ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 165.

An Act to alter, amend and enlarge the Powers of an Act passed in the Thirty-ninth Year of His present Majesty, for better supplying the Town and Port of *Liverpool* with Water, from certain Springs in the Township of *Bootle*, in the County Palatine of *Lancaster*. [9th *June* 1810.]

WHEREAS by an Act passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act for better supplying the Town and Port of* Liverpool *with Water from certain Springs in the Township of* Bootle, *in the County of* Lancaster; after reciting that it being of great Consequence to the Inhabitants of the said Town of *Liverpool*, that they, and the Shipping resorting thereto, should have a constant Supply of fresh Water, the several Persons therein and hereinafter named, were willing to undertake to procure and supply the same (upon having proper Powers and Authorities granted to them for that Purpose), to be brought and conveyed from certain Springs of Water situate, arising and being within the Township of *Bootle*, in the said County of *Lancaster*, belonging to the Right Honourable *Edward* Earl of *Derby*, and *Edward* Lord *Stanley* his Son, who had entered into certain Articles of Agreement therein mentioned and referred to, whereby the said *Edward* Earl of *Derby*, and *Edward* Lord *Stanley*, had agreed to grant to *William Woodman*, *Thomas Morris*, *William Jones*, and *James Jones*, a Lease or Demise of the said Springs and Premises, for a Term of Years, to be perpetually renewable at and under certain Rents, Stipulations, and Agreements, expressed in the said Agreement, and agreed to be inserted in the said intended Lease; it 39 G. 3.

was

was (amongſt other Things) enacted, that the ſaid *William Woodman*, *Thomas Morris*, *William Jones*, and *James Jones*, together with ſuch other Perſon and Perſons as ſhould be nominated and appointed by all of them, under their Hands, and the ſeveral and reſpective Succeſſors, Executors, Adminiſtrators and Aſſigns, of the ſaid Perſons therein-before named, and of ſuch other Perſons as aforeſaid, were and ſhould be united into a Company for ſupplying the Town of *Liverpool*, and the Shipping reſorting thereto, with freſh Water, and ſhould for that Purpoſe, be one Body Politick and Corporate, by the Name and Style of "The Company of Proprietors of the *Liverpool* Water-works," and by that Name ſhould have perpetual Succeſſion, and ſhould have a Common Seal, and by that Name ſhould ſue and be ſued; and that the ſaid Company of Proprietors ſhould have Power and Authority to purchaſe Lands to them and their Succeſſors and Aſſigns, when the ſame ſhould be neceſſary for the Purpoſes of the Act, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain, and ſhould have and exerciſe divers other Powers and Authorities in the ſaid Act ſpecified, for the Purpoſe of ſupplying the Inhabitants of the ſaid Town, and the Shipping belonging or reſorting to the ſaid Town, and to the Port of *Liverpool*, or the Liberties thereof, with Water; and it was further enacted, that in caſe the ſaid Company of Proprietors ſhould not have conducted and brought the ſaid Stream of Water to the Town of *Liverpool*, within the Space of Three Years next after paſſing the ſaid Act, then the ſaid Act, and the ſeveral Powers and Authorities thereby granted, ſhould be void and of no Effect: And whereas by Articles of Agreement bearing Date the Eighteenth Day of *June* One thouſand ſeven hundred and ninety-nine, and made or expreſſed to be made between the ſaid *William Woodman*, *Thomas Morris*, *William Jones*, and *James Jones*, of the one Part, and the ſeveral other Perſons whoſe Names and Seals are thereunto ſubſcribed and ſet, of the other Part, and which ſaid Articles of Agreement are under the Hands of the ſaid *William Woodman*, *Thomas Morris*, *William Jones*, and *James Jones*, after reciting (amongſt other Things) the ſaid Act of Parliament, and that at a Meeting of the ſaid *William Woodman*, *Thomas Morris*, *William Jones*, *James Jones*, and *James Weſt*, and ſeveral other Subſcribers to the ſaid Undertaking, on or about the Twenty-third Day of *February* then laſt, the Proprietors then preſent did enter into ſeveral Reſolutions and Agreements for the Conduct, Regulation, and Management of the ſaid Concern, which, with ſeveral other Covenants, Proviſoes, Declarations, and Agreements for the like Purpoſe, are in the ſaid Articles of Agreement of the Eighteenth Day of *June* One thouſand ſeven hundred and ninety-nine, now in recital after contained; it is by the ſaid Articles witneſſed, that in order to effectuate and carry into Execution the Intention and Agreement aforeſaid, it was thereby mutually and reciprocally agreed by and between the ſaid Parties thereto (amongſt other Things), that the ſaid Plan or Undertaking, and the ſaid Springs of Water and Premiſes, and all the Eſtate and Intereſt of the ſaid ſeveral Parties therein, and all Benefit and Advantage of the ſaid in Part recited Act, ſhould be, and accordingly the ſame were, thereby declared to be divided into the Shares therein mentioned, and which Shares are therein mentioned to belong to the ſaid Parties thereto, in the ſeveral Portions or Numbers ſet oppoſite to their reſpective Names and Seals thereto ſubſcribed and ſet, as therein after more particularly deſcribed and mentioned, and that the ſaid Company of Proprietors ſhould ſtand poſſeſſed of and intereſted in the Springs of Water and Premiſes, in Truſt

