



**CHAPTER xxiv.**

An Act to empower the mayor aldermen and burgesses of the borough of Nelson to construct additional waterworks to make further provision in regard to their water undertaking and for other purposes. A.D. 1918.

[30th July 1918.]

**W**HEREAS the mayor aldermen and burgesses of the borough of Nelson (in this Act called "the Corporation") are the owners of waterworks and are supplying with water the borough of Nelson in the county palatine of Lancaster and the neighbourhood thereof under and by virtue of various Acts of Parliament :

And whereas it is expedient to empower the Corporation to construct the waterworks referred to in this Act and to make further provision as in this Act contained in regard to their water undertaking :

And whereas it is expedient that the other provisions contained in this Act be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

- (a) For and in connexion with the purchase of land and easements for the purpose of the waterworks authorised by this Act and the construction of the works numbered 1 1A £  
2A 3 3A 8 and 8A - - - - - 274,000

[Price 4s.]

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A.D. 1918. —	(b) For and in connexion with the construction of the works numbered 2 4 5 6 and 7 authorised by this Act - - - -	£ 26,000
	(c) For and in connexion with the purchase of land for and the construction and the completion of the waterworks authorised by the Nelson Local Board Act 1888 -	23,300
	(d) For the construction of additional trunk and other mains and other purposes in connexion with the supply of water by the Corporation - - - -	5,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster which plans sections and book of reference are in this Act respectively 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Nelson Corporation Water Act 1918.

(2) The Acts and Orders mentioned in the First Schedule and this Act may be cited as the Nelson Corporation Acts 1866 to 1918.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

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Incorporation of Acts.

(1) The Lands Clauses Acts with the following exceptions and modifications:—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section;

(c) All claims for compensation made upon the Corporation under this Act or any Act incorporated herewith shall if the person claiming has no greater interest in the land in respect of which compensation is claimed than as tenant from year to year or as a leaseholder for any term of which not more than eighteen months remain unexpired at the time at which the claim is made be determined in manner provided by section 121 of the Lands Clauses Consolidation Act 1845;

(d) Any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Corporation and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party;

(2) The Waterworks Clauses Act 1847 except—

(a) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

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(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers);

(3) The Waterworks Clauses Act 1863; and

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks authorised by this Act and "the centre of the railway" means the boundaries of the reservoirs and the centres of the aqueducts and road diversions respectively.

Interpreta-  
tion.

**3.**—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and the Public Health Act 1875 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

(a) "The borough" means the borough of Nelson;

(b) "The Corporation" means the mayor aldermen and burgesses of the borough of Nelson;

(c) "The town clerk" "the treasurer" and "the waterworks engineer" mean respectively the town clerk the treasurer and the waterworks engineer of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

(d) "The borough fund" "the district fund" and "the general district rate" mean respectively the borough fund the district fund and the general district rate of the borough;

(e) "The tribunal" means the arbitrator or justices to whom any question of disputed purchase money or compensation under this Act is referred;

(f) "Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be

passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation; A.D 1918.

- (g) "Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;
- (h) "Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;
- (i) "The recited Acts" means the Acts and Orders mentioned in the First Schedule and each of those Acts is referred to as the Act of the year in which it was passed;
- (j) "The First Schedule" and "the Second Schedule" mean respectively the First Schedule and the Second Schedule to this Act;
- (k) "The county council" means the county council of the county palatine of Lancaster.

#### LANDS.

4. Subject to the provisions of this Act the Corporation may for the purposes of this Act and of their water undertaking enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference. Acquisition of lands.

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Correction of  
errors in  
plans and  
book of  
reference.

5. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county palatine of Lancaster for the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county palatine of Lancaster and shall be kept by such clerk of the peace with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Acquisition  
of easements.

6.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act (including the works and conveniences authorised by the section of this Act whereof the marginal note is "Subsidiary works") where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars

of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall either contain or be endorsed with notice of this provision. A.D. 1918.

7. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November nineteen hundred and seventeen if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. Compensation in case of recently acquired interest.

8.—(1) The tribunal shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time has been delivered and that the Corporation have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Costs of arbitration &c. in certain cases.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses

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Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

Period for  
compulsory  
purchase of  
lands.

**9.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the termination of the present war.

Extinction  
of private  
rights of  
way.

**10.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by or vested in the Corporation shall as from the date of such acquisition or vesting be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Purchase of  
additional  
lands by  
agreement.

**11.**—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act or any of the recited Acts may by agreement purchase take on lease acquire and hold further lands for the purposes of their water undertaking but the quantity of lands held by the Corporation in pursuance of this section (exclusive of lands held for the purpose of protecting their waters and waterworks against pollution fouling contamination or injury) shall not at any time exceed fifty acres and the Corporation may on all or any of such additional lands execute for the purposes of or in connexion with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking.

Persons  
under dis-  
ability may  
grant ease-  
ments &c.

**12.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the



grantors have an interest) 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 so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1918.

**13.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Power to retain sell &c. lands.

**14.**—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board. Proceeds of sale of surplus lands.

(2) Provided that—

(a) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase :

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(b) The borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

## WORKS.

Power to  
make water-  
works.

**15.** 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 hereinafter described.

The said works will be situate in the county palatine of Lancaster and are—

Work No. 1 A reservoir (to be called Whitehough Reservoir) situate in the parishes of Barley with Wheatley Booth and Rough Lee to be formed by a dam or embankment to be placed across the Whitehough Water:

Work No. 1A A new road situate in the parishes of Barley with Wheatley Booth and Rough Lee commencing at Barley Bridge and terminating at Thorneyholme Square:

Work No. 2 An aqueduct or conduit comprising one or more lines of pipes situate in the parishes of Barley with Wheatley Booth and Rough Lee commencing at the existing filter house on Barley Green and terminating by a junction with the existing line of pipes at Pasture Head:

Work No. 2A A service reservoir (to be called Ridgaling Service Reservoir) in the parish of Rough Lee:

Work No. 3 An enlargement of the existing Lower Black Moss Reservoir in the parish of Barley with Wheatley Booth by an extension and raising of the existing embankment:

Work No. 3A A diversion of the existing road in the parish of Barley with Wheatley Booth commencing in the existing road at a point 9 chains measured in a south-westerly direction from the existing reservoir embankment and terminating at Salt Pie Farm:

Work No. 4 An aqueduct or conduit comprising one or more lines of pipes in the parish of Barley with Wheatley

Booth commencing at the Lower Ogden Reservoir and terminating at the Lower Black Moss Reservoir: A.D. 1918

Work No. 5 An aqueduct or conduit comprising one or more lines of pipes in the parish of Barley with Wheatley Booth commencing in the filter house on Barley Green and terminating in the Lower Black Moss Reservoir:

Work No. 6 An aqueduct or conduit comprising one or more lines of pipes commencing in the Ridgaling Service Reservoir and terminating at Reedyford Bridge in the borough:

Work No. 7 An aqueduct or conduit comprising one or more lines of pipes in the borough commencing at the termination of Work No. 6 and terminating in Railway Street:

Work No. 8 A reservoir (to be called Upper Coldwell Reservoir) in the borough and the parish of Briercliffe to be formed by a dam or embankment to be placed across Swains Plat Clough:

Work No. 8A A diversion of the existing road in the borough and the parish of Briercliffe commencing at the southerly end of the existing Coldwell Reservoir and terminating at a point 8 chains measured in a south-westerly direction from Swains Plat farmhouse.

**16.** In addition to the works hereinbefore described the Corporation may upon any lands for the time being belonging to them or over which they have or obtain easements make and maintain culverts tunnels shafts chambers drains washouts junctions discharge pipes intakes sluices gauges tanks basins filter beds filters embankments dams retaining walls bridges roads tramroads approaches telegraphic and telephonic apparatus valves machinery buildings appliances apparatus and conveniences connected with or ancillary to the Corporation's waterworks or necessary for inspecting maintaining repairing cleansing managing working or using the same. Subsidiary  
works.

**17.—(1)** In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road shall be Limits of  
deviation.

A.D. 1918. deemed to be such limits) and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

(2) Provided that—

(a) The Corporation shall not construct any embankment or dam of the Works Nos. 1 3 and 8 respectively of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or dam and five feet in addition:

(b) Except for the purpose of crossing over a stream canal or railway no part of the aqueducts shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Accommoda-  
tion for  
workmen  
employed on  
construction  
of works.

**18.**—(1) The Corporation shall erect fit up and maintain or provide—

(a) Such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Act;

(b) Such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connexion with every such building and hospital.

(2) The Corporation shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance (Health) Acts 1911 to 1918 or otherwise.

