are by Law entitled to demise or lease Lands and Tenements.

Owners of small Tenements empowered to compound for Rates.

XVIII. And be it enacted, That if the Owner of any Dwelling House within the Limits of the said *Liverpool* Corporation Waterworks Act, 1847, the yearly Rent or Value whereof shall not amount to Thirteen Pounds, or which, whatever may be the annual Value thereof, shall be let to weekly or monthly Tenants or in separate Apartments, shall be desirous of paying a reduced Water Rent by the Year for the same, whether occupied or not, the said Council may compound with such Owner for the Payment of the Water Rents and Charges payable by virtue of the said Act and this Act in respect of such Dwelling House at any Sum not less than Three Fourths of the annual Water Rent or Charge for the same; and all such Compositions shall be entered in the Books of the Council, and shall be recoverable in like Manner as the Rents and Charges authorized by the said Act are by Law recoverable.

Defining Supply of Water for domestic Purposes.

XIX. And be it enacted, That from and after the Twenty-fifth Day of *December* next after the passing of this Act a Supply of Water for domestic Purposes shall include a Supply of Water for private Baths and Waterclosets, anything in the said secondly-recited Act contained to the contrary notwithstanding.

XX. Pro-

Penalty for Waste or improper Application of Water.

XX. Provided always, and be it enacted, That any Person supplied with Water under this Act or the said *Liverpool* Corporation Waterworks Act, 1847, who shall wilfully waste such Water, or who shall use or apply such Water for any other Purpose than the Purpose agreed upon, or who shall permit or suffer any other Person to use, take, or waste any such Water, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for extending or enlarging Pipes of Corporation.

XXI. Provided always, and be it enacted, That any Person who shall, without the Knowledge and Consent of the Mayor, Aldermen, and Burgesses, extend or enlarge any Pipe, or use any other Means or Device for the Purpose of supplying any other Person or any Tenement with Water from the Works of the Mayor, Aldermen, and Burgesses, 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.

XXII. Provided always, and be it enacted, That all Penalties which may be incurred under the Provisions of this Act shall be recoverable and applied in like manner as Penalties incurred under the Provisions of the said secondly-recited Act.

Recovery of Charges for Water.

XXIII. And be it enacted, That in case any Person who shall have been supplied with Water by the Mayor, Aldermen, and Burgesses, or who shall be liable to Payment in respect of a Supply of Water, under or by virtue of the Provisions of the said secondly-recited Act or 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 Mayor, Aldermen, and Burgesses, their Agent or Collector, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside, or where such Water shall have been supplied, 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 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.

Saving Rights of Dock Trustees.

XXIV. Provided always, and be it enacted, That nothing in this Act contained shall be construed in anywise to injure, prejudice, or affect any

any Rights, Powers, or Privileges now vested in the Trustees of the *Liverpool* Docks.

Expenses of Act.

XXV. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act, or otherwise in relation thereto, or to any Bill promoted by the said Mayor, Aldermen, and Burgesses during the present Session of Parliament in relation to the Waterworks of the said Mayor, Aldermen, and Burgesses, or to the said Act called the *Liverpool* Corporation Waterworks Act, 1847, shall be borne and paid by the Mayor, Aldermen, and Burgesses, or the Council, out of the first Monies which shall come to their Hands under the Provisions of this Act, or of the said *Liverpool* Corporation Waterworks Act, 1847, and in preference to every other Payment whatsoever.

Short Title.

XXVI. And be it enacted, That in citing or referring to this Act in other Acts of Parliament, or legal Instruments or Documents, it shall be sufficient to describe it as "The *Liverpool* Corporation Waterworks (Amendment) Act, 1850."

Public Act.

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

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