18th June, 1799. The Deed appointing the Company.

for the Whole of the Proprietors to the ſaid Undertaking reſpectively, according to their reſpective Shares and Intereſts therein, and their reſpective Executors, Adminiſtrators and Aſſigns, but in which ſaid Articles ſeveral Proviſoes and Clauſes of Forfeiture are contained: And whereas the ſaid Company of Proprietors conducted and brought the ſaid Stream of Water to the Town of *Liverpool*, as authorized by the ſaid Act of Parliament, within the Space of Three Years after the paſſing of the ſame Act: And whereas it is expedient that the ſaid Company of Proprietors ſhould have Power to enter into Contracts, and to purchaſe Lands, and accept and take Leaſes for the Purpoſes herein-after mentioned, and that they ſhould have and be entitled to exerciſe ſuch other Powers and Authorities as are herein-after expreſſed and contained: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, at any Time or Times after the paſſing of this Act, to enter into any Contracts or Agreements with any Perſon or Perſons whomſoever for the Purpoſe of enabling the ſaid Company of Proprietors, their Succeſſors and Aſſigns, with the Conſent in Writing of the ſeveral Parties intereſted, to ſink and ſearch for Springs of Water within any Lands or Grounds within the Townſhip of *Bootle*, in the ſaid County Palatine of *Lancaſter*, and with ſuch Conſent as aforeſaid, to do all or any other Acts which may be requiſite and neceſſary to enable the ſaid Company of Proprietors, their Succeſſors and Aſſigns, to convey the ſame Springs and the Water iſſuing therefrom, into any Baſon or Reſervoir now belonging or which ſhall hereafter belong to the ſaid Company; and alſo, that it ſhall and may be lawful to and for the ſaid Company, their Succeſſors and Aſſigns, from Time to Time to purchaſe Land, and to accept and take any Leaſe or Leaſes of Lands, Grounds and Springs for the Purpoſes aforeſaid, upon ſuch Terms and Conditions as may be from Time to Time agreed upon between the ſaid Company of Proprietors and the ſeveral Parties intereſted therein.

The Water brought to Liverpool within the Time preſcribed.

Company empowered to purchaſe Lands, ſearch for Springs, &c.

II. And be it further enacted, That ſuch Contracts, Agreements and Leaſes ſhall be valid, and that the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall hold and enjoy the ſame and all and every the Lands, Grounds and Springs to be granted to them as aforeſaid, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Such Leaſes to be valid, &c.

III. And be it further enacted, That the ſaid Company of Proprietors ſhall be entitled to the Benefit of any Contracts or Agreements they have already entered into with any Perſon or Perſons for the Purpoſes aforeſaid, in like Manner as if the ſame had been entered into after the paſſing of this Act,

Former Agreements to be valid.