(3) The medical officer of health of the county council and the medical officer of health and inspector of nuisances for any district in which such accommodation is afforded under this section shall be entitled at any time to enter into and inspect

and examine any such accommodation in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided. A.D. 1918

(4) The Corporation shall give every such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings.

(5) If at any time it appears to the county council that the Corporation have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Corporation shall afford and maintain such accommodation as the county council may require;

Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Corporation give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Local Government Board on the application of either of the parties to the difference and the Local Government Board may make such requirements (if any) in variation of the requirements of the county council as they may think fit.

(6) If the Corporation fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the county council.

(7) Any expenses incurred by the county council in carrying out the provisions of this section shall be repaid to the county council by the Corporation and shall be recoverable as a debt due from the Corporation to the county council.

(8) The Corporation shall pay to the Local Government Board any expenses incurred by that Board under this section including a sum not exceeding three guineas a day for the services of any inspector in connexion with any local inquiry or investigation which they may consider necessary in the exercise

A.D. 1918. of their powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

For protec-  
tion of Leeds  
and Liver-  
pool Canal  
Company.

**19.** For the protection of the Leeds and Liverpool Canal Company (in this section called "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

- (1) The aqueduct or conduit (Work No. 7) authorised by this Act shall be carried over the canal and towing-path of the company on the north side of Hodge House Bridge within the borough with one full span over the canal and towing-path of the company and with a clear headway of not less than eleven feet between the top water level of the said canal and the underside of the said aqueduct and in all other respects the works so far as they affect the said canal and towing-path shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and in accordance with plans sections and specifications (showing fully the mode of construction and the materials to be used) to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section Provided that if such engineer shall not have expressed his approval or disapproval of the said plans sections and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:
- (2) The Corporation shall not otherwise than by agreement purchase or take any land of the company or acquire any rights therein under the powers of this Act except only such easements as may be required for the construction and maintenance of the said aqueduct in accordance with this section:
- (3) The Corporation shall at their own expense maintain the said aqueduct and the works in connexion therewith so far as they affect the said towing-path and canal in good repair at all times to the reasonable satisfaction of the engineer of the company and with the span and headway hereinbefore provided unless they abandon the said aqueduct or the portion thereof

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which passes over the canal and towing-path of the company and in that case they shall (if required so to do by the company but not otherwise) remove to the reasonable satisfaction of the engineer of the company the said aqueduct and other works at their own expense and make good any injury caused thereby to the canal towing-path and property of the company :

- (4) The Corporation shall make good all damage that may be occasioned to the works or property of the company by the construction renewal repair or want of repair of the said aqueduct and works but in case of pressing necessity and in every other case if for seven days after notice in writing thereof given to the Corporation by the company the Corporation neglect to proceed with due diligence to make good such damage the company may if they think fit make good the damage and the reasonable expenses incurred by them in so doing shall be repaid to them by the Corporation :
- (5) The Corporation shall take all reasonable precautions in the execution and maintenance of Work No. 7 to prevent any interference with the free uninterrupted and safe user in the ordinary manner of the said canal and towing-path and if and whenever in consequence of the execution or failure of such works any part of the said canal or towing-path shall be obstructed or rendered dangerous to boats barges or other vessels navigating or using the canal so that boats barges or other vessels cannot pass along the same the Corporation shall pay to the company by way of ascertained damages the sum of two hundred pounds for every day during which the obstruction or danger shall continue and so in proportion for any less time than a day :
- (6) Nothing in this section contained shall prevent any owner of boats or barges from recovering from the Corporation (in addition to the ascertained damages hereinbefore mentioned) any special damage that may be sustained by the company or such owner in consequence of the stoppage of or hindrance to the traffic

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on the canal or in consequence of the works to be executed by the Corporation or by reason of any act or omission of the Corporation:

(7) Nothing in this Act contained shall interfere with the right of the company at any time to alter reconstruct or improve the said canal towing-path or bridge in the same manner as they might have altered reconstructed or improved the same if this Act had not passed and such aqueduct had not been carried over the said canal and towing-path and in the event of the said canal towing-path or bridge being altered reconstructed or improved by the company as aforesaid or in the event of the said bridge being under statutory power or by agreement reconstructed by the Corporation or a new bridge erected by the Corporation in substitution therefor then the Corporation shall at their own cost in all things make such alterations as may be necessary and reasonably required by the Company's engineer in the position of any works by means of which such aqueduct is carried over the said canal and towing-path or shall divert the said aqueduct over or alongside any reconstructed or new bridge and shall remove all pillars and works contemplated at the passing of this Act from the company's property restoring the surface and making good all damage caused to the company's property by such removal to the reasonable satisfaction of the company's engineer:

(8) Any dispute or difference which may arise between the Corporation and the company or their engineer with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be determined by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade upon the application of the Corporation or the company.

For protection of Lancashire and Yorkshire Railway Company.

20. The following provisions for the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the company") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing



between the Corporation and the company apply and have effect (that is to say):— A.D. 1918.

(1) The construction of the aqueduct or conduit (Work No. 7) by this Act authorised and of any works executed in pursuance of the powers of the sections of this Act whereof the marginal notes are “Subsidiary works” and “Further powers in relation to water mains” and the works connected therewith respectively into through across or under any railways of the company or the stations bridges approaches or other works thereof or other property of the company and any works of maintenance repair and renewal of such works including the making good and repairing of any roads over any such railway and over any bridges and approaches which the company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation (all of which works are hereinafter referred to as “the said waterworks”) shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and according to plans sections and specifications to be submitted to and reasonably approved by him before any of the said waterworks are commenced or in the event of any dispute or difference between such engineer and the engineer of the Corporation then in such manner as shall be settled by arbitration as hereinafter provided Provided that if the said principal engineer shall fail to superintend at the time specified in a notice to be given by the Corporation to the company of their intention to commence the said waterworks (such time being not less than twenty-one days from the giving of the notice) such works may be executed without his superintendence and if the said principal engineer shall for a period of one month after such plans sections or specifications have been submitted to him neglect or refuse to approve the same or state his requirements with respect thereto he shall be deemed to have approved thereof:

(2) The said waterworks shall be executed by and in all things at the expense of the Corporation and in such

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manner as not to cause any injury to the railways or any of the works thereof or other property of the company or interruption to the passage or conduct of the traffic over or at any such railway or station and if any such injury or interruption shall arise the Corporation shall make full compensation to the company in respect thereof:

- (3) When the Corporation open or break up any road or pavement of any street or other works belonging to or repairable by the company they shall with all convenient speed complete the work for which the same shall be broken up and reinstate and make good the road or works so opened or broken up and shall keep any road or pavement so broken up in good repair for three months after reinstatement and making good and for such further time (if any) as the soil so broken up shall continue to subside:
- (4) If the Corporation make delay in completing such work or reinstating and making good such road or works so opened or broken up or neglect to keep the road or pavement in repair as aforesaid the company may cause the work so delayed or omitted to be executed and the reasonable expense incurred by them in executing the same shall be repaid to them by the Corporation:
- (5) The Corporation shall bear and on demand pay to the company the reasonable expense of any temporary works which may be necessary in connexion with the execution of the said waterworks across or under their railways and of the employment by the company of a sufficient number of inspectors watchmen and flagmen to be appointed by the company for watching their railways property and works with reference to and during the execution of the said waterworks:
- (6) Notwithstanding anything in this Act contained or the approval of the said plans sections and specifications by the said principal engineer or any superintendence as aforesaid by the said principal engineer the Corporation shall be responsible for and make good to

the company all costs losses damages or expenses which may be occasioned to them or to any of their railways works or property or to the traffic thereon or otherwise by reason or in consequence of the execution or failure of the said waterworks or by any act or omission of the Corporation or of any persons in their employment or their contractors agents or others and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission:

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- (7) If any difference shall arise between the Corporation and the company or their respective engineers under this section such difference shall be referred to and determined by an engineer failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

**21.** Notwithstanding anything in this Act contained the following provisions shall have effect for the protection of the county council unless otherwise agreed in writing between the county council and the Corporation:—

For pro-  
tection of  
Lancashire  
County  
Council.

