ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xlvii.

An Act for further amending the Local and Personal Acts, Ninth and Tenth of *Victoria*, Chapter One hundred and twenty-seven, and Tenth and Eleventh of *Victoria*, Chapter Two hundred and sixty-one, relating to the *Liverpool* Corporation Waterworks; and for authorizing Deviations, and the Construction of Reservoirs; and for other Purposes. [28th *May* 1852.]

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 of* 9 & 10 Vict.
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 Works for the Supply of Water became vested in the Mayor, Aldermen, and Burgesses of the said Borough: And whereas an Act was passed in the 10 & 11 Vict.
Session of Parliament held in the Tenth and Eleventh Years of c. 261.

the Reign of Her present Majesty, called "The *Liverpool* Corporation Waterworks Act, 1847," whereby, amongst other things, the said Mayor, Aldermen, and Burgesses were required to purchase certain Waterworks, and were authorized to construct other Waterworks according to certain Plans and Sections deposited with the Clerk of the Peace for the County of *Lancaster:* And whereas an Act was passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, called "The *Liverpool* Corporation Waterworks (Amendment) Act, 1850," whereby the Time limited by the secondly-recited Act for the compulsory Purchase of Land and for the Completion of the Waterworks was extended, and the said Act was further amended: And whereas it is expedient that the Line of the Main Pipe authorized to be laid down by the secondly-recited Act should be diverted and altered, and that certain Reservoirs and other Conveniences (except as herein-after mentioned) should be made in connexion with the Works by the said Act authorized, and that such Portions of the Works as may thereby become unnecessary should be relinquished, and that the said Mayor, Aldermen, and Burgesses should be empowered, under certain Circumstances, to supply with Water the Inhabitants of *Hindley*, *Ashton-in-Makerfield*, and *Prescot*, or any or either of them, and of the Neighbourhood thereof respectively, and that the said recited Acts should be amended and enlarged, and adapted to the Purposes and Objects of this Act: 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, as follows:

13 & 14 Vict. c. 80.

Provisions of recited Acts extended to this Act.

I. That "The *Liverpool* Corporation Waterworks Act, 1847," and "The *Liverpool* Corporation Waterworks (Amendment) Act, 1850," and the Acts incorporated therewith, (except so much and such Provisions thereof respectively as are hereby repealed, altered, or otherwise provided for,) shall be incorporated with and form Part of this Act.

Power to make Works according to deposited Plans.

II. And whereas Plans and Sections describing the Line, Levels, and Situation of certain intended Deviations and Alterations in the Works by the secondly-recited Act authorized to be made, and of the Reservoirs, Main Pipe, and Works to be constructed in lieu of and in addition to some Portions of the authorized Works, and the Lands through which the same are to pass, with a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands respectively, have been deposited at the Office of the Clerk of the Peace for the County of *Lancaster:* Be it enacted, That, subject to the Provisions of this

this Act, and to such of the Provisions of the recited Acts, and of the Acts incorporated therewith, as are not hereby altered or repealed, it shall be lawful for the Mayor, Aldermen, and Burgesses to make and maintain the said Works in the Line, on the Levels, and upon the Lands delineated on the said Plans and described in the said Book of Reference, 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 delineated on the said Plans and referred to in the said Book of Reference as shall be necessary for that Purpose, or any Easement, Privilege, Power, or Authority in or over the same: Provided always, that it shall not be lawful for the Mayor, Aldermen, and Burgesses to purchase or take any Land for or to make any Part of such intended Deviations, Alterations, Reservoirs, and other Works as are described on the said Plans, and would be situate between *Dock Lane New House* in the Parish of *Ashton-in-Makerfield* (*Trinity* Church) and *Jack's Lane* in the Township of *Eccleston*.

Limits of Deviation.

III. Provided always, That in constructing the Waterworks by this and the recited Acts authorized to be made it shall be lawful for the Mayor, Aldermen, and Burgesses to make lateral Deviations from the Line of such Works, not exceeding the Limits of lateral Deviation described on the Plans of such Works respectively deposited with the Clerk of the Peace for the County of *Lancaster*, and to make Deviations not exceeding Five Feet from the Level of such Works delineated in the Sections thereof deposited with the said Clerk of the Peace; provided, that nothing herein contained shall authorize or empower the Mayor, Aldermen, and Burgesses to construct the Works mentioned in the Section of the *Liverpool* Corporation Waterworks (Amendment) Act, 1850, numbered X. in the Queen's Printers Copies of the said Act, in any other Manner than is by that Act directed and required, without the Consent in Writing of *Robert Andrews* Esquire, his Heirs or Assigns, first had and obtained.

Limiting Time for compulsory Purchase of Lands.

IV. That the Powers of the Mayor, Aldermen, and Burgesses for the compulsory Purchase or taking of Lands for the Purposes of the Works by this Act authorized shall not be exercised after the Expiration of One Year from the passing of this Act, and the Provisions of the thirdly-recited Act limiting the Time for the Completion of the Works referred to in such Act shall be applicable to the Works by this Act authorized.

Relinquishment of certain Works.

V. That on the passing of this Act the Powers of the Mayor, Aldermen, and Burgesses to construct the Portions of the Waterworks authorized by the secondly-recited Act, which the Deviations and Alterations

Alterations hereby authorized will render unnecessary, shall cease and determine.

Accommodation Works.

