CHAPTER cxlix.

An Act to empower the Mayor Aldermen and Burgesses of the town of Saint Helens in the county of Lancaster to make and maintain additional Waterworks and to borrow money and for other purposes. [24th July 1882.] A.D. 1882.

WHEREAS the borough of Saint Helens in the county of Lancaster (in this Act called the borough) is a municipal borough under the government of the Mayor Aldermen and Burgesses of the town of Saint Helens (in this Act called the Corporation) and the Corporation are also the urban sanitary authority for the borough with the powers and obligations of an urban sanitary authority:

And whereas by an Act (local) passed in the sixth year of the reign of Her present Majesty chapter 23 the Saint Helens Waterworks Company (in this Act called the water company) were incorporated with power to supply water within the limits of that Act including the borough:

And whereas in pursuance of the powers contained in the Saint Helens Improvement Act 1851 the water company granted to the Saint Helens Improvement Commissioners their undertaking for a term of five thousand years from the twenty-fifth day of December one thousand eight hundred and fifty and after the incorporation of the borough under the provisions of the Municipal Corporations Acts the rights estates property and liberties of the said commissioners were transferred to and vested in the Corporation: 14 & 15 Vict. c. cxxxii.

And whereas by the Saint Helens Improvement Act 1869 (in this Act called the Act of 1869) the Corporation were authorised and empowered to extend their waterworks and to make new waterworks: 32 & 33 Vict. c. cxx.

And whereas the limits within which the Corporation are by the Act of 1869 authorised to supply water are the townships of

A.D. 1882.

Eccleston Parr Sutton and Windle in the parish of Prescot in the county of Lancaster and such limits are in this Act referred to as the water limits:

And whereas the present supply of water is insufficient to meet the present and growing demands of the inhabitants within the water limits and it is expedient that they be empowered to make and maintain the additional works by this Act authorised:

And whereas it is expedient that the Corporation be empowered to raise further money by borrowing:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised and such estimates amount to the sum of ninety-five thousand pounds:

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the members of the council at a meeting held on the ninth day of November one thousand eight hundred and eighty-one after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Saint Helens Newspaper and Advertiser a local paper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the water rents and waterworks undertaking of the Corporation:

And whereas such resolution was published twice in the Saint Helens Newspaper and Advertiser a newspaper circulating in the borough and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the council at a further special meeting held in pursuance of a similar notice on the fourth day of January one thousand eight hundred and eighty-two being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the borough by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act:

A.D. 1882.

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Lancaster and a plan and section of an alteration of part of the works by this Act authorised together with a book of reference to such plan have also been deposited with such clerk of the peace and all the said plans sections and books of reference are in this Act referred to as the deposited plans sections and book of reference:

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 as the Saint Helens (Corporation) Water Act 1882 and the Act of 1869 and this Act may be cited together as the Saint Helens Improvement and Water Acts 1869 and 1882.

Provisions of certain general Acts incorporated.
10 & 11 Vict c. 17.
26 & 27 Vict. c. 93.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

2. So much of the following Acts namely the Waterworks Clauses Act 1847 the Waterworks Clauses Act 1863 the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 as are incorporated with the Act of 1869 and the Lands Clauses Consolidation Act 1869 are (so far as the same are applicable for the purpose and are not inconsistent with the provisions of this Act) hereby incorporated with this Act.

Interpretation of terms.

3. The several words and expressions to which by the Act of 1869 and the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction:

In this Act "the Municipal Corporations Acts" means the Municipal Corporation Act 1835 and any Acts for the time being in force amending the same or otherwise relating to municipal corporations in England:

5 & 6 Will. 4. c. 76.

And in this Act "the Public Health Acts" means the Public Health Act 1875 and all Acts for the time being in force amending or extending the same:

A.D. 1882.

And in this Act and in Acts incorporated with this Act and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression 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.

Act to be executed by council.