- (1) Where any aqueduct or line of pipes is laid under any main road the same shall be laid so that the upper surface thereof is not less than four feet below the surface of the road except in special cases where with the consent of the county surveyor a less space may intervene and the trench shall be filled in and the surface of the road made good and kept level with the adjoining surface of the road in accordance with the reasonable requirements of the county surveyor and the Corporation shall be liable to maintain and repair at their own expense and to the reasonable satisfaction of the county surveyor the roadway over the trench for a period of twelve months from the date of the surface being made good as aforesaid:
- (2) If after any aqueduct or line of pipes has been laid in the main road any sinking or subsidence of the surface of the road shall occur by reason or in consequence of the said aqueduct or line of pipes

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the Corporation shall at their own expense make up the surface of the road to the satisfaction of the county surveyor and if they fail to do so when required by the county surveyor he may on giving the Corporation twenty-four hours' notice cause the work to be done and all expenses incurred in connexion with such work as certified by the county surveyor shall be paid by the Corporation to the county council within one month after the notice of the amount so certified by the county surveyor has been given to the Corporation:

- (3) The county council shall not be liable to the Corporation for any damage done to any aqueduct or line of pipes of the Corporation laid under a main road caused by the use of a road roller. The Corporation shall indemnify the county council from claims for damages that may be made against the county council by reason of any sinking or subsidence of the road caused by the construction or failure of any aqueduct or line of pipes.

For protec-  
tion of Burn-  
ley Rural  
District  
Council.

**22.** The following provisions for the protection of the Burnley Rural District Council (in this section called "the council") shall apply and have effect unless otherwise agreed between the Corporation and the council:—

- (1) Before commencing the construction of the Whitehough Reservoir (Work No. 1) by this Act authorised the Corporation shall convey to the council free of cost half an acre of the land which the Corporation are by this Act authorised to take on the western side of the said Work No. 1 near Narrow Gates and at such a level as will permit sewage from the sewerage system to be constructed by the council for the village of Barley to flow on to the said land by gravitation and the council may construct upon the said half an acre of land works for the treatment and disposal of the said sewage and on the completion of such works the Corporation shall pay to the council the sum of seven hundred and fifty pounds:
- (2) If after the construction by the council of the sewer for conveying the sewage of the said village of

Barley the discharge from the polluted water drain which is to be constructed by the Corporation for the purpose of protecting the reservoir (Work No. 3) by this Act authorised shall create a nuisance in the bed of the Barley Water below the outlet of the said drain the Corporation shall connect such drain with the said sewer of the council. If any question shall arise as to whether or not the discharge from the said drain is a nuisance such question shall be determined by an arbitrator to be appointed on the application of the council or the Corporation by the Local Government Board:

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- (3) The Corporation shall construct the new road (Work No 1A) by this Act authorised of a width of thirty feet between the fences and shall properly boulder and metal the said road for a width of fifteen feet and so soon as the said road and the works authorised by this Act in the parish of Barley with Wheatley Booth have been completed the said road shall be dedicated to the public and thereupon the council shall become liable to maintain repair and drain the said road:
- (4) Notwithstanding anything contained in this Act the Corporation shall not stop up any footpath shown on the deposited plans within the district of the council unless and until a new and convenient footpath has been provided by the Corporation in lieu thereof to the satisfaction in all respects of the council:
- (5) The Corporation shall provide and maintain a right of way for foot passengers along the north side of the Whitehough Reservoir between Narrow Gates and Upper Whitehough:
- (6) The Corporation shall supply to the council for distribution in the parish of Barley with Wheatley Booth such quantity of water as the council shall from time to time require not exceeding two hundred and fifty thousand gallons in any quarter of a year and for distribution in the parish of Rough Lee such quantity of water as the council shall from time to time require not exceeding three hundred thousand gallons in any quarter of a year at the price in each

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case of sixpence per one thousand gallons and such supplies shall be delivered at such point or points as may be agreed between the Corporation and the council or as failing agreement may be determined by arbitration in accordance with the provisions for the determination of questions arising under subsection (2) of this section :

- (7) The Corporation shall supply to the council such further quantity of water in excess of the quantities named in subsection (6) of this section as may be agreed between the Corporation and the council and upon such terms as may be agreed between them :
- (8) All water taken by the council shall be measured by a meter or other apparatus to be provided by the council and approved by the waterworks engineer of the Corporation at every point from which a supply shall be given. The Corporation shall at all reasonable times be at liberty after giving forty-eight hours' notice to the council to inspect every such meter and the works appertaining thereto and to test the accuracy thereof and if necessary to require the same to be repaired and maintained at the expense of the council.

For protection of Stephen Towler.

**23.** For the protection of Stephen Towler or other the owner lessee or occupier for the time being of the premises in the parish of Barrowford known as "Fulshaw Head Farm" (in this section referred to as "the owner") the following provisions shall unless otherwise agreed between the owner and the Corporation have effect (that is to say):—

- (1) If at any time after the Corporation have commenced to construct the Ridgaling Service Reservoir (Work No. 2A) or the aqueduct or conduit (Work No. 6) by this Act respectively authorised there shall be a discontinuance or any diminution of the supply of water to the said premises existing immediately prior to the commencement of the construction of any of the said works or any deterioration in the quality of such water the Corporation shall upon the written request of the owner at all times thereafter afford to him

from their nearest available water main free of charge a supply of pure and wholesome water sufficient for domestic purposes in the farm house and shall also provide and at all times thereafter maintain in positions to be selected by the owner six drinking troughs of stone or other suitable material and of such size and kind as shall be suitable for the purpose for which they shall be respectively intended and shall cause the same to be constantly supplied from such water main with a sufficient quantity of pure and wholesome water for the purpose of watering the cattle horses and other animals upon the said farm and for all other ordinary farm purposes and shall at their own cost lay down and at all times thereafter maintain and keep in good order and condition the water mains necessary to provide such supplies and the pipes taps and apparatus thereto belonging Provided that the owner shall grant to the Corporation free of cost any necessary wayleaves over or through any land belonging to him for the laying of pipes from the said water main for the purpose of affording any such supply Provided also that if and so far as the Corporation shall prove to the satisfaction of an arbitrator to be appointed as hereinafter provided that any such discontinuance diminution or deterioration as aforesaid is not directly or indirectly caused by or in consequence of the construction of the said service reservoir aqueduct or conduit or the exercise by the Corporation of any of the powers conferred by this Act the supply to be afforded by the Corporation to the owner as aforesaid (if required by the owner) shall be so afforded upon such terms as to payment and otherwise (not being less favourable to the owner than the terms upon which the Corporation are for the time being supplying water for like purposes to any other person in any part of their area of water supply outside the borough) as may be agreed between the owner and the Corporation :

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- (2) Any question which may arise between the Corporation and the owner under this section shall be referred to and determined by an arbitrator to be agreed

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—

upon between the owner and the Corporation or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

For protection of James Ridehalgh and others.

**24.** For the protection of James Ridehalgh or other the owner or owners for the time being of the messuage or dwelling-house and premises in the urban district of Barrowford known as "Oaklands" and the farms in the said urban district known as "Oaklands Farm" (or "Home Farm") "Higher Oaklands Farm" and "Spittlefield Farm" or of any of the said premises or farms (in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Corporation have effect (that is to say):—

- (1) If at any time after the Corporation have commenced to construct the Ridgaling Service Reservoir (Work No. 2A) by this Act authorised or either of the aqueducts or conduits (Works Nos. 2 and 6) by this Act authorised or have diverted altered removed or in any way interfered with the existing pipe at or about the site of the said Ridgaling Service Reservoir now used for conveying water to the said farms and premises or any of them there shall be any failure or diminution of the supply of water to or any pollution or deterioration of the quality of the water supplied to the said premises and farms or any of them from any spring well or other works existing upon any part of the farm known as Ridgaling Farm immediately prior to the commencement of the construction of any of the said works or of the diversion alteration or removal of or interference with the said existing pipe the Corporation shall in any or either of such cases upon the written request of the owner thenceforth afford and furnish to him free of charge a regular and continuous supply of water properly filtered and suitable for domestic purposes The water so to be afforded and furnished shall be equal in quantity to the supply of which any such failure as aforesaid shall have occurred or to the amount of any such diminution as aforesaid (as the case may be) and shall be of a quality at least as good



as that of the water available before any such pollution or deterioration as aforesaid took place and shall be delivered by the Corporation into the large cistern or tank now existing in the field (marked No. 287 in the parish of Barrowford on the  $\frac{1}{2500}$  Ordnance map edition of 1912 Lancashire sheet No. LVI—3) forming part of the said Higher Oaklands Farm or into any other cistern or tank which the owner may at any time hereafter construct or make in lieu of and at or about the site thereof Provided that the owner shall grant to the Corporation free of cost any necessary wayleaves over or through any land belonging to him for the laying of pipes from their nearest available water main for the purpose of affording and maintaining any such supply Provided also that if and so far as the Corporation shall prove to the satisfaction of an arbitrator to be appointed as hereinafter provided that any such failure or diminution in quantity or pollution or deterioration in quality as aforesaid was not directly or indirectly caused by or in consequence of the construction of the said service reservoir or the exercise by the Corporation of any of the powers conferred by this Act or the diversion alteration or removal of or interference with the said existing pipe the supply to be afforded and furnished by the Corporation to the owner as aforesaid (if required by the owner) shall be so afforded and furnished upon such terms as to payment or otherwise (not being less favourable to the owner than the terms upon which the Corporation are for the time being supplying water for like purposes to any other persons in any part of their area of water supply outside the borough) as may be agreed between the owner and the Corporation:

- (2) The Corporation shall indemnify the owner and keep him indemnified from and against all claims demands damages costs charges and expenses which may be made against or incurred by the owner in respect of any failure or diminution or interference with or pollution or alleged failure or diminution or interference with or pollution (attributable directly or indirectly

A.D. 1918.  
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to the exercise by the Corporation of any of the powers of this Act or the diversion alteration removal of or interference with the said existing pipe) of the supply of water flowing prior to the passing of this Act to the Top Reservoir of the Albert Mills in the said urban district of Barrowford from through or out of the said large cistern or tank or from through or out of any lands of the owner or in respect of any injury to or want of maintenance cleansing repair or renewal (attributable directly or indirectly to any such cause as aforesaid) of the drains pipes and communications by means of which such water flows to the said Top Reservoir of the said mills :

- (3) Any difference between the owner and the Corporation under this section shall be referred to and determined by an arbitrator to be agreed upon between the owner and the Corporation or failing such agreement to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers.

Period for  
completion  
of works.

**25.**—(1) If the works authorised by this Act and delineated on the deposited plans are not completed within fifteen years from the date upon which the Corporation are permitted to borrow money for the construction thereof then on the expiration of that period the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueducts authorised by this Act lay down additional lines of pipes as and when occasion may require.

Diversion of  
roads.

**26.**—(1) Upon the completion of Work No. 1A and Work No. 8A respectively all public rights of way over the roads for which they are respectively substituted shall be extinguished :

Provided that the part of the existing road of which Work No. 8A by this Act authorised is a diversion shall not be stopped up until the said Work No. 8A is completed to the satisfaction of the road authority and is open to public use or in case of difference between the Corporation and the road authority until

two justices shall have certified that the said Work No. 8A has been completed to their satisfaction and is open for public use A.D. 1918.  
 Provided also that before applying to the justices for their certificate the Corporation shall give to the road authority seven days' notice of their intention to apply for the same.

(2) As from the completion of the said Works No. 1A and 8A to the satisfaction of the road authority or (with respect to Work No. 8A) as from the date of the said certificate as the case may be the Corporation may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying near to the railway appropriate and use for the purposes of their undertaking the site of the portions of road stopped up as far as the same is bounded on both sides by lands of the Corporation and the site of such portions of road shall be vested in\* them.

(3) The Corporation shall make full compensation to all persons interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

**27.** In addition to the powers vested in the Corporation under or by virtue of the recited Acts of diverting impounding taking appropriating and using water they may divert impound take appropriate and use all the water which can be intercepted or abstracted by means of the works authorised by the recited Acts and this Act. Power to  
take water.

**28.—(1)** As from the completion and first filling of the Whitehough Reservoir (Work No. 1) by this Act authorised section 10 (Provision as to compensation water) of the Act of 1888 shall be repealed. Compensa-  
tion water

(2) As from the completion and first filling of the Whitehough Reservoir the Corporation shall during every day of twenty-four hours discharge in a regular uniform and continuous flow from the Whitehough Reservoir into the Whitehough Water not less than one million seven hundred and fifty thousand gallons of water.

(3) The Corporation shall not commence the enlargement of the existing Lower Black Moss Reservoir (Work No. 3) by this Act authorised nor utilise any of the works numbered 3 4

A.D. 1918. or 5 authorised by this Act until they have fully completed the  
— Whitehough Reservoir and commenced to discharge therefrom  
into the Whitehough Water the daily flow required by this  
section.

(4) The Corporation shall not during the construction of the Whitehough Reservoir interfere with or diminish the volume of water flowing down the Whitehough Water.

(5) The Corporation shall not impound any water in the Whitehough Reservoir for the first filling thereof at any time during which the flow down the Whitehough Water immediately below the said reservoir is at a less rate than the rate of one million seven hundred and fifty thousand gallons a day and during the period of such first filling the Corporation shall if necessary discharge from the said reservoir any quantity of water which may be necessary to ensure a flow at such rate down the Whitehough Water.

(6) For the purpose of measuring the quantity of compensation water to be discharged in pursuance of subsection (2) of this section the Corporation shall provide and maintain at or within two hundred feet below the Whitehough Reservoir a proper and suitable measuring gauge over or through which the water shall flow and the same shall be open to the inspection and examination of all persons interested in the flow of the Whitehough Water.

(7) In case of any neglect on the part of the Corporation to provide and maintain a gauge in accordance with this section and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not flow the Corporation shall for every day on which such neglect occurs pay a sum not exceeding five pounds to each person interested in the flow of the Whitehough Water who may have sustained loss by any such neglect and who may sue for and recover the same.

(8) As from the completion of the Upper Coldwell Reservoir (Work No. 8) by this Act authorised and during and at all times after the first filling thereof the Corporation shall cause to be discharged into the stream known as the Catlow Brook or Walverden Water at a point distant not more than fifty yards from the foot of the embankment of the existing Coldwell Reservoir a regular uniform and continuous flow of

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water of not less than two hundred thousand gallons in every twenty-four hours in substitution for the daily flow of one hundred thousand gallons required to be discharged at such point by section 8 of the Act of 1879.

(9) The Corporation may construct and maintain at a point on the Walverden Water above the aperture referred to in section 27 of the Act of 1866 an intake and works which shall be so constructed and maintained as to be capable of abstracting from the Walverden Water at such point and taking into the Walverden Compensation Reservoir in an even and continuous flow any quantity of water not exceeding one hundred thousand gallons in every twenty-four hours and the Corporation at all times during the discharge of water provided for by the last preceding subsection of this section may by means of such intake and works abstract from the Walverden Water at such point and take into the Walverden Compensation Reservoir any quantity of water not exceeding the quantity aforesaid but the provisions of this subsection shall not apply on any day (except Sunday Christmas Day and Good Friday) on which the Corporation shall not discharge water from the Walverden Compensation Reservoir under the provisions of the section of this Act of which the marginal note is "For protection of Walverden Millowners."

(10) For the purpose of measuring the quantity of compensation water to be discharged in pursuance of subsection (8) of this section the Corporation shall provide and maintain at a point not more than fifty yards from the foot of the embankment of the existing Coldwell Reservoir a proper and suitable measuring gauge over or through which the water shall flow and the same shall be open to the inspection and examination of all persons interested in the flow of the Catlow Brook or Walverden Water.

(11) If any difference arises between the Corporation and any person so interested with respect to the construction of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President of the Institution of Civil Engineers.

**29.** For the protection of the county council and the River Ribblé Joint Committee (in this Act called "the joint committee") the following provisions shall unless otherwise agreed

For protection of  
Lancashire  
County

A.D. 1918.  
Council and  
River Ribble  
Joint Com-  
mittee.

in writing between the authorities on the one hand and the Corporation on the other hand have effect (that is to say):—

(1) For the purpose of measuring the quantity of compensation water to be discharged from the Whitehough Reservoir (Work No. 1) by this Act authorised and the existing Coldwell Reservoir the Corporation shall before the first filling of the Whitehough Reservoir and the Upper Coldwell Reservoir (Works Nos. 1 and 8) by this Act authorised respectively construct and thereafter maintain at points at or within two hundred feet below the Whitehough Reservoir and at or within fifty yards below the existing Coldwell Reservoir suitable and efficient automatic and self-registering gauges and apparatus for registering and automatically recording the flow of the compensation water to be discharged from the said Whitehough and existing Coldwell Reservoirs respectively in accordance with the provisions of this Act and it shall be the right and (as between the county council on the one hand and the joint committee on the other hand) the duty of the joint committee from time to time to inspect the said gauges and apparatus and the aperture and apparatus referred to in section 27 of the Act of 1866 which shall at all convenient times be open to such inspection:

(2) For the purpose of securing compliance with the provisions of the section of this Act of which the marginal note is "Compensation water" so far as such provisions relate to the flow of water which the Corporation may abstract from the Walverden Water and take into the Walverden Compensation Reservoir by means of the intake and works which the Corporation are authorised by that section to construct and maintain at a point on the Walverden Water above the aperture referred to in section 27 of the Act of 1866 the Corporation shall construct and maintain at the said intake a proper and suitable measuring gauge which shall automatically record the days on which water shall be taken by means of the said intake into the Walverden Compensation Reservoir and the joint committee shall be entitled

at all convenient times to inspect the said intake and works and the said gauge and for the purpose aforesaid the joint committee shall be entitled at all convenient times to inspect the gauge and apparatus which the Corporation shall construct and maintain from time to time for registering and automatically recording the flow of the water in the Catlow Brook or Walverden Water as authorised under the section of this Act of which the marginal note is "For protection of Walverden Millowners" and the records of the water passing through such gauge:

- (3) The Corporation shall at all times keep daily records of the water passing through both the said gauges at the Whitehough and existing Coldwell Reservoirs and of the days on which water is taken into the Walverden Compensation Reservoir by means of the said intake and shall within the first three days of each month deposit at the waterworks offices at Nelson the records for the preceding month and until such deposit shall keep the same at some convenient place near the said gauges and it shall be the right and (as between the county council on the one hand and the joint committee on the other hand) the duty of the joint committee from time to time to inspect and if they think fit to take copies of or extracts from the said records which shall at all convenient times be open to such inspection:
- (4) In case of any failure or neglect on the part of the Corporation to keep the records mentioned in the last preceding subsection of this section or to maintain either of the said gauges in that subsection referred to or the gauge recording the water taken into the Walverden Compensation Reservoir by means of the intake referred to in subsection (2) of this section or the said apparatus and aperture referred to in section 27 of the Act of 1866 in a state of efficiency the Corporation shall for every day on which such neglect or default occurs forfeit and pay to the joint committee on summary conviction at the instance of the joint committee within three months of such neglect or default the sum of ten pounds

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and the joint committee may in the case of any such gauge aperture or apparatus becoming inefficient renew or replace the same by an efficient gauge aperture or apparatus or repair the same and recover the expense of so doing from the Corporation in any court of competent jurisdiction :

- (5) In case the Corporation shall take any water into the Walverden Compensation Reservoir by means of the before-mentioned intake on any day other than a day on which they are by this Act authorised so to do or shall omit or fail to discharge any of the several quantities of compensation water which they are required to discharge by the section of this Act of which the marginal note is "Compensation water" or in case the Corporation shall omit or fail to comply with or observe the restrictions and obligations therein relating to the discharge of compensation water the Corporation shall on summary conviction at the instance of the joint committee of any such omission or failure forfeit and pay to the joint committee the sum of ten pounds for every day or part of a day on which such omission or failure shall occur but without prejudice to any other legal proceedings which may be taken against the Corporation :
- (6) Nothing in this Act or in the recited Acts contained shall in any way affect the rights of the joint committee under the Rivers Pollution Prevention Act 1876 :
- (7) The Corporation shall not in exercising the powers of the section of this Act of which the marginal note is "Temporary discharge of water into streams" cast or permit or suffer to be cast or washed into any stream or watercourse passing through or by the county palatine of Lancaster any mud sludge or offensive matter or other deposit or materials contained in or taken out of or removed from any of their reservoirs aqueducts or other waterworks.

For protec-  
tion of urban  
district coun-  
cils of Padi-

**30.** For the protection of the urban district council of Padiham the urban district council of Barrowford and the owners lessees and occupiers for the time being of the several



mills manufactories and works situate in the urban district of Padiham and now or hereafter erected upon the banks of the River Calder or any stream or channel connected therewith or now or hereafter using the waters thereof and the owners lessees and occupiers for the time being of the several mills manufactories and works situate in the urban district of Barrowford and now or hereafter erected upon the banks of the Pendle Water or now or hereafter using the waters thereof (all of which councils owners lessees and occupiers are in this section together referred to as "the owners") the following provisions shall apply and have effect :—

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ham and  
Barrowford  
and mill-  
owners.

- (1) For the purpose of measuring the quantity of compensation water to be discharged or delivered pursuant to the section of this Act of which the marginal note is "Compensation water" the Corporation shall construct erect and maintain—

(a) at or within two hundred feet from the foot of the embankment of the Whitehough Reservoir ;  
and

(b) at or within fifty yards from the foot of the embankment of the existing Coldwell Reservoir ;  
respectively a proper and suitable self-recording measuring gauge over or through which the compensation water to be discharged or delivered from the Whitehough Reservoir and the existing Coldwell Reservoir respectively shall flow and such gauges shall be open to the inspection and examination of the owners and of each and every of them and of any agent duly appointed in writing by them or by any of them :

- (2) The Corporation shall keep daily records of the quantity of water passing through the said self-recording measuring gauges respectively and shall within the first three days of each month deposit at their water-works offices at Nelson the records for the preceding month and until such deposit shall keep the same at some convenient place near the said gauges respectively Such records shall be open to the inspection at all reasonable times of the owners and of each of them and of any agent duly appointed in writing by

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them or by any of them and each of the owners or his agent as aforesaid shall be entitled to take copies thereof free of charge and the Corporation for every day during which they shall negligently fail to keep such records shall forfeit and pay to each of the owners who may sue for and recover the same the sum of forty shillings :

- (3) In case of any neglect on the part of the Corporation to erect or to maintain in a state of efficiency any such gauge and in case of any other neglect or default by or in consequence of which the said respective quantities of compensation water shall not so flow the Corporation shall for every day on which such neglect or default occurs forfeit and pay to each of the owners who may sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by the owners and each and every of them :
- (4) If any difference arises between the Corporation on the one hand and the owners or any of them on the other hand with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of any or either of the parties to such difference by the Board of Trade.

For protec-  
tion of Lord  
Shuttle-  
worth.

**31.** Unless otherwise agreed the provisions of the section of this Act of which the marginal note is "For protection of urban district councils of Padiham and Barrowford and millowners" shall have effect for the protection of the Right Honourable Ughtred James Baron Shuttleworth and his successors in title or other the owners lessees or occupiers for the time being of mills manufactories works or buildings situate on the property known as the Gawthorpe Estate interested in the waters of the River Calder or of any stream or channel connected therewith and the expression "the owners" in that section shall for the purposes of this section be deemed to include the said Baron Shuttleworth and his successors in title and other the owners lessees or occupiers as aforesaid.

32. For the protection of the owners and occupiers of mills and manufactories estates and premises now or hereafter being on or who may be now or hereafter interested in the flow of the portion of the Barrowford Beck or Pendle Water between the confluence of Whitehough Water with the Admergill Beck and a point in the said Barrowford Beck two hundred and fifty yards above the confluence thereof with Colne Water (all of whom are in this section collectively and individually referred to as "the Barrowford Beck owners") the following provisions shall unless otherwise agreed in writing between the Barrowford Beck owners and the Corporation apply and have effect (that is to say):—

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For protec-  
tion of Bar-  
rowford  
Beck Mill-  
owners.

- (1) The Corporation shall not use any of the works authorised by this Act numbered 3 4 or 5 nor take any water for supply to consumers from the Black Moss Reservoir until they have fully completed the Whitehough Reservoir :
- (2) For the purpose of measuring the quantity of compensation water to be discharged from the Whitehough Reservoir (Work No. 1) by this Act authorised and before the first filling of that reservoir the Corporation shall construct and maintain at a point at or within two hundred feet below the Whitehough Reservoir a suitable and efficient automatic and self-registering gauge which shall be kept in an accessible position and be at all times visible and an apparatus for registering and automatically recording the flow of the quantity of compensation water to be discharged from such reservoir and it shall be the right of the Barrowford Beck owners from time to time to inspect the said gauge and apparatus which shall at all times be open to such inspection :
- (3) The Corporation shall at all times keep daily records of the water passing through the said gauge and shall within the first three days of each month deposit at the waterworks offices at Nelson the records for the preceding month and until such deposit shall keep the same at some convenient place near the said gauge and it shall be the right of the Barrowford Beck owners from time to time to inspect and if they think fit to take copies of or extracts from the

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said records which shall at all times be open to such inspection:

- (4) In the case of any failure or neglect on the part of the Corporation to keep the said records or to maintain the said gauge in a state of efficiency the Corporation shall for every day on which such neglect or default occurs forfeit and pay to each person interested in the flow of the Whitehough Water who may sue for and recover the same the sum of ten pounds and shall in addition make compensation for any loss or damage sustained by the said owners or any of them:
- (5) In case the Corporation shall omit or fail to discharge any of the several quantities of compensation water which they are required to discharge by this Act or in case the Corporation shall omit or fail to comply with or observe the restrictions and obligations therein relating to the discharge of compensation water the Corporation shall on summary conviction at the instance of all or any person or persons interested as aforesaid of any such omission or failure forfeit and pay to each of such persons the sum of ten pounds for every day or part of a day on which such omission or failure shall occur but without prejudice to any other legal proceedings which may be taken by or any other right or remedy of any such person against the Corporation.

For pro-  
tection of  
Thomas  
Martin  
Smith.