VI. That the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, shall be incorporated with this Act, and shall be applicable, as well to the Works by the secondly-recited Act authorized to be constructed, as to the Works by this Act authorized to be constructed; and in construing the Provisions so incorporated the following Expressions shall have the Meanings hereby assigned them respectively; (that is to say,) the Expression "the Railway" shall mean "the Waterworks;" the Expression "the Centre of the Railway" shall mean the Side or Boundary of the Waterworks; the Expression "the Special Act" shall mean the secondly-recited Act with reference to the Works thereby authorized to be made, and this Act with reference to the Works hereby authorized to be made; the Expression "the Company" shall mean the Mayor, Aldermen, and Burgesses, or the Council, as the Case may be; the Word "Justice" shall mean Justice of the Peace acting in and for the County of *Lancaster*; and the Words "Two Justices" shall be understood to mean Two Justices assembled and acting together: Provided always, that the prescribed Limits for entering upon and occupying Lands for any of the Purposes mentioned in the Thirty-second Section of the said Act shall be One hundred Yards from the Limits of Deviation defined on the Plan of the Waterworks deposited with the Clerk of the Peace of the County of *Lancaster*; and it shall not be lawful for the Mayor, Aldermen, and Burgesses, under or by virtue of any of the Provisions aforesaid, to enter upon or occupy any Land for any of the Purposes aforesaid that shall be situate beyond such prescribed Limits, anything in such Provisions contained to the contrary notwithstanding: Provided always, that the Mayor, Aldermen, and Burgesses shall not, under this Provision, enter upon, take, use, or affect any of the Lands of *Robert Andrews* Esquire without his previous Consent in Writing, or any of the Lands of *Rivington* School without the previous Consent in Writing of the Trustees of the School or the Majority of them.

Supply of Water to Baths.

VII. That the Mayor, Aldermen, and Burgesses shall not be compelled to supply Water to any Bath, or to the Apparatus or Pipes connected therewith, other than Baths established or to be established within the Borough, under the Provisions of the Statutes Ninth and Tenth of *Victoria*, Chapter Seventy-four, and Tenth and Eleventh of *Victoria*, Chapter Sixty-one, or either of them, unless the same shall be constructed in a Manner approved of by the Council, nor to any private Bath capable of containing more than Sixty Gallons when in use.

VIII. That

Recovery of Damages occasioned by the Waste or Misuse of Water.

VIII. That if any Person shall be convicted, under the Provisions of any Act relating to the Waterworks, of any Offence for wrongfully using, taking, wasting, or misapplying any Water of the Mayor, Aldermen, and Burgesses, such Person shall, in addition to any Penalty, make full Compensation to the Mayor, Aldermen, and Burgesses for and in respect of the Water so used, taken, wasted, or misapplied; and any Justice authorized to impose such Penalty is hereby empowered and required to determine and certify the Amount of such Compensation, which Amount the Mayor, Aldermen, and Burgesses may recover in like Manner as Charges for Water supplied by them may be recovered.

Power to supply Water to Prescot, Hindley, and Ashton-in-Makerfield, by Agreement.

IX. That, subject to the Provisions of the several Acts relating to the Waterworks, it shall be lawful for the Mayor, Aldermen, and Burgesses to supply Water within the Town of *Prescot* in the County of *Lancaster*, and the Neighbourhood thereof, and also, upon such Terms and Conditions as shall be mutually agreed upon, to afford a Supply of Water to any Inhabitant of the Towns of *Hindley* or *Ashton-in-Makerfield*, or the Neighbourhood thereof respectively, or to any public Authority therein respectively constituted and duly authorized in that Behalf.

Application of Waterworks.

X. And whereas by virtue of the Provisions contained in the said first-recited Act certain Waterworks known as the *Green Lane* Waterworks are now vested in the Mayor, Aldermen, and Burgesses, who have also, under the Powers of the said secondly-recited Act, purchased certain other Waterworks from Companies, in such last-mentioned Act described as the Company of Proprietors of the *Liverpool* Waterworks and the Company of Proprietors of the *Liverpool and Harrington* Waterworks, and the same, together with the Lands, Machinery, and other Property, Rights, and Privileges of such Companies respectively, are now likewise vested in the Mayor, Aldermen, and Burgesses: And whereas Doubts have been entertained as to the Power of the said Mayor, Aldermen, and Burgesses to supply Water obtained from the aforesaid Waterworks respectively, or from the Waterworks to be constructed by them under the said secondly-recited Act, and to use the Mains, Pipes, and other Works connected therewith for all the Purposes for which they are authorized and empowered to supply Water; and it is expedient that such Doubts should be removed, and that such Power as aforesaid should be exercised by the said Mayor, Aldermen, and Burgesses: Be it therefore declared and enacted, That, notwithstanding anything in the before-mentioned Acts or any of them, or in the Acts authorizing the Construction of the said *Green Lane* Waterworks, or the said other Waterworks, or any of them, or in this Act, contained or implied to the contrary, it shall be lawful for the said Mayor, Aldermen, and Burgesses to supply any Water obtained by them

them by virtue or under the Powers of the said recited Acts, or any of them, for all or any of the Purposes for which Water can or may be supplied under the Provisions of the said Acts or any of them.

Expenses of Act.

XI. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Mayor, Aldermen, and Burgesses out of any Monies that may be in their Hands, or that they may hereafter receive on the Water Account.

Short Title.

XII. That the Short Title of this Act shall be "The *Liverpool* Corporation Waterworks (Deviations) Act, 1852," which shall be a sufficient Description thereof in all Documents and for all Purposes.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.