4. This Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Acts the Public Health Acts and the Act of 1869 and other laws for the time being affecting the Corporation as a municipal body and as a sanitary authority respectively and with all the rights powers privileges and authorities conferred by those Acts and laws on the Corporation and on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in the Municipal Corporations Acts the Public Health Acts and the Act of 1869 and as nearly as may be in all respects as if the powers duties and property vested in imposed on or enjoyed by them by or under this Act were vested in imposed on or enjoyed by them by or under the Municipal Corporations Acts the Public Health Acts and the Act of 1869 respectively.

Power to make new waterworks.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works following (that is to say):

1*a*. The Kirkby Pumping Station. A shaft or well (to be sunk to an uncertain depth) with pumps engines and appliances connected therewith wholly situate in the township of Kirkby in the parish of Walton-on-the-Hill in or near the north-west corner of a certain field forming part of the farm lands attached or belonging to Windfield House in School Lane which field is bounded on the northerly side thereof by the Liverpool and Manchester Railway of the Lancashire and Yorkshire Railway Company on the southerly side thereof in part by a potato field and in other part by a clover field both in the occupation of Thomas Walker on the easterly side thereof by a brook and on the westerly side thereof in part by a potato field and in other part by two corn fields both in the occupation of Charles Beesley which first-mentioned field belongs or is reputed to belong to the Earl of Sefton and is in the occupation of Charles Beesley.

1*b*. An aqueduct or line of pipes wholly situate in the township of Kirkby in the parish of Walton-on-the-Hill commencing at the shaft or well lastly herein-before mentioned and terminating at the northern boundary of Old Rough Lane at a point four hundred and fifty yards east of the junction of School Lane with Rough Lane.

(2.) An aqueduct or line of pipes commencing at the termination of the aqueduct or line of pipes lastly hereinbefore mentioned and terminating in Moss Lane in the township of Knowsley and parish of Huyton.

(3.) The Knowsley Pumping Station. A shaft or well (to be sunk to an uncertain depth) with pumps engines and appliances connected therewith situate in the township of Knowsley in the parish of Huyton in the north-easterly portion of a field abutting on the north-west on the brook which forms the boundary of the townships of Kirkby and Knowsley and abutting as to part of such field and on the easterly side thereof on Moss Lane and on the north-easterly side thereof on the gardens belonging or attached to a house or cottage in Moss Lane in the occupation of one Thomas Ratcliffe.

(4.) An aqueduct or line of pipes commencing at the shaft or well lastly herein-before mentioned and terminating in the township of Eccleston in the parish of Prescot in Holt Lane at its junction with Scholes Lane;

together with all wells shafts tunnels drifts adits pipes valves syphons hydrants junctions tanks basins engines pumps buildings embankments roads and other works and conveniences connected with the said works or any of them which may be necessary or proper for taking pumping impounding using and distributing water.

Power to take lands and waters.

6. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated and described in the deposited plans and book of reference as may be required for the purpose of this Act and may take collect and use all springs and waters in under or on any of the lands so acquired by them other than streams flowing on any such lands.

Power to deviate.

7. In constructing the works by this Act authorised or any of them the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and

A.D. 1882.

may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet.

Time for completion of works.

8. If the works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease to be exercised except as to such of them or so much thereof respectively as is then completed.

Period for compulsory purchase of lands.

9. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take additional lands by agreement.

10. The Corporation may from time to time for any of the purposes of their water undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised to take by compulsion but the Corporation shall not erect any buildings upon such lands except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to take easements, &c. by agreement.

11. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Reservation of water rights &c. on sale.

12. The Corporation on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of sale of surplus land to be treated as capital.

13. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be applied only to purposes authorised by this Act and to which capital moneys are applicable.

Works to be part of existing undertaking.

14. The works authorised by this Act shall form part of the existing water undertaking of the Corporation and sections 33 to 67 (both included) of the Act of 1869 shall apply to the works authorised by this Act and to the supply of water therefrom accordingly.

For the protection of the Prescot Gas Company.

15. For the protection of the Prescot Gas Company (in this section referred to as the company) the following provisions shall have effect (that is to say):

(*a.*) Before executing any works by this Act authorised over under or within five feet of any gas main or pipe (other than a service pipe) of the company the Corporation shall give to the company three days notice in writing of their intention so to do and such works shall be constructed under the superintendence and to the reasonable satisfaction of the engineer to the company and the Corporation shall take such precautions and do such works for preventing as far as possible any injury or interruption to the works and gas supply of the company as their engineer shall reasonably require and shall pay all the reasonable expenses incurred by the company in superintending the construction of such works and incident thereto and shall make good all damage to be occasioned thereby.

