



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. lxxix.

An Act to amend and enlarge the Provisions of  
“The *Warrington* Waterworks Act, 1855;” to  
extend the Limits of the Company for the  
Supply of Water; to make further and better  
Provision for supplying *Warrington* and the  
adjoining Districts with Water; and for other  
Purposes. [25th June 1868.]

**W**HEREAS by “The *Warrington* Waterworks Act, 1855,” 18 & 19 Vict.  
the *Warrington* Waterworks Company (herein-after c. xciii.  
called “the Company”), which had been incorporated  
by a previous Act, were continued, and were authorized to maintain  
the Waterworks previously constructed, and to make further Works,  
and continue to furnish a Supply of Water to the Town and Borough  
of *Warrington* and certain other Places: And whereas by the same  
Act the Share Capital of the Company was declared to be Forty-five  
thousand Pounds, consisting of the Sum of Twenty-four thousand  
Pounds their existing Share Capital, and a further Sum of Twenty-  
one thousand Pounds thereby authorized to be raised, and the  
Company were empowered to borrow on Mortgage any Sum not  
exceeding, together with their then existing Mortgage Debt of Eight  
thousand six hundred and sixty-six Pounds Thirteen Shillings and  
Fourpence, the Sum of Fourteen thousand Pounds: And whereas Six  
thousand Pounds of the further Capital authorized to be raised has  
been raised and fully paid up, making the total Capital of the Com-  
pany which has been raised Thirty thousand Pounds, and leaving  
[Local.] 12 G a Sum

*The Warrington Waterworks Act, 1868.*

a Sum of Fifteen thousand Pounds not yet raised of the Capital authorized by the said Act, and the Company have exercised their further Powers of borrowing to the Extent of Four thousand seven hundred and seventy-two Pounds Thirteen Shillings and Fourpence, making the present Amount of their Mortgage Debt Thirteen thousand four hundred and thirty-nine Pounds Six Shillings and Eightpence: And whereas the Demand for Water within the Limits of Supply of the Company has greatly increased, and the Works of the Company are insufficient for supplying the same, and it is expedient that the Company be authorized to construct additional Works, and purchase additional Lands, so as to obtain a further Supply of Water, and for that Purpose to raise a further Sum of Money, and it is also expedient that the Limits in which the Company are authorized to supply Water should be extended: 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 Act, 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*: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Warrington Waterworks Act, 1868.*"

8 & 9 Vict.  
 cc. 16. & 18.,  
 10 & 11 Vict.  
 c. 17.,  
 23 & 24 Vict.  
 c. 106., and  
 26 & 27 Vict.  
 cc. 93. & 118.  
 incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. 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.

Interpre-  
tation 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 herewith, 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.

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 recited

*The Warrington Waterworks Act, 1868.*

recited Act, comprise and include the Townships of *Winwick-with-Hulme*, *Southworth-with-Croft*, *Houghton-with-Middleton* and *Arbury*, and *Poulton-with-Fearnhead*, all in the County of *Lancaster*, and the Townships of *Grappenhall*, *Higher Walton*, and *Lower Walton*, in the County of *Chester*.

5. Subject to the Provisions of this and the recited Act, the Company may make, construct, and maintain in the Line and according to the Levels and upon the Lands delineated on the deposited Plans and Sections, and described in the deposited Book of Reference, the Waterworks herein-after described, and for that Purpose may purchase absolutely for a Sum in gross, or in consideration of an annual Rentcharge, and may enter upon, take, and use, such of the Lands delineated upon the said Plan and referred to in the said Book of Reference as may be necessary for that Purpose.

Power to  
construct  
Works.

6. The Works authorized by this Act are the following :

Works  
authorized  
by Act.

1. A Well or Wells, Shafts, Tunnels, Boreholes, and a Pumping Station to be constructed in a Field called or known by the Name of the *New Cooper's Field*, belonging or reputed to belong to the Reverend *Frank George Hopwood* as Rector of *Winwick*, and in the Occupation of *Thomas Smith*, situate on the Westerly Side of a Lane or Road called *Back Lane* in *Winwick* aforesaid, and at a Distance of Eleven Chains or thereabouts from the Southerly End or Junction of the said Lane or Road with a Lane or Road leading from the Village of *Winwick* towards the Township of *Southworth-with-Croft* :
2. A Reservoir to be formed partly by Excavation and partly by Embankment, as Circumstances may require, to be constructed in a Field on the Northerly Side of the said Field called the *New Cooper's Field*, called or known by the Name of the *Further Rough Field*, belonging or reputed to belong to the said Reverend *Frank George Hopwood* as Rector of *Winwick* aforesaid, and in the Occupation of *Thomas Pollitt* :
3. A Line of Pipes or Conduit commencing at the said intended Pumping Station in the Field first described, and passing therefrom into the Reservoir in the Field last described :
4. A Line of Pipes or Conduits commencing at the said Reservoir, passing the said Pumping Station, thence along *Back Lane* aforesaid, and across the said Lane leading from *Winwick* Village towards *Southworth-with-Croft*, thence along and across several Fields or Pieces of Land lying to the East of the said Village of *Winwick*, and of a Cottage called *Broad Oak Cottage*, to the Turnpike Road leading from *Warrington* to *Wigan*, and thence along the said Turnpike Road to and terminating by a Junction with the existing Water Mains of the Company at *Market Gate* within the Parish and Borough of *Warrington* aforesaid.

