



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xvi.

An Act for better supplying with Water the Town of *Southport* in the County Palatine of *Lancaster*, and the Neighbourhood thereof.

[12th *May* 1854.]

WHEREAS the Town of *Southport* in the County Palatine of *Lancaster*, and the Neighbourhood thereof, are not at present sufficiently supplied with Water, and the Population thereof has of late Years greatly increased and is still increasing, and the Construction of Waterworks for effectually supplying the same would be of great public Benefit: And whereas the Parties herein-after named, and others, are willing to carry such Undertaking into execution; but the same cannot be effected without the Aid and 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; (that is to say,)

I. That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands
[*Local.*] 3 D Clauses

8 & 9 Vict.
cc. 16. & 18.
and

The Southport Waterworks Act, 1854.

10 & 11 Vict.
c. 17. incor-
porated with
this Act.

Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall (except as herein otherwise provided) be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Southport Waterworks Act, 1854.*"

Limits of
Act.

III. That the Limits of this Act shall comprise and include the several Townships of *North Meols* and *Birkdale* in the Parish of *North Meols*, and the Township of *Scarisbrick* in the Parish of *Ormskirk*, all in the County Palatine of *Lancaster*.

Incorpora-
tion of Com-
pany.

IV. That *William Bland, James Hunt, Thomas Livesey, Joel Livesey, Robert Wood*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united into a Company for the Purpose of supplying Water within the Limits of this Act, and for making Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions of this Act and the Acts incorporated herewith; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Southport Waterworks Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Capital.

V. That the Capital of the Company shall be Sixteen thousand Pounds.

Shares.

VI. That the Number of Shares into which the said Capital shall be divided shall be One thousand six hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

VII. That Two Pounds *per Share* shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and that Two Months at the least shall intervene between the making of any Two successive Calls, and the aggregate Amount of Calls to be made in any One Year shall not exceed Six Pounds *per Share*.

Power to
borrow
Money on
Mortgage.

VIII. That the Company may borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of Four thousand Pounds,

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Pounds, but no Part of such Sum shall be raised until the whole of the said Capital of Sixteen thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

IX. That the First General Meeting of the Shareholders of the Company shall be held within Three Months after the passing of this Act, and there shall be One Ordinary Meeting of the Company yearly, which shall be held in the Month of *February*.

Meetings of the Company.

X. That the Quorum of any General Meeting of the Company shall be not less than Five Shareholders holding in the Aggregate not less than One thousand Pounds in the Capital of the Company.

Quorum of General Meetings.

XI. That the Company shall annually at some General Meeting elect an Auditor for the Purpose of auditing the Accounts of the Company; and in case the Office of such Auditor shall before such Accounts have been audited by him be vacant by Death or from any other Cause, the Company shall from Time to Time appoint an Auditor to supply such Vacancy.

Appointment of Auditor.

XII. That, subject to the Provisions herein contained for increasing or reducing the Number of Directors, the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares at least in the Undertaking.

Number and Qualification of Directors.

XIII. That the Company may from Time to Time increase and afterwards from Time to Time reduce the Number of Directors, but the whole Number of Directors after any such Increase or Reduction as aforesaid shall not be more than Nine nor less than Six.

Power to vary the Number of Directors.

XIV. That *William Bland, James Hunt, Thomas Livesey, William Coward, Joel Livesey, and Robert Wood* shall be the First Directors of the Company.

First Directors.

XV. That the Quorum of a Meeting of Directors shall be Three.

Quorum of Directors.

XVI. And whereas a Plan and Section showing the Line and Levels of the Waterworks proposed to be constructed for the Purposes of this Act, and also a Book of Reference containing the Names of the Owners and Lessees or reputed Owners and 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,

Power to make Waterworks according to deposited Plans.

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pany, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make, construct, and maintain the said Waterworks in the Line, according to the Levels, and upon the Lands delineated upon the said Plan and Section and described in the said Book of Reference, and for that Purpose to purchase, either absolutely for a Sum in gross, or in consideration of an annual Rent-charge, 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, or any Easement, Liberty, Privilege, Power, or Authority in or over the same.