(*b.*) Every aqueduct or water pipe (other than a service pipe) of the Corporation laid across any gas main or pipe (other than a service pipe) of the company shall be so constructed and laid as to leave between them a space of six inches at least and to be self supporting for a distance of three feet at least on either side of such gas main or pipe when necessary.

(*c.*) If by reason of the execution of the works by this Act authorised any gas main or pipe of the company be injured or any additional or increased length of main or pipe become requisite the company at the expense of the Corporation in all things may make such repairs connexions and additions as may be required: Provided that if the company neglect after reasonable notice to make the same they may be made by the Corporation.

(*d.*) If by reason of the execution of any of the works by this Act authorised any interruption be occasioned to the supply of gas by the company the Corporation shall forfeit and pay to the company the sum of five pounds for every day during which such interruptions shall continue and the company may recover the same with full costs of suit in any court of competent jurisdiction.

A.D. 1882.

(*e.*) If any difference arise between the Corporation and the company touching this section or anything to be done or not to be done or any money to be paid thereunder such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed (on application of either of the parties) by the President for the time being of the Institution of Civil Engineers.

For the protection of roads vested in the Prescot Highway Board.

16. (1.) Whereas the works by this Act authorised comprise a main pipe or aqueduct for the conveying of water for the purposes of the Waterworks Acts the Act of 1869 and this Act under certain highways in the township of Knowsley for a distance of about a mile and three-quarters of a mile under the management of the Prescot Highway Board and during the construction of such works more than ordinary damage may be occasioned to those parts of the said highways which are not actually broken up for the purpose of laying down such pipe or aqueduct therefore the Corporation shall pay to the said Highway Board for and in respect of the damage which may be caused during the progress of such works to such parts of the highways under their management as may not actually be broken up such an amount of compensation as may be agreed upon between the said Corporation and the said highway board or as shall in case of difference be settled by arbitration in the manner prescribed by the Lands Clauses Consolidation Act 1845.

(2.) Sections 29 to 32 (both included) of the Act of 1869 shall apply to the said highways of the said highway board except subsection 2 of section 29 as to Moss Lane in the said towship.

For the protection of the Earls of Derby and Sefton.

17. For the protection of the property of the Right Honourable Edward Henry Earl of Derby and of the property of the Right Honourable William Philip Earl of Sefton (who are herein-after together with their respective sequels in estate referred to as the Earl of Derby and the Earl of Sefton respectively) the following enactments are hereby made:—

As to Knowsley Pumping Station.

(1.) If the Corporation do not before the thirty-first day of December one thousand eight hundred and eighty-three certify in writing to the Earl of Derby that they have obtained or are in course of obtaining by means of the Knowsley Pumping Station such a supply of water as to render it desirable to maintain or complete and maintain that station the Corporation shall on the written request of the Earl of Derby at any time after the thirty-first day of December one thousand eight hundred and eighty-three remove all buildings fences and other erections and works erected or executed by them for the

purposes of that station and shall as far as practicable restore the land whereon the same were placed or executed to the same condition as when the Corporation entered thereon under the powers of this Act and shall also pay to the Earl of Derby rent for the land occupied by them at a rate per diem equal to one penny per square yard per annum and shall pay all compensation to which any tenants of the said earl may be entitled in respect of damage to or injuriously affecting their respective holdings or any part thereof.

(2.) The Corporation shall if they certify as aforesaid proceed without delay to complete the Knowsley Pumping Station (so far as it may remain to be completed) and shall also without delay erect and well maintain on the top thereof a properly constructed covered tank of the capacity of at least thirty thousand gallons, the bottom of the tank to be at least one hundred and eighty feet above Ordnance datum.