**33.** Notwithstanding anything contained in this Act the following provisions for the protection of Thomas Martin Smith or other the owner or owners for the time being (all of whom are in this section included in the expression "the owner") of any part which abuts upon the Rough Lee Water or Pendle Water of the farms and lands called Crow Trees and Judson Fold Farms in the parish of Rough Lee in the county palatine of Lancaster or of the other lands which abut as aforesaid in the said parish of which the said Thomas Martin Smith is owner as tenant for life or otherwise shall except so far as may be otherwise agreed in writing between the Corporation and the owner apply and have effect (that is to say):--

The provisions of the section of this Act of which the marginal note is "For protection of Barrowford Beck

Millowners" shall have effect for the protection of the owner and the lessees or tenants of the owner and the expression "Barrowford Beck owners" in that section and the expression "each person interested in the flow of the Whitehough Water" in subsection (4) of that section and the expression "any person or persons interested as aforesaid" in subsection (5) of that section shall for the purposes of this section be deemed to include the owner and also the lessees or tenants of the owner and the respective sums of ten pounds respectively mentioned in the said subsections (4) and (5) shall respectively be recoverable by the owner and by his lessees or tenants respectively without proof of any loss or damage sustained by him or them respectively.

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**34.** Notwithstanding anything contained in this Act the following provisions for the protection of Thomas Martin Smith or other the owner or owners for the time being (all of whom are in this section included in the expression "the owner") of all or any part of the farms and lands called Crow Trees and Judson Fold Farms in the parish of Rough Lee in the county palatine of Lancaster or of the other lands in the said parish of which the said Thomas Martin Smith is owner as tenant for life or otherwise (all of which farms and lands are in this section called "the estate") shall except so far as may be otherwise agreed in writing between the Corporation and the owner apply and have effect (that is to say):—

For further  
protection  
of Thomas  
Martin  
Smith.

- (1) The Corporation shall not acquire any part of the estate or any easements or rights in or over the same other than an easement or right of making maintaining using cleansing repairing and renewing the aqueduct (Work No. 2) by this Act authorised and of obtaining access thereto but the Corporation may acquire such easements or rights in accordance with the provisions of subsections (1) and (2) of the section of this Act the marginal note of which is "Acquisition of easements" Provided also that the Corporation shall be at liberty to make use of any material excavated in the construction or maintenance of the said works and which is not required for restoring the surface to its former level and state:

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- (2) In the construction and maintenance of the said Work No. 2 in and through the estate the Corporation shall first carefully remove from the surface all vegetable soil on the line or site of the works and on the completion of such construction or maintenance they shall replace such soil and shall sow the same with good grass seeds so as to restore the surface as nearly as may be to its former state All surplus soil or material excavated in or upon the estate in the construction or maintenance of the works shall be deposited on such part of the estate as the owner may direct (not being at a greater distance from the place from which the same was excavated than one-quarter of a mile) No materials other than such as shall have been excavated from the estate or than such as shall be required for the construction of the works shall be deposited upon any part of the estate:
- (3) The Corporation shall lay the said aqueduct (Work No. 2) by this Act authorised in the estate so far as reasonably practicable so that the top thereof shall not be nearer to the present surface of the land than three feet:
- (4) All walls fences gates sewers drains pipes water supplies and other like matters and things belonging to the owner which may be interfered with by the Corporation during the construction or maintenance of the said aqueduct shall subject to the provisions of this section be made good as soon as practicable by the Corporation:
- (5) The Corporation shall construct and maintain all manholes washouts inspection chambers and other subsidiary works on the estate to the reasonable satisfaction of the owner:
- (6) The Corporation shall not acquire or stop up the occupation road numbered 24 in the parish of Rough Lee on the deposited plans nor shall they obstruct or interfere with the user of the said road by the owner or his tenants except so far as may be necessary during the construction maintenance and repair of the said aqueduct:

(7) The Corporation shall not interfere with or affect the spring or the pond on the close numbered 22 in the parish of Rough Lee on the deposited plans nor the supply of water from such spring nor the supply of water in or to such pond Provided that if in the construction of the said aqueduct the Corporation shall interfere with the said spring or pond or with the supply of water from such spring or the supply of water in or to such pond they shall make good such interference or affection as the case may be to the reasonable satisfaction of the owner or if it shall be impracticable so to do then the Corporation shall at their own expense provide and maintain such substituted water supply as the owner shall reasonably require :

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(8) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed on between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

**35.** For the protection of Henry Atkinson or other the owner lessee or occupier for the time being of the premises in the parish of Barley with Wheatley Booth known as Barley House Farm (hereinafter called "the owner") the following provisions shall unless otherwise agreed between the owner and the Corporation have effect (that is to say):—

For protection of  
Henry  
Atkinson.

The Corporation shall before diminishing or discontinuing the supply of compensation water from their Black Moss Reservoirs provide and at all times thereafter maintain in positions to be selected by the owner two stone drinking troughs one of which shall not be less (by internal measurement) than six feet in length one foot six inches in width and one foot six inches in depth and the other not less than three feet in length one foot in width and one foot in depth and shall at all times cause the said troughs to be constantly supplied free of cost from the reservoirs or water mains of the Corporation with a sufficient quantity of good and wholesome water for all domestic and farm purposes of the owner and at all times thereafter at their own cost shall maintain and keep in

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good order and condition the water pipes necessary to provide such supply and the pipes taps and apparatus thereto belonging Provided that the owner shall grant to the Corporation free of cost any necessary wayleaves in the land of the owner for the supply pipes between the water main or mains of the Corporation and the said troughs for the purpose of affording and maintaining such supply and this section shall be without prejudice to any claim of the owner for purchase money or compensation under this Act or any Act or Acts incorporated therewith in respect of any matter other than the laying construction and maintenance of such supply pipes.

Damage by  
bursting.

**36.** If any loss or damage shall be caused by reason or in consequence of the bursting or failure of any reservoir aqueduct or work by this Act authorised the Corporation shall make compensation for any such loss or damage.

Repeal of  
power to  
take water  
from Catlow  
Brook.

**37.** As from the passing of this Act the powers of taking water from the Catlow Brook conferred upon the Corporation by the Act of 1866 as amended by section 6 of the Act of 1879 shall cease and determine.

For protec-  
tion of Wal-  
verden Mill-  
owners.

**38.** For the protection of the owners and occupiers for the time being of the several mills manufactories and works in the borough now or hereafter erected on or now or hereafter using the waters of the Catlow Brook otherwise Walverden Water (all of whom collectively and severally are hereinafter referred to as "the Walverden owners") the following provisions shall notwithstanding anything in this Act and save so far as may be otherwise agreed between the Walverden owners and the Corporation apply and have effect (that is to say):—

- (1) The provisions of the section of this Act whereof the marginal note is "Compensation water" so far as the same provide for the discharge of compensation water into the stream known as Catlow Brook otherwise Walverden Water (in this section called "the Catlow Brook") and the provisions of the section of this Act whereof the marginal note is "For protection of Lancashire County Council and River Ribble Joint Committee" so far as the same provide for the construction and maintenance of a gauge and apparatus for registering and automatically recording



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the flow of such compensation water and the keeping inspection and taking copies of or extracts from records of such flow shall extend and apply for the protection of the Walverden owners who shall have the like rights with respect to such gauge apparatus and records as are by such last-mentioned provisions given to the Lancashire County Council and River Ribble Joint Committee :

- (2) From and after the passing of this Act the Corporation shall discharge at and from the foot of the embankment of the Walverden Compensation Reservoir into the Catlow Brook sufficient water to secure that there shall always be in the Catlow Brook a constant and uniform flow of water of at least five hundred and forty thousand gallons down the Catlow Brook during each working day And the Corporation shall always maintain the Walverden Compensation Reservoir in a condition and of a capacity and a sufficient quantity of water therein to enable them to fulfil the obligations of this section :
- (3) For the purpose of this section the expression "working day" shall be deemed to be the hours between five o'clock in the morning and five o'clock in the afternoon of each day except Sunday or such other consecutive hours (being more or less than twelve hours in any twenty-four hours) as the owners of not less than three-fourths in number of the mills manufactories and works in the borough on or using the waters of the Catlow Brook may by notice in writing to the Corporation from time to time require but nothing in this section shall be deemed to require the Corporation to discharge into the Catlow Brook during any working day any greater quantity of water than they would have been required to discharge into the same under this section if such working day had commenced at five o'clock in the morning and ended at five o'clock in the afternoon :
- (4) For the purpose of measuring the flow of water in the Catlow Brook which the Corporation are by this section required to maintain the Corporation shall construct and maintain at the foot of the embank-

