ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

Cap. cx.

An Act to amend and enlarge the Provisions of "The *Southport* Waterworks Act, 1854," and "The *Southport* Waterworks Act, 1856;" to extend the Limits of the Company for the Supply of Water; to make further and better Provision for supplying the Town of *Southport* and the adjoining Districts with Water; and for other Purposes. [15th *July* 1867.]

WHEREAS by "The *Southport* Waterworks Act, 1854," the *Southport* Waterworks Company, in this Act called "the Company," was incorporated for better supplying with Water the Town of *Southport* in the County Palatine of *Lancaster* and the Neighbourhood thereof, with a Capital of Sixteen thousand Pounds, divided into One thousand six hundred Shares of Ten Pounds each, and with Power to borrow Four thousand Pounds, which said Sum of Four thousand Pounds was raised by creating new Shares of the Company instead of borrowing the same, making the Share Capital raised under that Act Twenty thousand Pounds: And whereas by 17 & 18 Vict. c. xvi.

19 & 20 Vict. c. viii.

by "The *Southport* Waterworks Act, 1856," the Company were authorized to raise a further Sum of Twenty thousand Pounds by the Creation of Shares, and to borrow further Monies to an Extent not exceeding in the whole One Fourth of their Share Capital: And whereas the Company proceeded to put the said Acts into execution: And whereas the Capital of the Company consists of,

1st. Two thousand Shares of Ten Pounds each, issued under "The *Southport* Waterworks Act, 1854," which have been fully paid up;

2nd. Two thousand Shares of Ten Pounds each, issued under "The *Southport* Waterworks Act, 1856," upon which Five Pounds Ten Shillings *per* Share has been called and paid, and One Pound Ten Shillings *per* Share has been called and is in course of Payment;

and the Company have exercised their Powers of borrowing to the Extent of Four thousand Pounds: And whereas the Population within the Limits of the recited Acts has much increased and is still increasing, and it is expedient that the Works of the Company should be enlarged, the additional Works herein-after mentioned constructed, and the Limits prescribed by the first-recited Act for the Supply of Water extended: And whereas it is expedient that the Company should be authorized to raise a further Sum of Money for effecting the Objects and Purposes aforesaid: And whereas the several Objects aforesaid cannot be attained 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:

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Southport* Waterworks Act, 1867."

8 & 9 Vict. cc. 16., 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 93. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1845," and Parts 1, 2, and 3 of "The Companies Clauses Act, 1863," "The Waterworks Clauses Acts, 1847 and 1863," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts incorporated herewith shall have the same respective Meanings, unless there shall be something in the Subject or Context repugnant to such Construction; and the Expression "Superior Courts, or Courts of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated therewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

4. The

Limits of Act.

4. The Limits of this Act, and of the Company for the Supply of Water, shall, in addition to the Limits of Supply prescribed by the first-recited Act, comprise and include the Township and Parish of *Aughton* and the Township of *Halsall* in the Parish of *Halsall*, all in the County of *Lancaster*.

Power to raise additional Share Capital.

5. In addition to the Capital authorized by their existing Acts, the Company may from Time to Time, by virtue of this Act, raise such further Sums as they from Time to Time think requisite, not exceeding in the whole the Sum of Forty thousand Pounds.

Mode of raising additional Share Capital.

6. The additional Capital by this Act authorized shall be raised by the Creation and Issue of new Shares or new Stock, ordinary or Preference, or partly ordinary and partly preference, at the Option of the Company, but the Dividend on such new Ordinary Shares or Stock shall not exceed Seven Pounds *per Centum per Annum*, and the Dividend on such new Preference Stock shall not exceed Six Pounds *per Centum per Annum*.

New Share Capital to be subject to same Powers, &c. as existing Share Capital.

7. Except so far as by or under the Authority of this Act, or any Act incorporated herewith, is otherwise provided, the additional Share Capital to be created by the Company under this Act, and the Shares therein, and the Holders of those Shares respectively, shall be entitled and subject to the same Powers, Rights, Privileges, and Liabilities in all respects as if that new Capital were Part of the Ordinary Share Capital of the Company subsisting at the passing of this Act, and those Shares were Shares in that Ordinary Capital.

Shares not to issue until One Fifth paid up.

8. The Company shall not issue any Share created under the Authority of this Act, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of such Share is paid up in respect thereof.