(3.) As soon as the tank is completed it shall by and at the expense of the Corporation be filled and kept supplied (save in case of unavoidable accident) with water to the extent of five per centum of the total yield of the Knowsley Pumping Station as a preferential claim and with a minimum supply of twenty thousand gallons for each consecutive period of twenty-four hours.

(4.) The Earl of Derby and the Earl of Sefton shall at all times be entitled to take water from the said tank as and when they think fit and if and when either of the said earls shall think fit he shall be entitled to construct at his own cost a division of the said tank into two equal parts so as to provide two equal independent sources of supply each of which shall have an independent meter.

(5.) The Corporation shall at their expense and at such time or times and on and in such portions of the lands of the Earl of Derby as may be required by him lay down three-inch iron pipes of an aggregate length of not less than five miles and shall at their expense maintain the same in all respects to the reasonable satisfaction of the said earl.

(6.) The Corporation shall at their expense and at such time or times and on such portions of the lands of the Earl of Sefton as may be required by him lay down three-inch iron pipes of an aggregate length of not less than two miles and shall at their expense maintain the same in all respects to the reasonable satisfaction of the said earl.

A.D. 1882.

(7.) In the event of the under-mentioned Kirkby Pumping Station not being under the provisions hereinafter contained constructed within five years after the passing of this Act then the minimum supply of twenty thousand gallons above mentioned shall be increased to forty thousand gallons and the Corporation shall in addition to the two miles length of pipes herein-before required to be laid down and maintained by them on the lands of the Earl of Sefton lay down at such time or times and on such portions of the lands of the Earl of Sefton as may be required by him three-inch iron pipes of an aggregate length of not less than four miles and shall maintain the same in all respects to the reasonable satisfaction of the Earl of Sefton.

As to Kirkby Pumping Station.

(8.) If the Corporation before the thirty-first day of December one thousand eight hundred and eighty-three certify in writing to the Earl of Sefton that they have not obtained and do not expect to obtain from the Knowsley Pumping Station such a supply of water as to render it desirable to maintain or to complete and maintain that station they shall have liberty during the twelve months immediately succeeding the thirty-first day of December one thousand eight hundred and eighty-three to enter and search for water on the portions of the Kirkby Estate of the Earl of Sefton shown on the deposited plan of an alteration of part of the works by this Act authorised and thereon numbered 1, 2, 3, 4, 5 and 6.

(9.) The Corporation shall also have liberty to enter and search for water on the said portions of the said Kirkby Estate if within two years after the completion of the Knowsley Pumping Station they consider that they may require more water than can be obtained therefrom and shall within such two years certify the same in writing to the Earl of Sefton and such liberty shall continue and be exerciseable by the Corporation during the twelve months immediately succeeding the service of such certificate on the Earl of Sefton.

(10.) If the Corporation do not before the expiration of the twelve months allowed for entry and search in the two above cases respectively certify in writing to the Earl of Sefton that they have completed or that they have commenced and intend to proceed with a pumping station on the said lands (in this Act referred to as the Kirkby Pumping Station) they shall on the written request of the Earl of Sefton at any time after the expiration of such period of twelve months remove all buildings

fences and other erections and works erected or executed by them for the purposes of that station and shall so far as practicable restore the land whereon the same were placed or executed to the same condition as when the Corporation entered thereon under the powers of this Act and shall also pay to the Earl of Sefton rent for the land occupied by them at a rate per diem equal to one penny per square yard per annum and shall pay all compensation to which any tenants of the said earl may be entitled in respect of damage to or injuriously affecting their respective holdings or any part thereof.

(11.) The Corporation shall if they certify as lastly herein-before mentioned proceed without delay to complete a pumping station on the said lands (so far as it may remain to be completed) and shall as soon as may be after its completion erect and well maintain on the top thereof a substantial and properly constructed covered tank of the capacity of at least thirty thousand gallons the bottom of the tank to be at least one hundred and forty feet above Ordnance datum.

(12.) As soon as the tank is completed it shall by and at the expense of the Corporation be filled and kept supplied (save in case of unavoidable accident) with water to the extent of five per centum of the total yield of the Kirkby Pumping Station as a preferential claim and with a minimum supply of twenty thousand gallons for each consecutive period of twenty-four hours.