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ment of the Walverden Compensation Reservoir a suitable and efficient gauge and apparatus for registering and automatically recording the flow of the water in the Catlow Brook and the Walverden owners and each of them shall be entitled at all convenient times to inspect the said gauge and apparatus:

- (5) The Corporation shall keep daily records of the water passing through the said gauge and shall within the first three days of each month deposit at the water-works offices at Nelson the records for the preceding month and until such deposit shall keep the same at some convenient place near the said gauge and the Walverden owners and each of them shall be entitled at all convenient times to inspect the said records and to take copies of and extracts therefrom:
- (6) The Corporation shall if and whenever the flow of water in the Catlow Brook is less than the flow which the Corporation are by this section required to maintain make compensation for any loss damage or injury sustained by the Walverden owners or any of them by reason or in consequence of such flow being less than is required by this section:
- (7) In case of any failure or neglect on the part of the Corporation to keep or produce any of the said records or to keep the said gauge and apparatus in a state of efficiency the Corporation shall in respect of every day on which such neglect or default occurs pay a sum of five pounds as liquidated damages to each of the Walverden owners who may sue for and recover the same and the same shall be recoverable by every or any of the Walverden owners without proof of any loss or damage sustained by him:
- (8) If any difference arises between the Corporation and the Walverden owners or any of them with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to and determined by an engineer to be nominated (unless otherwise agreed) on the application of either or any of them by the President of the Institution of Civil Engineers:

(9) Nothing in this section shall be deemed to deprive the Walverden owners or any of them of any available legal or equitable remedy to which they or he may be or become entitled for enforcing the observance by the Corporation of the provisions of this section. A.D. 1918.

**39.** The unrepealed provisions of the recited Acts and the foregoing provisions of this Act relative to compensation water shall be accepted and taken by all persons interested as full compensation for all water which the Corporation may collect impound take use divert or appropriate under the recited Acts or this Act. Compensation water to be accepted as full compensation.

**40.** The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament. Limiting powers of Corporation to abstract water.

**41.—(1)** For the purpose of constructing enlarging extending repairing cleansing or examining any of the waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse. Temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

**42.—(1)** The Corporation shall effectually filter all water before the same shall be put into their pipes for distribution and in addition to the existing filter-house of the Corporation the Corporation shall execute and maintain such filter-beds or other works as may be necessary for the purposes aforesaid. As to filtration.

(2) If any difference shall arise between the Corporation on the one hand and the Barrowford Urban District Council the Brierfield Urban District Council and the Burnley Rural District Council or any of them on the other hand as to whether such filtration is effectual such difference shall be settled by an engineer to be appointed (unless otherwise agreed on) by the Board of Trade on the application of either party after notice in writing to the other of them and the costs of the settlement shall be in the discretion of such engineer.

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(3) If the Corporation make default in complying with any of the provisions of this section they shall on summary conviction thereof be liable to a penalty not exceeding ten pounds for every day on which such default shall continue after complaint in writing thereof shall have been delivered at their waterworks offices at Nelson and such penalty may be recovered by any of the said councils.

Prevention  
of plumbism.

**43.** All water supplied by the Corporation to their consumers by means of the works by this Act authorised shall be properly and efficiently filtered or otherwise treated so as to prevent it acting on lead in such manner as to endanger the health of such consumers and if the Corporation make default under this section they shall be liable to a penalty not exceeding ten pounds for every day during which such default shall continue.

Application of  
Waterworks  
Clauses Act  
1847 to  
aqueducts  
and to tele-  
phones.

**44.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road (whether within or without the limits within which the Corporation are empowered to supply water) of the aqueducts authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus required to be erected or laid down by the Corporation for the purposes of their water undertaking:

Provided that the Corporation shall not lay down or erect any such discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any street road bridge or approach of the Lancashire and Yorkshire Railway Company except with the consent of such company in writing and under the supervision of the engineer of that company.

For protec-  
tion of Post-  
master-  
General.

**45.** Any telephone or telegraph posts wires conductors or apparatus made maintained laid down or erected by the Corporation under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Further  
powers in re-  
lation to water  
mains.

**46.** The Corporation shall have and may exercise the powers which a local authority would have under section 54

(Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the limits for the time being of the Corporation for the supply of water shall be deemed to be the district of the Corporation. A.D. 1918.

47. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking. Dwelling-houses for persons in Corporation's employment.

48. Subject to the provisions of this Act the waterworks to be constructed under the authority of this Act shall for all purposes be deemed part of the water undertaking of the Corporation as authorised under the recited Acts. Works to form part of water undertaking.

#### SUPPLY OF WATER.

49.—(1) Section 45 (Rates for supply of water) of the Act of 1879 shall have effect as if twelve per centum were therein mentioned instead of eight per centum: Water rates.

Provided that notwithstanding anything in this section—

- (i) The Corporation shall not be entitled in any year to demand or take for a supply of water for domestic purposes to any dwelling-house or part of a dwelling-house occupied as a separate dwelling any rate or charge exceeding eight per centum of the full net annual value (ascertained as provided by the said section 45 of the Act of 1879) of the premises so supplied unless and except so far as such higher rate or charge shall from time to time be necessary (in addition to the said rate of eight per centum and to any sum brought forward to the credit of the revenue of the water undertaking for that year from the accounts relating to the preceding year) in order to enable the Corporation to defray out of the revenue derived from the water undertaking in respect of that year the cost of that undertaking for that year as estimated by them:

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- (ii) If in any year during the whole or any part of which they shall have demanded and taken any such higher rate or charge as aforesaid the said revenue shall be more than sufficient to defray the cost of the water undertaking for that year the amount of the surplus shall be carried forward to the credit of the revenue of the said undertaking in the next following year :
- (iii) For the purposes of this proviso the expression "the cost of the water undertaking" shall in relation to any year mean the aggregate of the following amounts expended or incurred by the Corporation in respect of that year (that is to say):—
- (a) The costs charges and expenses of and incidental to the collecting and recovering of the revenue of the water undertaking ;
  - (b) The working and establishment expenses and costs of management and maintenance of the water undertaking ;
  - (c) The interest payable by the Corporation on any moneys borrowed by them for the purposes of the water undertaking and for the time being outstanding ;
  - (d) The requisite appropriations to sinking funds or instalments for the repayment of any moneys so borrowed and outstanding ; and
  - (e) Any sums paid to the district fund for the purpose of making good any deficiency in the revenues of the Corporation in respect of the water undertaking which shall in any previous year ending on the thirty-first day of March in any year after the passing of this Act have been provided out of the district fund or the general district rate :
- (iv) The Barrowford Urban District Council and the Brierfield Urban District Council shall as regards any water rates or charges charged by the Corporation within their respective districts be entitled to the exclusion of all other persons in their respective districts to enforce the provisions of this proviso and

the Corporation shall from time to time furnish the said councils on demand with all such information as they may respectively reasonably require for the purpose of ascertaining whether the Corporation are complying with the said provisions. A.D. 1918.  
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(2) All words in the said section 45 after the words "three-pence per week" shall be and the same are hereby repealed and the said section shall as from the passing of this Act be read and have effect as if those words had not been included therein.

**50.** The Corporation shall not charge for water supplied by them for any trade or manufacturing purpose in any part of their limits for the supply of water outside the borough any greater rate or charge than the rate or charge for the time being charged by them for a corresponding supply under similar circumstances within the borough. Rates for supply of water for trade purposes outside borough.

**51.** Notwithstanding anything contained in section 70 (Rates to be paid quarterly in advance) of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that their water rates and charges shall be payable at such date or dates as the Corporation may from time to time appoint: Dates for payment of water rates.

Provided that no person shall be compellable to pay water rates or charges so demanded for any longer period in advance than three months.

**52.** When water supplied for domestic purposes is used for washing carriages or motor cars or for other purposes in stables or premises where carriages or motor cars are kept the Corporation may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding one pound per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates. Supply of water by hose pipe to stables &c.

**53.**—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that Meters may be placed in streets to measure water or detect waste.

A.D. 1918. — purpose stop break up and interfere temporarily with public and private streets sewers gas or water pipes electric lines wires and apparatus The Corporation shall provide reasonable means of access for all persons going to or returning from any house in any street of which the carriageway or footway is stopped up under the powers of this section.

(2) Provided that the Corporation shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that the Corporation shall not enter upon break up or interfere with the works electric lines wires or apparatus of the Lancashire and Yorkshire Railway Company except with the consent of such company in writing and under the supervision of the engineer of such company and the Corporation shall where necessary provide reasonable means of access for vehicular and pedestrian traffic bonâ fide going to or coming from the houses or stations or other premises of the said railway company in any streets so stopped up.