IV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, and they are hereby authorized and empowered, by and with the Conſent of the Owners and Tenants, or Inhabitants of any Houſe or Houſes, or other Buildings erected or to be hereafter erected within the ſeveral Pariſhes, Townſhips or Places of *Bootle* and *Kirkdale*, or either of them, to ſupply ſuch Owners, Tenants or Inhabitants with Water, upon the like Terms and Conditions, and under the like

The Company may ſupply the Inhabitants of Bootle and Kirkdale.

like Regulations and Reſtrictions as they are authorized by the ſaid recited Act or by this Act, to ſupply the ſaid Town and Shipping of *Liverpool* with Water; and that for the Purpoſes aforeſaid, it ſhall and may be lawful to and for the ſaid Company, with ſuch Conſent as aforeſaid, to lay any Pipe or Pipes from ſuch Houſe or Houſes, or other Buildings, to communicate with the Main Pipe or Pipes which ſhall for the Time being convey the ſaid Water to the Town of *Liverpool*, and from Time to Time to repair and remove ſuch Pipe or Pipes as the ſaid Company, their Agents or Workmen ſhall think fit; and that the ſaid Company of Proprietors ſhall be entitled to receive from the Owners, Tenants or Inhabitants of ſuch Houſe or Houſes, or other Buildings, from Time to Time ſuch Annual or other Sum or Sums of Money as ſhall be agreed upon between them; and the ſaid Company ſhall have the ſame Powers of enforcing and compelling Payment thereof, and of ſtopping the Water in caſe of Default, as are authorized by the ſaid recited Act with reſpect to the Water conveyed or to be conveyed to Houſes within the ſaid Town of *Liverpool*.

Purchaſe Monies or Compenſations due to Corporate Bodies, &c. to be laid out to the ſame Uſes, &c.

V. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees or other Truſtees, for or on Behalf of any Lunatics, Idiots, Femes Covert, or other *Ceſtuique* Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, for the Purchaſe or Exchange of or the Damage to be done in any Lands, Tenements or Hereditaments by virtue of the Powers of this or the ſaid recited Act, ſhall be paid and applied in Manner following; (that is to ſay), in caſe the ſame ſhall amount to or exceed the Sum of Two Hundred Pounds, it ſhall with all convenient Speed be paid into the Bank of *England*, in the Name of and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Company of Proprietors of the *Liverpool* Water-works, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, in the Redemption or Purchaſe of the Land Tax or towards the Diſcharge of any Debt or Debts, or ſuch other Charge or Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements or Hereditaments, which ſhall be conveyed and ſettled to, for or upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements and Hereditaments which ſhall be ſo purchaſed, taken or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his

his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe and Settlement were made.

Application where the Compenſation Money ſhall be leſs than 200l. and above 20l.

VI. Provided always, and be it further enacted, That in caſe the Money ſo payable to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds; then and in all ſuch Caſes the ſame ſhall (at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments in reſpect whereof the ſame ſhall be paid, or of his, her or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, or other Perſon or Perſons acting as ſuch as aforeſaid, to be ſignified in Writing under their reſpective Hands) be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Company, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where leſs than 20l.

VII. And be it further enacted, That in caſe the Money payable to ſuch Corporation, or to any Perſon under any Diſability or Incapacity as aforeſaid ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments in reſpect whereof the ſame ſhall be paid, in ſuch Manner as the ſaid Company ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, or other Perſon or Perſons acting as ſuch, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively, and the Receipt or Receipts of the Perſon or Perſons to whom the ſaid Company ſhall direct the ſame to be paid ſhall be ſufficient Diſcharges for the ſame.

In caſe of not making out Titles, &c.

VIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Company; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons

so entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (*describing them*), subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt and Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Uses the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Money to be paid into the Bank.

Where any Question shall arise touching the Title to the Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereunto according to such Possession, &c.

IX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to any Lands, Tenements, or Hereditaments, according to such Possession, until the contrary be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Company.

X. Provided always, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said Act or this Act, the Purchase Money of the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements or Hereditaments to be settled to the like Uses in pursuance

of the ſaid Act or this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid Act or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Company, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſe as the ſaid Court ſhall direct.

The former Act to remain in force except as hereby varied.

XI. And be it further enacted, That the ſaid recited Act, and every Clauſe, Article, Matter and Thing whatſoever therein contained, except ſo far as the ſame are hereby varied, ſhall from henceforth remain, continue and be in full Force and Virtue.

Company not to diſpoſe of their Right of ſupplying Water.

XII. And be it further enacted, That it ſhall not be lawful for the ſaid Company at any Time hereafter to ſell or diſpoſe of any of the Rights, Privileges, Powers or Authorities veſted in them by this or the ſaid recited Act, of ſupplying with Water the Pariſhes or Places in the ſaid recited Act or in this Act mentioned, to any Perſon or Perſons, Body or Bodies Politic or Corporate.

Publick Act.

XIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices and others, without being ſpecially pleaded.

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