(13.) If the Kirkby Pumping Station is constructed the Corporation shall at their expense and at such time or times and on such portions of the lands of the Earl of Sefton as may be required by him lay down three-inch iron pipes of an aggregate length of not less than eight miles and shall at their expense maintain the same in all respects to the reasonable satisfaction of the said earl.

General.

(14.) The Corporation shall at their expense provide and maintain to the reasonable satisfaction of the Earl of Derby and the Earl of Sefton sufficient and proper meters for measuring the amount of water to be supplied to the said earls respectively in pursuance of this Act and every such meter shall be at all times open to inspection and examination by any person authorised in that behalf by either of them the said earls.

(15.) The plans and elevations of all buildings and erections (other than temporary wooden sheds or similar temporary structures) erected by the Corporation on any land of the Earl

A.D. 1882.

of Derby or of the Earl of Sefton under the powers of this Act shall be subject to the approval of the said earls respectively and all works and things which under the provisions of this Act are to be executed or done for the protection or accommodation of the said earls respectively shall be in all respects executed and done under the supervision and to the reasonable satisfaction of the respective engineers of the said earls and no nuisance annoyance or unsightly appearance shall be created or occasioned by the Corporation in the execution of this Act on or so as to affect any property of either of the said earls and if created or occasioned the same shall on the request of either of the said earls be abated discontinued or removed by and at the expense of the Corporation.

(16.) In case any difference arises between the Corporation and either of the said earls respecting the execution of any works by the Corporation under the provisions of this Act the same shall be referred to and be determined by an engineer to be appointed in default of agreement between the parties by the President of the Institution of Civil Engineers.

(17.) The said Earl of Sefton alone as to the Kirkby tank and both the said earls as to the Knowsley tank unless and until it is divided under the provisions herein-before contained and then the said Earl of Sefton alone as to one of such divisions and the said Earl of Derby as to the other shall be entitled respectively to cause the three-inch pipes laid down by the Corporation on their respective estates to communicate with the said tanks or divisions as the case may be and the said earls respectively shall be entitled to make such connexions as they see fit with the said three-inch iron pipes laid by the Corporation on their respective estates provided that nothing herein contained shall authorise the said earls to take more water than is herein-before stipulated or to take water in such manner that the Corporation cannot ascertain by meters or otherwise the actual quantity taken.

(18.) The said earls respectively shall on the written request of the Corporation grant and the Corporation shall accept a lease for nine hundred and ninety-nine years from the date of entry under this section of such portions of the respective estates of the said earls within the limits of deviation shown on the deposited plans as may be required to enable the Corporation to carry into effect the foregoing provisions at the rent of one penny per square yard per

annum (buildings being separately paid for) and also of an easement for nine hundred and ninety-nine years for so much of the pumping main of the Corporation as shall be carried through the respective estates of the said earls at the rent of one penny per lineal yard per annum both the said rents to be payable on the twenty-fifth day of March in each year. The Corporation shall pay to all tenants of either of the said earls in respect of damage to or injuriously affecting their holdings other than damage or injuriously affecting (if any) caused by laying down the three-inch iron pipes by this section required to be laid down by the Corporation at the request of the Earl of Derby and the Earl of Sefton respectively such compensation as may be agreed on or as in default of agreement may be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845.

(19.) For the purpose of laying renewing repairing or altering any pipes which they are by this Act required to lay on the estates of the Earl of Derby and the Earl of Sefton respectively the Corporation may exercise in respect of any street or road the powers conferred (subject to the conditions imposed) on undertakers by the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes within the limits of the special Act.

(20.) The provisions of this section shall be in full compensation and satisfaction for all water taken from either of the said estates under the provisions of this Act.