Calls.

9. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Power to borrow on Mortgage.

10. The Company may from Time to Time, in addition to any Sum which they are for the Time being independently of this Act authorized to raise by Mortgage, borrow on Mortgage any further Sums, not exceeding in the whole Ten thousand Pounds, at the Times and subject to the Restrictions herein-after mentioned; (that is to say,) when Twenty thousand Pounds, Part of the additional Capital by this present Act authorized, has been subscribed for, issued,

issued, and accepted, and One Half Part thereof has been paid up, the Company may borrow on Mortgage any Sum not exceeding Five thousand Pounds; and when the Remainder of the said additional Capital has been subscribed for, issued, and accepted, and One Half Part thereof has been paid up, the Company may borrow on Mortgage any further Sum not exceeding Five thousand Pounds; but no Money shall be borrowed under this Act until the additional Capital authorized by this Act is subscribed for to the Extent necessary to authorize such borrowing, and the respective Parts thereof are paid up, according to the Provisions of this Section, and until the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that such additional Capital has been so issued and accepted, and that such respective Parts thereof are so paid up, and not less than One Fifth of the Amount of each separate Share has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such additional Capital was issued *bonâ fide*, and is held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver.

11. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages, by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than One thousand Pounds in the whole.

Priority of Mortgages under existing Powers.

12. All Mortgages granted by the Company under the recited Acts shall, while respectively in force, have Priority over all Mortgage and Debenture Stock granted and issued under this Act.

Debenture Stock.

13. The Company may create and issue Debenture Stock.

Application of Money raised under this Act.

14. All Money raised under this Act, either by the Creation and Issue of Shares or Stock or by borrowing, shall be applied to the Purposes of the Company's Undertaking, and not otherwise.

Power to take additional Lands.

15. The Company may from Time to Time, for the Purposes of their Undertaking, purchase by Agreement, in addition to the Lands which they are authorized to take by Compulsion, any Lands not exceeding in the whole Five Acres.

16. And

Power to construct Works.

16. And whereas Plans and Sections showing the Lines and Levels of the Works proposed to be constructed for the Purposes of this Act and the recited Acts, with a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands in or through which the same are intended to be made or to pass, or which may be required for the Purposes of the Company, have been deposited with the Clerk of the Peace for the County Palatine of *Lancaster*: Be it enacted, That it shall be lawful for the Company, subject to the Provisions of this and the recited Acts, to make, construct, and maintain the said Works in the Line and 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 to purchase absolutely for a Sum in gross, or in consideration of an annual Rentcharge, and to enter upon, take, and use, such of the Lands delineated upon the said Plan and referred to in the said Book of Reference as shall be necessary for that Purpose.

Not to take Lands of W. Dewhurst, or T. Appleton, without Consent.

17. The Company shall not enter upon, take, or use for the Purposes of this Act any Lands belonging to *William Dewhurst* or *Thomas Appleton* respectively without the Consent in Writing of the said *William Dewhurst* or *Thomas Appleton*, as the Case may be, first had and obtained.

Owners may grant Easements by Agreement.

18. The Persons empowered by the "Lands Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell or convey Lands, shall, subject to the Provisions of these Acts respectively, have Power, but by Agreement only, and not by Compulsion, to grant to the Company any Easement in, over, or affecting any Lands by this Act authorized to be purchased by the Company; and all the Provisions of the said Acts with respect to the Purchase of Lands by Agreement and to Rentcharges shall extend and apply to such Easements and to Rentcharges granted for the same.

Limits of lateral Deviation.

19. Whenever and so far as the Line of any Work shown upon the said Plans passes along any Road, and no Limits of lateral Deviation are marked thereon, the Company may, in the Construction of such Work, deviate laterally from the Line thereof as laid down on such Plans to the Extent of the Boundaries of such Road, and elsewhere the Company may, in constructing the said Works, deviate laterally from the Lines thereof as laid down on the said Plans to the Extent of the Limits of lateral Deviation shown thereon.

Limits of vertical Deviation.

20. In constructing the said Works the Company may deviate vertically from the Level of the Reservoirs as shown on the deposited Sections to any Extent not exceeding Five Feet, and from the Levels

of any other Works as shown on those Sections to any Extent not exceeding Five Feet; provided that the Company may erect any Water Tower, Stand Pipe, or other like Work of any Height which for the Time being may be necessary or proper for the Purposes of this Act.