7. Whenever

*The Warrington Waterworks Act, 1868.*

Limits of lateral Deviation.

7. 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.

8. 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 Three Feet, and from the Levels of any other Works as shown on those Sections to any Extent not exceeding Five Feet.

As to Works affecting the London and North-western Railway Company.

9. Any Works to be constructed by the Company in any way affecting any Railway of the *London and North-western Railway Company*, or any of the Bridges or Works thereof, or any Lands or Property belonging to that Company, shall be done under the Superintendence and to the reasonable Satisfaction of the principal Engineer for the Time being of that Company, and according to Plans to be reasonably approved by him, but in all things at the Expense of the Company, and so as to cause no Interruption to the Passage or Conduct of Traffic over any such Railway or at any Station thereof; and if any Injury shall arise to such Railway Bridges, Works, Lands, or Property, or any Interruption to such Traffic, the Company shall make full Satisfaction to that Company in respect of such Injury or Interruption.

As to London and North-western Railway Company carrying Pipes across Line of Pipes numbered 4.

10. Nothing in this Act shall prevent the *London and North-western Railway Company* from, at any Times hereafter, carrying any Mains or Pipes across the Line of Pipes or Conduits, numbered 4 in the preceding Sixth Section, at such Points thereon as they may think fit, for supplying Water and Gas to their own Premises, but all the Works of and incidental to such Crossings shall be executed in manner reasonably approved by, and under the Superintendence and to the reasonable Satisfaction of, the Company, but in all things at the Risk and Expense of the *London and North-western Railway Company*.

Power to raise additional Share Capital.

11. In addition to the Capital authorized by their existing Act, the Company may from Time to Time, by virtue of this Act, raise such further Sums as they from Time to Time think requisite by the Creation and Issue of new Shares or new Stock, not exceeding in the whole the Sum of Thirty thousand Pounds.

Limit of Dividends on new Capital.

12. The Company shall not in any Year make out of their Profits any larger Dividend on the additional Share Capital of Thirty thousand Pounds to be raised under the Powers of this Act than  
Seven

*The Warrington Waterworks Act, 1868.*

Seven Pounds in respect of every Hundred Pounds actually paid of such Capital.

**13.** 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.

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

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

Shares not to issue until One Fifth paid up.

**15.** One Fifth 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.

Calls.

**16.** The Company may from Time to Time, in addition to the Sum which they are already authorized to raise by Mortgage, borrow on Mortgage any further Sums not exceeding in the whole Six thousand Pounds at the Times and subject to the Restrictions herein-after mentioned; (that is to say,) when Nine thousand Pounds, Part of the additional Capital by this present Act authorized, has been subscribed for, issued, and accepted, and One Half Part thereof has been paid up, the Company may borrow on Mortgage any Sum not exceeding Two thousand Pounds, and when the further Sum of Nine thousand Pounds has been subscribed for, issued, and accepted, and One Half Part has been paid up, the further Sum of Two 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 Two 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 or Portion of Stock has been paid on account thereof before or at the Time of the

Power to borrow on Mortgage.

*The Warrington Waterworks Act, 1868.*

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.

17. The Thirty-sixth Section of the recited Act is hereby repealed, without Prejudice to any Appointment heretofore made or any Proceedings now pending; 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.

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

Debenture Stock.

19. The Company may create and issue Debenture Stock.

Application of Money raised under this Act.

20. 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.

For Protection of Rector and Inhabitants of Winwick.