(21.) The Corporation shall on payment of all arrears of rent (if any) be at liberty to abandon both or either of the said pumping stations on giving as to the Knowsley Station to both of the said earls and as to the Kirkby Station to the Earl of Sefton alone not less than six calendar months notice of their intention and (if so required by the earl on whose lands the works are situate by notice given three calendar months at least before the expiration of such six calendar months) they shall remove all or any of the buildings fixtures machinery plant mains distributive pipes and works and shall restore the land as far as practicable to the same condition as when they entered thereon under the powers of this Act and thereupon the Earl of Derby or the Earl of Sefton as the case may be shall accept a surrender of the lease of the site of the abandoned pumping station and main. Provided always that

A.D. 1882.

the Earl of Derby or the Earl of Sefton as the case may be shall be entitled at his option to retain without paying for the same all buildings fixtures distributive pipes and works other than the machinery and main to Saint Helens which machinery and main he shall also be entitled at his option to retain at a price to be settled in default of agreement by an engineer to be appointed by the President of the Institution of Civil Engineers.

(22.) Nothing in this Act contained shall authorise a supply of water to be given under the provisions herein-before contained for the protection of the Earls of Derby and Sefton to any place within the several parishes townships or places following (that is to say) Bootle Bootle-cum-Linacre Litherland Seaforth Crosby Great Crosby Little Crosby Sefton Netherton Aintree Orrell Orrell with Ford Walton Walton-on-the-Hill Fazakerley West Derby Thingwall Childwall Little Woolton Much Woolton Wavertree Allerton Gateacre Aigburth Garston Toxteth Park Halewood Huyton Roby and Huyton with Roby all in the county of Lancaster or any of them or within the town of Prescot in the said county of Lancaster and the neighbourhood thereof or the towns of Hindley and Ashton-in-Makerfield in the said county or the neighbourhood thereof respectively except to Knowsley Hall and Park and Croxteth Hall and Park and to such other parts of the respective estates of the said earls within such parts of the townships of Kirkby Melling and Knowsley or of the township or extra-parochial place of Croxteth Park as are within a distance of two miles measured in a straight line from the Kirkby Pumping Station or from the Knowsley Pumping Station or as are within any part of the township or extra-parochial place of Simondswood.

For the protection of the Corporation of Liverpool.

18. For the protection of the mayor aldermen and citizens of the city of Liverpool (in this Act referred to as the Corporation of Liverpool) the following provisions shall have effect:—

(*a.*) Where any water pipe or main (other than a service pipe) of the Corporation shall be laid across any water pipe or main or within five-and-a-half yards of the centre line of the intended Vyrnwy Aqueduct or triple line of pipes authorised by the Liverpool Waterworks Act 1880 (other than a service pipe) of the Corporation of Liverpool the Corporation shall cause such water pipe or main to be laid and constructed at such depth as shall be reasonably approved by the engineer of the Corporation

43 & 44 Vict. c. cxliii.

of Liverpool and so as to be self-supporting for a distance of three feet at the least on each side of any main or pipe or the said intended Vyrnwy Aqueduct of the Corporation of Liverpool.

(*b.*) At the least one week before executing any works by this Act authorised within ten feet of any water main or pipe (other than a service pipe) or the said intended Vyrnwy Aqueduct of the Corporation of Liverpool the Corporation shall deliver to the Corporation of Liverpool a plan and section of the proposed work and such works shall not be proceeded with for fourteen days during which period the water engineer of the Corporation of Liverpool shall signify his approval or his requirements in respect thereof in writing subject in case of difference to the provision for arbitration herein-after contained and all such works shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the Corporation of Liverpool and the Corporation shall take such precautions and do such works for preventing as far as possible any injury or interruption to the works and water supply of the Corporation of Liverpool as their engineer shall reasonably require and shall pay all the reasonable expenses of the Corporation of Liverpool of superintending the construction of such works and incident thereto and make good all damage occasioned thereby.

(*c.*) If by reason of the execution or failure of works by this Act authorised any repairs renewals or alterations of the water pipes mains or aqueduct of the Corporation of Liverpool are required such repairs renewals or alterations shall be effected by the Corporation of Liverpool at the expense of the Corporation.

(*d.*) If by reason of the construction of any of the works by this Act authorised interruption shall at any time be occasioned to the water supply of the Corporation of Liverpool or if any such interruption shall be occasioned by any repairs of the works of the Corporation or for or by reason of any want of repair or due or proper maintenance thereof the Corporation shall forfeit and pay to the Corporation of Liverpool the sum of seventy-five pounds for every day during which such interruption shall continue and the same sum may be recovered with full costs of suit by the Corporation of Liverpool in an action of debt in any division of Her Majesty's High Court of Justice or in any court of competent jurisdiction.