Limits of
Deviation.

XVII. Provided always, That in constructing the Waterworks by this Act authorized to be made it shall be lawful for the Company to make lateral Deviations from the Line of such Works not exceeding the Limits of lateral Deviation described on the Plan of such Works deposited with the Clerk of the Peace for the County Palatine of *Lancaster*, and also to make Deviations from the Levels of such Works as delineated on the Sections thereof deposited with the said Clerk of the Peace to any Extent not exceeding Five Feet: Provided also, that nothing in this Act or the Acts incorporated herewith contained shall prevent the Company sinking the Well delineated upon the said Plan and Section to any greater or less Depth than is shown upon the said Section.

Lands for
additional
Purposes.

XVIII. That it shall be lawful for the Company to purchase by Agreement, in consideration of a Sum in gross or an annual Rent, and to hold, any Quantity of Land not exceeding Five Acres which they may require, in addition to the Lands herein-before authorized to be taken for the Purposes of this Act, and also any Springs, Reservoirs, or Places, Sources, or Issues of Water, on such Terms and Conditions as shall be mutually agreed upon between the Parties.

Owners may
grant Lands
in considera-
tion of an
annual Rent-
charge.

XIX. That the Persons empowered by "The Lands Clauses Consolidation Act, 1845," to convey Lands, shall have full Power to grant any Lands for the Purposes of this Act, or any Easement, Power, or Authority in or over such Lands, in consideration of a fixed and invariable annual Rentcharge, and the Company may subsequently purchase the Discharge thereof from the Rents and Covenants reserved or contained in any such Grant.

In Cases of
Purchases
from Parties
under Dis-
ability the
best yearly
Rent to be

XX. Provided always, That in every Case of a Purchase under the Provisions of this Act (otherwise than for a Sum in gross) of any Lands or Springs, or of any Easement, Liberty, Privilege, Power, or Authority in or over the same, from any Party under any Disability or Incapacity, and not having Power to sell or convey the same, except
under

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under the Provisions of this Act and of "The Lands Clauses Consolidation Act, 1845," there shall be reserved and made payable by the Company the best yearly Rent in respect of the Subject Matter of such Purchase, but no Fine, Premium, or Foregift shall be paid by the Company.

reserved and made payable by the Company.

XXI. That the Company shall supply Water in the Town of *Southport* within Three Years from the passing of this Act, and the Works hereby authorized to be made shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Works as shall then be completed: Provided always, that, subject to the Restrictions and Provisions herein contained, the Company may from Time to Time alter, enlarge, and extend their Wells, Mains, and Pipes in such Way and Manner as shall be necessary for supplying Water within the Limits of this Act.

Period within which Works are to be completed.

XXII. That the Company shall, at the Request of the Owner or Occupier of any private Dwelling House or Part of a private Dwelling House in any Street in which any Pipe of the Company shall be laid, or on the Application of any Person who under the Provisions of this Act or any Act incorporated herewith shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for domestic Uses at Rates not exceeding the yearly Rates herein specified; (that is to say,)

Rates at which Water is to be supplied for domestic Purposes.

If there be no Watercloset or private Bath in or appurtenant to the Dwelling House or Part of the Dwelling House to be supplied with Water, at the following Rates, according to the annual Rackrent or Value of such Dwelling House or Part of a Dwelling House:

If no Water-closet.

Where the annual Rackrent or Value of the Premises so supplied with Water shall not exceed Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds and Ten Shillings:

Where such annual Rackrent or Value shall exceed Twenty Pounds and not exceed Forty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds:

Where such annual Rackrent or Value shall exceed Forty Pounds and not exceed Sixty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds and Ten Shillings:

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Where such annual Rackrent or Value shall exceed Sixty Pounds and not exceed Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds :

Where such annual Rackrent or Value shall exceed Eighty Pounds and not exceed One hundred Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds and Ten Shillings :

Where such annual Rackrent or Value shall exceed One hundred Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds :

If there be a Watercloset or private Bath.