Company may Contract for the Supply of Water in Bulk.

21. The Company shall have full Power to contract with any Person for the Supply of Water in Bulk.

Limitation of Time for Construction of Works.

22. The Works by this Act authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for constructing the Works or in relation thereto shall cease to be exercised, except as to so much thereof as is then completed; but nothing herein contained shall restrict the Company from extending, enlarging, deepening, altering, or removing any of their Engines, Machinery, Wells, Shafts, Mains, or Pipes at any Time, and from Time to Time, as Occasion may require.

Supply of Water from new Works.

23. From and after the Completion of the additional Works by this Act authorized, the Company shall cease to supply the Inhabitants within the Limits of this Act for Domestic Purposes from their existing Well situated at or near the Village of *Scarisbrick*, unless and then only so long as they shall be prevented by Frost, unusual Drought, or unavoidable Cause or Accident, or during necessary Repairs, from giving a Supply of Water from such additional Works, and the Mayor, Aldermen, and Burgesses for the Borough of *Southport* (in this Act called the Corporation) may from Time to Time appoint some competent Person to examine and report to them on the Sources of Supply from which the Company are for the Time being supplying Water, and the Person so appointed may at all reasonable Times enter upon the Works and Premises of the Company for the Purposes of such Examination.

Water to be laid on in Southport at a certain Pressure.

24. From and after the Completion of the Works by this Act authorized, the Water supplied by the Company within the Town of *Southport* shall be constantly laid on at such a Pressure as will make the Water ascend to a Height of Sixty-two Feet above the Level of the Pavement of the Street wherein any Dwelling House supplied by the Company in the Town of *Southport* is situated.

Power to levy Rates.

25. The Company may levy for the Water supplied by them within the Limits of this Act the same Rates and Charges as they are authorized to take by the recited Acts.

26 In

26. In constructing and maintaining the Works by this Act authorized affecting the *Lancashire and Yorkshire* Railway Company the Company shall be subject to the following Conditions; namely, For the Protection of the Lancashire and Yorkshire Railway Company.

All Works affecting the *Lancashire and Yorkshire* Railway shall be executed, at the Expense of the Company, under the Superintendence and to the Satisfaction of the Engineer for the Time being of the *Lancashire and Yorkshire* Railway Company, and according to Plans and Specifications previously submitted to the said Engineer: If the Engineers of the Company and of the *Lancashire and Yorkshire* Railway Company differ concerning the said Plans or Specifications, or concerning the Method in which the said Works are executed, all such Differences shall be settled by an Engineer to be appointed by the Two Engineers, or if they cannot agree upon a Referee then by an Engineer to be appointed by the Board of Trade, on the Application of either Company: The said Works shall be constructed and maintained so that the Traffic upon the *Lancashire and Yorkshire* Railway shall not be in anywise impeded: The Company shall acquire only an Easement in and upon such of the Land and Property of the *Lancashire and Yorkshire* Railway Company as may be necessary for constructing and maintaining the Main Pipes hereby authorized to be laid: If by reason of the Construction and Maintenance of the Works by this Act authorized the *Lancashire and Yorkshire* Railway, or any of the Works connected therewith, shall be damaged or injured, the Company shall compensate the *Lancashire and Yorkshire* Railway Company for any Loss or Expense occasioned thereby: The Amount to be paid to the *Lancashire and Yorkshire* Railway Company for the Acquisition of an Easement upon their Land and Property, as herein-before provided, including the Compensation (if any) for Damage or Injury to the Railway Company or their Railway and Works, shall be settled, in case of Difference, in the Manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Land otherwise than by Agreement.

27. The Company shall supply the *Birkdale* Local Board with Water for flushing Sewers and watering Streets at a Rate not exceeding Fivepence *per* One thousand Gallons. Supply of Water for public Purposes to Birkdale.

28. Nothing in this Act shall take away, lessen, prejudice, or affect any of the Estates, Rights, Jurisdictions, Powers, or Privileges of the *Birkdale* Local Board. Saving Rights of Birkdale Local Board.

29. All

Expenses of Act.

29. All the Costs, Charges, and Expenses of and preparatory and incidental to the Application for and passing of this Act shall be paid by the Company.

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