A.D. 1882.

(*e.*) If any difference arise between the Corporation of Liverpool and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers upon the application in writing of either party and the decision of the arbitrator shall be binding and conclusive on all parties and the costs of the arbitration shall be in the discretion of the arbitrator.

Confirmation of agreement with Corporation of Liverpool.

19. (1.) Subject as hereafter provided the agreement dated the 1st day of July 1880 made between the Corporation of Liverpool and the Corporation and set forth in the schedule to this Act is hereby confirmed and made binding upon the parties thereto respectively.

(2.) In case the Corporation shall at any time and from time to time give notice to the Corporation of Liverpool in accordance with the first and third clauses of the said agreement requiring a supply of water the daily quantity of water required to be supplied by any such notice shall be taken and paid for or paid for whether taken or not for a period of not less than seven years after the commencement of such supply and no further notice requiring an increased supply of water shall be given until after the expiration of a period of one year from the date fixed for the commencement of a supply of water by the previous notice.

Power to borrow.

20. The Corporation may from time to time independently of any other borrowing power borrow at interest on the security of the water rent either with or without the additional security of the borough fund and borough rate any sum or sums not exceeding in the whole ninety-five thousand pounds and may mortgage the water rent and borough fund and rate or either of them to secure the repayment of the moneys borrowed with interest.

In addition to the moneys which the Corporation are by this section authorised to borrow they may from time to time with the approval of the Local Government Board borrow at interest on the securities mentioned in this section or either of them such sum or sums of money as they may require for the purpose of their water undertaking.

All water rent receivable by the Corporation after providing the sums required under any Act of Parliament or Order confirmed by Parliament in force at the passing of this Act to be provided there-

out from time to time for interest and towards discharge of borrowed moneys shall be applied in payment of interest on and towards the discharge in manner provided by this Act of moneys borrowed under this Act and subject thereto in manner provided by section 339 of the Act of 1869.

Power to reborrow.

21. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or appropriations or by annual repayments or by means of a sinking fund or out of the proceeds of the sale of land acquired under the powers of this Act they may reborrow the same and so from time to time: Provided that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing has been made and that the moneys originally borrowed and any amounts from time to time reborrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of section 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Corporation with respect to the sinking fund to be set aside and the instalments and appropriations and annual repayments to be made in respect of such moneys shall not be in any way affected by reason of such reborrowing.

38 & 39 Vict. c. 83.

Provisions of Act of 1869 relating to the borrowing of money to apply.

22. The following provisions of the Act of 1869 shall apply to all moneys borrowed under this Act (that is to say):

Section 378. Protection to lenders from inquiry as to application of money:

Section 385. Regulations as to mortgages:

Section 386. Transfers of mortgages:

Section 388. Power to mortgagees to obtain a receiver:

Section 389. Accounts open to mortgagees.

Power to borrow under 38 & 39 Vict. c. 83.

23. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same rates and securities as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rates and securities shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the time prescribed in that behalf by this Act.

A.D. 1882.

Application of money borrowed.

24. Money borrowed by the Corporation under this Act shall be applied only for purposes of this Act or other the purposes of their water undertaking and to which capital is properly applicable.

Payment off of money borrowed.

25. The Corporation shall pay off all money borrowed by them under the powers of this Act by any one or more of the methods including a sinking fund mentioned in the Local Loans Act 1875 with respect to the discharge of loans borrowed in the manner provided by that Act within sixty years after the same is borrowed.

Annual return to Local Government Board with respect to sinking funds.

26. The treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for any sinking fund or appropriated or paid as an instalment under this Act transmit to the Local Government Board a return in such form and verified in such manner as that board may from time to time prescribe showing the amount which has been appropriated or paid by instalments or invested for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and the purposes to which any portion of the moneys invested for the sinking fund or the interest thereof has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds recoverable summarily on the prosecution of the Local Government Board but not otherwise. If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to make any appropriation or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or the interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

Saving for existing charges.