That for any Watercloset and for any private Bath in any private Dwelling House or Part of such Dwelling House, or appurtenant thereto, there shall be paid, in addition to the Rates computed as above specified (but subject, nevertheless, to the Proviso next herein-after contained,) the following Rates ; (that is to say,)

When the annual Rackrent or Value shall not exceed Ten Pounds, the Sum of Four Shillings *per Annum* :

When the annual Rackrent or Value shall exceed Ten Pounds but shall not exceed Twenty Pounds, the Sum of Six Shillings *per Annum* :

When the annual Rackrent or Value shall exceed Twenty Pounds but shall not exceed Forty Pounds, the Sum of Eight Shillings *per Annum* :

When the annual Rackrent or Value shall exceed Forty Pounds but shall not exceed Eighty Pounds, the Sum of Ten Shillings *per Annum* :

When the annual Rackrent or Value shall exceed Eighty Pounds, the Sum of Twelve Shillings *per Annum* :

Provided always, that if there be more than One Watercloset or One private Bath in any Dwelling House, the Company shall not be entitled to demand more than the Sum of Four Shillings *per Annum* for every such additional Watercloset or private Bath: Provided also, that the Company shall not be compellable to supply with Water any Watercloset or private Bath, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste, Misuse, or undue Consumption of the Water of the Company, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Company, or into any Pipes connected or communicating therewith, nor any private Bath which shall be so constructed as to contain when filled for Use more than Fifty Gallons of Water.

What shall be deemed domestic Purposes.

XXIII. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle or for Horses, or for washing Carriages,

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Carriages, where such Horses or Carriages are kept for Hire, or for any Trade, Manufacture, or Business whatsoever, or for watering Streets or Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

XXIV. That the Company shall supply the *Southport* Improvement Commissioners with Water for flushing Sewers and watering Streets at a Rate not exceeding Fivepence *per* One thousand Gallons.

As to Supply of Water to Improvement Commissioners.

XXV. That if any Person supplied with Water by the Company shall wilfully do or cause to be done any Act, Matter, or Thing in contravention of the Provisions of this Act or of any Act incorporated herewith, or shall wilfully omit or neglect to do any Matter or Thing which under such Provisions ought to be done for the Prevention of the Waste, Misuse, or undue Consumption or the Contamination of the Water of the Company, it shall be lawful for the Company to turn or cut off the Water supplied by them to such Person, and to cease to supply such Person with Water, and also to recover from such Person, by Action or Suit in any Court of competent Jurisdiction, the Amount of any Loss, Damage, or Injury which the Company may sustain by means or in consequence of any such Act, Matter, or Thing as aforesaid, or of any such wilful Omission or Neglect as aforesaid: Provided always, that after the Cause of Complaint shall have ceased, and the Person offending shall have made due Compensation to the Company for such Act, Matter, or Thing as aforesaid, such Person shall be again entitled to be supplied with Water by the Company.

Water may be cut off in certain Cases.

XXVI. That it shall be lawful for the Company from Time to Time to make such Regulations as shall be necessary or expedient for the Purpose of preventing the Waste or Misuse of Water, and therein, amongst other things, to prescribe the Size, Nature, and Strength of the Pipes, Cocks, Cisterns, and other Apparatus whatsoever to be used, and to interdict any Arrangements, and the Use of any Pipes, Cocks, Cisterns, or other Apparatus, which may tend to such Waste or Misuse as aforesaid.

Regulations to be made for preventing Waste of Water, &c.

XXVII. That the Water to be supplied from any Pipe of the Company need not be constantly laid on under a Pressure greater than that to be afforded from the Service Reservoir whereby such Pipe is supplied.

Water not necessarily under Pressure.

XXVIII. That the Company may supply any Person with Water for any Purpose in respect of which no special Rates are by this Act granted, for such Remuneration and upon such Terms and Conditions

Water may be supplied by Agreement.

as

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as shall be agreed upon between the said Company and the Person desiring such Supply.

Penalty for Waste or improper Application of Water, and Recovery of Damages, &c.