Power to  
person liable  
to maintain  
pipes &c. to  
open ground.

**54.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus in the borough the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the borough execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to  
Corporation  
to repair  
communi-  
cation pipes.

**55.**—(1) If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Corporation to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such



repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier. A.D. 1918.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier (if the communication pipe is repairable by him) of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

**56.** When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer or other officer duly authorised in that behalf by the Corporation. Maintenance of common pipe.

FINANCE.

**57.—**(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall repay all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column thereof (namely) :— Power to borrow.

1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(a) For and in connexion with the purchase of land and easements for the purpose of the waterworks authorised by this Act and the construction of the works numbered 1 1A 2A 3 3A 8 and 8A.	£ 274,000	Sixty years from the date or dates of borrowing.
(b) For and in connexion with the construction of the works numbered 2 4 5 6 and 7 authorised by this Act.	26,000	Fifty years from the date or dates of borrowing.
(c) For and in connexion with the purchase of land for and the construction and the completion of the waterworks authorised by the Act of 1888.	23,300	Fifty years from the date or dates of borrowing.

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1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(d) For the construction of additional trunk and other mains and other purposes in connexion with the supply of water by the Corporation.	£ 5,000	Thirty years from the date or dates of borrowing.
(e) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

(2)—(a) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act:

(b) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge the revenue of their water undertaking the district fund and the general district rate.

(4) The provisions of this section prescribing the revenue fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

(5) Notwithstanding anything contained in this or any other Act it shall not be obligatory upon the Corporation to make the first payment to the sinking fund or to pay the first instalment of principal for the repayment of money borrowed for the purposes (a) and (b) mentioned in subsection (1) of this section until the completion of the works for or in connexion with which the money is borrowed.

Restriction  
on borrow-  
ing.

**58.** Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money (other than money required to pay the costs charges and expenses of this Act as hereinafter defined) during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

**59.** The following provisions of the Act of 1903 shall with all necessary modifications and subject as regards mortgages granted under the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" to the provisions of that section extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely):—

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Application  
of Act of  
1903.

- Section 23 Certain regulations of Public Health Act 1875 as to borrowing not to apply;
- Section 24 Mode of raising money;
- Section 25 Provisions of Public Health Act as to mortgages to apply;
- Section 27 Mode of payment off of money borrowed;
- Section 28 Sinking fund;
- Section 29 Protection of lender from inquiry;
- Section 30 Corporation not to regard trusts;
- Section 31 Appointment of receiver;
- Section 34 Application of money borrowed;
- Section 36 Inquiries by Local Government Board; and
- Section 37 Audit of accounts.

**60.**—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

Power to  
use one form  
of mortgage  
for all pur-  
poses.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Second Schedule or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

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(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to public inspection during office hours at the said office without fee or reward and the treasurer or other the person having the custody of the same refusing to allow such inspection shall be liable to a fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his right and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the treasurer who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his right and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

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(11) If the treasurer wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a fine not exceeding twenty pounds.

**61.**—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

Power to use  
sinking fund  
instead of  
borrowing.

(a) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(b) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund:

(b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment

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of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Power to re-  
borrow.

**62.**—(1) The Corporation shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) The following provisions are hereby repealed but without prejudice to anything done or suffered to be done thereunder respectively (namely):—

Section 57 (Power to re-borrow) of the Act of 1879;

Section 81 (Power to re-borrow) of the Act of 1886;

Section 46 (Extending to moneys borrowed under this Act certain provisions of the Acts of 1866 1879 and 1886) of the Act of 1888 so far as it applies to the moneys borrowed under that Act the provisions of the said section 81 of the Act of 1886;

Sub-division (7) of Article I. of the Order relating to Nelson confirmed by the Local Government Board's Provisional Orders Confirmation (No. 10) Act 1890; and

Section 32 (Power to re-borrow) of the Act of 1903.

**63.** When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to invest all sinking funds in statutory securities.

**64.**—(1) The treasurer shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment

Returns as to sinking funds.

A.D. 1918. — or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board shall require and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(3) The provisions contained in the recited Acts requiring the treasurer or any other officer of the Corporation to make



and transmit to the Local Government Board returns relative to the repayment of borrowed money are hereby repealed but without prejudice to anything done or suffered to be done thereunder. A.D. 1918.

**65.** Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Local Government Board shall in each case prescribe. Period for repayment of loans under Municipal Corporations Act 1882.

**66.** Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund the district fund or the revenue of the water undertaking of the Corporation as the Corporation may in their discretion having regard to the object of the expenditure deem just. Expenses of execution of Act.

#### MISCELLANEOUS PROVISIONS.

**67.**—(1) Where any notice or demand under this Act or under any local Act Provisional Order byelaw or regulation for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. As to notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order byelaw or regulation for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served:

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

**68.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889. Application of Arbitration Act 1889.

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Application  
of section  
265 of Public  
Health Act  
1875.

**69.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act and of the water undertaking of the Corporation as if the same were re-enacted with this Act.

Recovery of  
fines and  
expenses.

**70.**—(1) Save as otherwise by this Act expressly provided all offences against this Act and all fines forfeitures penalties costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

(2) Provided that costs and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of  
demands in  
county court.

**71.** Proceedings for the recovery of any demand made under the authority of this Act or of the recited Acts or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Powers of  
Act cumu-  
lative.

**72.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed :

Provided that no person shall incur more than one fine (other than a daily fine for a continuing offence) for the commission of the same offence.

Costs of Act.

**73.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of their water undertaking or out of the district fund or out of money to be borrowed under this Act for that purpose.

The SCHEDULES hereinbefore referred to.

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**THE FIRST SCHEDULE.****RECITED ACTS.**

Short Title.	Session and Chapter.
The Nelson Water and Gas Act 1866 - - -	29 & 30 Vict. c. lxxvi.
The Order relating to Nelson confirmed by the Local Government Supplemental Act 1871 (No. 2).	34 & 35 Vict. c. lix.
The Order relating to Nelson confirmed by the Local Government Board's Provisional Orders Confirmation Act 1873 (No. 5).	36 & 37 Vict. c. cxli.
The Nelson Local Board Act 1879 - - -	42 & 43 Vict. c. lxxxix.
The Nelson Electric Lighting Order 1883 confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1883.	46 & 47 Vict. c. ccxvi.
The Nelson Improvement Act 1886 - - -	50 Vict. c. xxxviii.
The Nelson Local Board Act 1888 - - -	51 & 52 Vict. c. cxlvi.
The Order relating to Nelson confirmed by the Local Government Board's Provisional Orders Confirmation (No. 10) Act 1890.	53 & 54 Vict. c. clxxix.
The Nelson Corporation Act 1903 - - -	3 Edw. 7. c. cvii.
The Nelson Order 1916 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1916.	6 & 7 Geo. 5. c. xxxv.

**THE SECOND SCHEDULE.**

Referred to in section 60.

**FORM OF MORTGAGE.****BOROUGH OF NELSON.**

By virtue of the Nelson Corporation Act 1918 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Nelson (hereinafter referred to as "the Corporation") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the

A.D. 1918. mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of \_\_\_\_\_ per centum per annum from the day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ until payment of the principal sum such interest to be paid half-yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year And it is hereby agreed that the principal sum shall be repaid at the town hall in the said borough [(subject as hereinafter provided) on the \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ ] [by \_\_\_\_\_ ]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hands of the town clerk and treasurer of the borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named \_\_\_\_\_ consenting the within-mentioned time for repayment of the within-mentioned principal sum of \_\_\_\_\_ is hereby extended to the \_\_\_\_\_ day of \_\_\_\_\_ [and the interest to be paid \_\_\_\_\_ thereon on and from the \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ is hereby declared to be at the rate of \_\_\_\_\_ per centum per annum].

Dated this \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ .

## FORM OF TRANSFER OF MORTGAGE.

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—

I (the within-named) \_\_\_\_\_ of \_\_\_\_\_  
 in consideration of the sum of \_\_\_\_\_ pounds paid to  
 me by \_\_\_\_\_ of \_\_\_\_\_  
 (hereinafter referred to as "the transferee") do hereby transfer to the  
 transferee (his) executors administrators and assigns (the within-written  
 security) (the mortgage number \_\_\_\_\_ of the revenues of the  
 mayor aldermen and burgesses of the borough of Nelson bearing date  
 the \_\_\_\_\_ day of \_\_\_\_\_ ) and all my right and interest  
 under the same subject to the several conditions on which I hold the  
 same at the time of the execution hereof and I the transferee for  
 myself my executors administrators and assigns do hereby agree to  
 take the said mortgage security subject to the same conditions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
 nineteen hundred and \_\_\_\_\_ .

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