27. Nothing in this Act shall prejudicially affect any charge on the borough fund or borough rate or the waterworks and water rent or the estates and property of the Corporation subsisting

at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same rate and property.

Expenses of Act.

28. All the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation in the first instance out of the water rent but ultimately out of money borrowed under this Act.

A.D. 1882.

The SCHEDULE.

AN AGREEMENT made this first day of July one thousand eight hundred and eighty by and between the Mayor Aldermen and Citizens of the city of Liverpool in the county of Lancaster (herein-after called "the Liverpool Corporation") and the Mayor Aldermen and Burgesses of the borough of St. Helens in the county of Lancaster (herein-after called "the St. Helens Corporation").

1. The Liverpool Corporation shall if and when required by the St. Helens Corporation at any time after the proposed aqueduct or conduit called the Vyrnwy Aqueduct shall be used for the supply of any part of the water limits of the Liverpool Corporation furnish to the St. Helens Corporation a supply of water in bulk not exceeding two million gallons per day from the Rivington Main Conduit.

2. The Liverpool Corporation may on giving five years notice to the St. Helens Corporation discontinue or reduce proportionately the supply then given or required to be given to the St. Helens Corporation and to any other local authorities or companies (whose district is not within the present limits of supply of the Liverpool Corporation) taking a supply of water in bulk from the Liverpool Corporation (except the Corporation of Oswestry) to the extent that may be necessary to enable a supply of thirty gallons per head per day to be given from the then existing works of the Liverpool Corporation to the population within their present limits of supply on the expiration of the said notice. The said notice may be given upon the certificate of the water engineer for the time being of the Liverpool Corporation stating the requirements above mentioned but in the event of such notice being objected to by the St. Helens Corporation or any such local authority or company as aforesaid the question shall be referred to the decision of the Local Government Board whose determination shall be conclusive upon all parties. In determining the said question between the two Corporations regard shall be had to such quantity of water only as the wells of the Liverpool Corporation may for the time being be reduced to on sanitary grounds.

3. The St. Helens Corporation shall give to the Liverpool Corporation not less than six months notice of their intention to take such supply and in such notice shall state the quantity of water per day they require but the quantity to be paid for shall not be less than five hundred thousand gallons per day (except only in the event of the quantity being reduced to less than five hundred thousand gallons in accordance with the second clause of this agreement).

4. The price to be paid for such supply shall be sixpence per one thousand gallons up to one million gallons per day and fivepence halfpenny per thousand

gallons on the whole quantity taken when that quantity exceeds one million gallons per day for the quarter in respect of which the payment is made. Payment shall be made quarterly on the first January first April first July and first October.

5. The supply shall be furnished from such point on the Rivington Main of the Liverpool Corporation within the borough of St. Helens as may be agreed upon by the city water engineer and the borough water engineer of the respective Corporations or as failing agreement may be determined by arbitration.

6. The St. Helens Corporation shall at their own cost erect a meter house and meter at the point so determined and the Liverpool Corporation may if they so desire erect at their own cost a meter in the said meter house.

7. The water to be supplied by the Liverpool Corporation shall be measured by meter and for this purpose if so desired both the said meters may be used and the Liverpool Corporation and the St. Helens Corporation shall at all reasonable times by themselves and their servants have access to and inspect such meter house and meters.

8. Any main or pipe to connect the said meter with the mains or pipes of the St. Helens Corporation shall be laid and maintained by and at the expense of the St. Helens Corporation.

9. If any differences arise between the Liverpool Corporation and the St. Helens Corporation as to the interpretation of this agreement or as to any matters arising thereunder the same shall be determined by arbitration by an arbitrator to be appointed by the Local Government Board and in accordance with the provisions of the Common Law Procedure Act 1854 and any statutory modification thereof.

Bernard Hall.

Seal of Corporation of Liverpool.

Passed under the common seal of the Mayor Aldermen and Burgesses of the borough of St. Helens in the presence of

E. Johnson,
Mayor.

Seal of Corporation of St. Helens.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.