XXIX. Provided always, That any Person supplied with Water under this Act who shall wilfully waste such Water, or who shall use or apply such Water for any other Purpose than the Purpose agreed upon, or who shall permit or suffer any other Person to use, take, or waste any such Water, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and shall, in addition to such Penalty, make full Compensation to the Company for or 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 Company may recover in like Manner as Charges for Water supplied by them may be recovered.

Penalty for extending or enlarging Pipes of Company, without Consent.

XXX. Provided always, That any Person who shall, without the Knowledge and Consent of the Company, extend or enlarge any Pipe or use other Means or Device for the Purpose of supplying any other Person or any Tenement with Water from the Works of the Company, shall forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Offence shall be continued.

Power to Company to let for Hire Meters.

XXXI. That the Company may let for Hire any Meters or Instruments for ascertaining the Quantity of Water consumed or supplied, and any Fittings for the Conveyance of such Water, for such Remuneration in Money as shall be agreed upon between the Company and any Person to whom the same may be so let, and such Remuneration shall be recoverable in the same Manner as the Rents or Sums due to the Company for Water; and such Meters and Fittings, so long as they remain the Property of the Company, shall not be subject to Distress for Rent of the Premises where the same may be used, nor to be taken in Execution under any Process of a Court of Law or Equity, or any Fiat in Bankruptcy against any Person in whose Possession the same may be.

Powers to Company for ascertaining Quantity consumed by Meter.

XXXII. That the Clerk, Engineer, or other Officer of the Company may at all reasonable Times enter any House, Building, or Premises supplied by the Company in manner lastly herein-before mentioned, in order to inspect the Meters, Instruments, Fittings, and Works for regulating the Supply of Water, and for the Purpose of ascertaining the Quantity of Water consumed or supplied; and if any Person hinder such Officer as aforesaid from entering and making such Inspection as aforesaid at any reasonable Time, he shall for every

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every such Offence forfeit to the Company a Sum not exceeding Five Pounds.

XXXIII. That it shall be lawful for the Company, by their Officers or Servants, from Time to Time to enter any House, Building, or Premises for the Purpose of removing and carrying away any Meter, Instrument, Pipes, Fittings, or other Works, the Property of the Company.

Power to take away Meters, &c.

XXXIV. Provided always, That such Powers of Entry shall not be exercised at any Hour not authorized by "The Waterworks Clauses Act, 1847," except with the Consent of a Justice.

As to the Time at which Officers may enter for that Purpose.

XXXV. That in case any Person who shall have been supplied with Water by the Company, or who shall be liable to Payment in respect of a Supply of Water under or by virtue of the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Fourteen Days after Demand thereof by the Company, their Agent or Collector, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside, or where such Water shall have been supplied, to issue his Summons to such Person, requiring him to appear before Two Justices having Jurisdiction as aforesaid at a Time and Place named therein, and then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of such Person, or in default of Appearance after Proof of the Service of the Summons, either personally or at the last known Place of Abode or of Business of such Person, no sufficient Cause shall be shown to the contrary, it shall be lawful for such Two Justices to issue their Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person for Recovery of the Amount which may be proved before such Justices to be due from such Person, together with such Costs as to such Justices shall seem just and reasonable.

Recovery of Charges for Supply of Water.

XXXVI. That, in addition to the Remedies herein-before granted to the Company, they may recover any Sum of Money which shall be due to them for Water Rates or Rents, Damages, Costs, or Expenses, by Action or Proceeding in any Court of competent Jurisdiction for the Trial of an Action of Debt of the like Amount.

Sums due may be recovered in any Court of competent Jurisdiction.

XXXVII. That nothing in this Act contained shall alter, abridge, or prejudicially affect any of the Powers, Rights, or Duties of the *Southport* Improvement Commissioners, under an Act of the Ninth Year of the Reign of Her present Majesty, for paving, lighting, watching, watering, cleansing, regulating, and otherwise improving

Saving Rights of *Southport* Improvement Commissioners.

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the Town of *Southport* in the County Palatine of *Lancaster*, and for establishing and regulating a Market and Market Places therein, or any Clause or Provision in the said Act contained, except so far as the same may be inconsistent with the Provisions of this Act.

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