21. The Powers by this Act conferred upon the Company of taking Lands and constructing and maintaining Works within the Township of *Winwick-with-Hulme* shall be exercised only in accordance with and subject to the following Provisions; (that is to say,)

1. If the Works of the Company shall diminish the present Supply in the now existing Wells in the Township of *Winwick-with-Hulme*, or any or either of them, the Company shall, as soon as they are in a Condition to supply Water under this Act, be and they are hereby required to carry a Pipe to be fitted with a Tap near to the House or Buildings supplied from the Wells or Well so affected, and, unless prevented by Accident or other unavoidable Circumstance, to deliver at such Place a constant Supply of Water not less in Quantity than the present Supply obtained from such Wells or any of them: Provided always, that in lieu of carrying such Pipe it shall be lawful for the Company, if they think fit, to give, by means of boring at the Bottom of any such Wells, a Supply of Water not less in Quantity than and at the same Level as the present Supply, or as near to such Level as the Arbitrator to be appointed as herein-after mentioned shall think reasonable.

2. In

---

*The Warrington Waterworks Act, 1868.*

---

2. In the event of the Supply of Water to the existing Wells at *Winwick* Rectory, the Grammar School, and *Winwick Cottage*, or any or either of them, being diminished by reason of the Works of the Company, the Company shall in each such Case, as soon as they are in a Condition to supply Water under this Act, carry Water to and into each of the said Houses, and provide all such Pipes and other Apparatus as may be necessary for that Purpose, and connect the same with the existing Pipes (if any) used for the Cistern or other Receptacle for Water at each of the said Houses, and supply Water to each of such Houses accordingly, such Supply, subject as in the last preceding Paragraph, to be constant, and not less in Quantity than the present Supply.
3. The Company shall, until the Expiration of Twelve Months after the passing of this Act, or until any Abstraction of Water for the Purposes of this Act, whichever shall first happen, cause every Well in the Township of *Winwick-with-Hulme* to be gauged in the First Week of every Month by a competent Person to be appointed by the Company, in the Presence of some Person to be appointed on behalf of the Rector for the Time being of the Parish of *Winwick* aforesaid, on receiving One Week's Notice for that Purpose; and the Quantity of Water ascertained by each such gauging shall be certified under the Hands of the Persons aforesaid, and their Certificates shall be deposited with the Town Clerk for the Time being of the Borough of *Warrington*, and shall be deemed to be the only Evidence of the Matter certified in such Certificate; and the Provisions of the Act of 1 *Victoria*, Chapter 83, shall for the Purposes of this Act be read and construed as if the said Certificates were Writings required by the Standing Orders of the Houses of Parliament to be deposited with the said Town Clerk.
4. The Supply of Water and of Pipes and other Apparatus required by this Enactment to be provided by the Company shall be so provided and for ever thereafter maintained free of any Rate, Rentcharge, or other Payment whatsoever upon or by the Person so supplied.
5. All Matters in difference arising under this Enactment between the Company and any Person claiming a Supply of Water under this Enactment shall be determined by an Arbitrator mutually agreed upon in Writing between the Company and such Person aforesaid, or, failing Agreement, by the Chairman or Deputy Chairman for the Time being of the Court of Quarter Sessions at *Kirkdale* in the County of *Lancaster*, at the Request of either Party, after One Week's Notice in Writing to the other; and such Arbitrator shall have all the Powers and Authorities of an Arbitrator appointed under the Provisions of "The Companies Clauses Act, 1845."

6. Except

*The Warrington Waterworks Act, 1868.*

6. Except as is by this Enactment expressly provided, the Supply of Water to the Township of *Winwick-with-Hulme* shall in all respects be subject to the existing Acts of the Company and the Acts incorporated therewith, and all the Persons supplied with Water in such Township shall be subject in all respects (except as aforesaid) to the Provisions of such Acts, and all Works and Conveniences provided by the Company under the Provisions aforesaid within the Township of *Winwick-with-Hulme* shall remain the Property of the Company, and be deemed Part of their Undertaking to all Intents and Purposes whatsoever.

Company may contract for Supply of Water in bulk.

22. The Company shall have full Power to contract with any local Authority, Body Corporate, or Person for the Supply of Water in bulk.

Limitation of Time for Construction of Works.

23. The Works by this Act authorized shall be completed within Seven 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.

Powers for compulsory Purchases limited.

24. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purpose of this Act shall not be exercised after the Expiration of Three Years from the passing of the Act.

Power to levy Rates.

25. Subject to the Provisions of this Act, 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 Act.

Saving Rights of Corporation of Warrington and London and North-western Railway Company.

26. Except as it is by this Act expressly provided, this Act or anything therein contained shall not take away, alter, or prejudice any of the Rights, Powers, and Authorities vested in the Corporation of the Borough of *Warrington* or in the *London and North-western Railway Company*.

Expenses of Act.

27. 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.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1868.