

[38 & 39 VICT.] *The Oldham Corporation Water* [Ch. clxxx.]
Act, 1875.



CHAPTER clxxx.

An Act to authorise the Mayor, Aldermen, and Burgesses of the Borough of Oldham, in the County Palatine of Lancaster, to abandon and relinquish the construction of certain of the reservoirs and other works authorised by "The Oldham Corporation Waterworks Act, 1870," and to make and maintain other Waterworks; and for other purposes.

A.D. 1875.

[2d August 1875.]

WHEREAS by the Oldham Borough Improvement Act, 1865 (in this Act referred to as "the Act of 1865"), powers were continued to or conferred upon the mayor, aldermen, and burgesses of the said borough (in this Act referred to as "the Corporation") with respect to the supply of water to the borough and its neighbourhood:

28 & 29 Vict.
c. cccxi.

And whereas by the Oldham Corporation Waterworks, &c. Act, 1870 (in this Act referred to as "the Act of 1870"), the Corporation were empowered (amongst other things) to construct additional reservoirs and works to obtain a further supply of water for the said borough and its neighbourhood:

33 & 34 Vict.
c. cxliv.

And whereas the trade and population, and the demand for water within the limits of supply of the Corporation, have much increased and are still increasing:

And whereas the reservoirs and works authorised to be constructed by the Act of 1870 would not afford a supply of water sufficient for the requirements of the public, and it is expedient that the Corporation be authorised to abandon certain of the reservoirs and works so authorised, and to construct other and larger works in lieu thereof:

And whereas the provisions of the Acts of 1865 and 1870 for the protection of the water supply are insufficient, and it is expedient that the same be amended:

And whereas by the Act of 1870 the Corporation were authorised to borrow (in addition to any sums they were already authorised to

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A.D. 1875. borrow), for the purposes of that Act (which included additional works for the manufacture and storage of gas as well as works for the supply of water), any sum not exceeding in the whole two hundred thousand pounds :

And whereas the Corporation have expended or are in course of expending, for the purposes authorised by the Act of 1870, the whole or nearly the whole of the moneys which by that Act they were authorised to borrow, and it is expedient that for the purposes of this Act they be authorised to borrow further money :

And whereas an estimate has been prepared by the Corporation for the purchase of land for and the execution of the various works by this Act authorised, and such estimate amounts to two hundred thousand pounds :

And whereas the several works included in the said estimate are permanent works within the meaning of section fifty-seven of the Local Government Act, 1858 :

And whereas for the extension of their mains and pipes, and for various incidental expenses in connexion with carrying this Act into execution, the Corporation will require the further sum of fifty thousand pounds :

And whereas twenty-eight members of the council of the said borough, being an absolute majority of the whole number thereof (the whole number being thirty-two), at a meeting held on the twenty-sixth day of August one thousand eight hundred and seventy-four, after ten days notice by public advertisement of such meeting, and of the purpose thereof, in the *Oldham Chronicle* and the *Oldham Standard*, two local newspapers published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the same two newspapers circulating in the borough, and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by the council at a further special meeting held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act :

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And whereas plans and sections describing the lines, situations, and levels of the works by this Act authorised, and plans of the lands to be taken compulsorily under the powers of this Act, and a book of reference to the said plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of the proposed works, or within the limits of deviation as defined on the plans, or proposed to be taken under the powers of this Act, and describing those lands, have been deposited with the respective clerks of the peace for the county palatine of Lancaster and the west riding of the county of York, and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

A.D. 1875.

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited for all purposes as "The Oldham Corporation Water Act, 1875." Short title.

2. This Act shall commence from and immediately after the eighth day of November one thousand eight hundred and seventy-five. Commencement of Act.

3. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Waterworks Clauses Acts, 1847 and 1863," and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the crossing of roads and other interference therewith, and with respect to the temporary occupation of lands near the railway during the construction thereof, shall (except so far as the same are expressly varied by this Act) be incorporated with and form part of this Act, and the provisions of "The Railways Clauses Consolidation Act, 1845," shall be read so as to apply to the construction of the works by this Act authorised, and each and every of them, as if such works were therein referred to instead of the railway, and the respective boundaries of the said works were therein mentioned instead of the centre of the railway, and the prescribed limits shall be two hundred yards from every or any part of the respective works. Provisions of certain general Acts incorporated.

4. In this Act the several words and expressions to which meanings are assigned in the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there Interpretation of terms.

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A.D. 1875. shall be something in the subject or context repugnant to such construction; and for the purposes of this Act the expression "superior courts," or "courts of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

This Act and the Acts of 1865 and 1870 to be read as one.

5. Subject to the provisions of section 4 and the other provisions of this Act, this Act and the Act of 1865 (as amended by the Act of 1870 and this Act), and the Act of 1870 (as amended by this Act), shall be read and construed as one Act and be executed accordingly.

Corporation to abandon certain works authorised by Act of 1870.

6. The Corporation may and shall abandon and relinquish the construction of the following works authorised by the Act of 1870, and respectively shown on the plans deposited with the respective clerks of the peace for Lancashire and the west riding of Yorkshire for and referred to in the Act of 1870 (which last-mentioned deposited plans are herein-after referred to as "the plans of 1870"); that is to say,

- (a.) The reservoirs on the plans of 1870, respectively called "Broad Greave Reservoir," "Ragstone Reservoir," "Fair Spring Reservoir," "Dowry Reservoir," "Rough Hey Reservoir," "Ashler Knoll Reservoir," "Lumb Reservoir," and "Brimmy Clough Reservoir," and which reservoirs are herein-after in this section referred to by those respective names;
- (b.) The aqueduct or conduit shown on the plans of 1870 as running from the north-west corner of Ashler Knoll Reservoir to Rough Hey Reservoir;
- (c.) The aqueduct or conduit shown on the plans of 1870 as commencing about seven and a quarter chains to the northward of Slack Gate Lane or Slack Gate and terminating in Ashler Knoll Reservoir;
- (d.) The aqueduct or conduit shown on the plans of 1870 as commencing in the Dowry Reservoir and terminating at the eastern end of the existing reservoir known as Hanging Lees Reservoir;
- (e.) The several embankments, waste weirs, and other works of or connected with the reservoirs proposed to be abandoned as aforesaid; and
- (f.) The diversion of the Huddersfield and New Hey turnpike road.

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7. The following sections and parts of sections of the Act of 1870 are by this Act repealed : A.D. 1875.

(a.) Section 6, so far as it authorises the Corporation to take, use, get, or appropriate, for the purposes of any of the works which by this Act they are required to abandon, any brooks, springs, streams, or waters as therein mentioned, and also so far as it relates to the works to be so abandoned ;

(b.) The sections numbered 14, 15, 16, 19, 20, 21, 22, 23, 29, 32, and 33 ;

(c.) Section 28, so far as it relates to gauges to be made, constructed, or maintained on the River Tame, Brimmy Clough, and Lumb Hole Brook.

Repealing
 certain parts
 of Act of
 1870.

8. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the works hereinafter described, with all proper approaches, embankments, works, and conveniences connected therewith respectively, and may enter upon, take, and use for any of the purposes of this Act any of the lands, mills, buildings, and hereditaments shown on the deposited plans and described in the deposited book of reference, and may take, use, get, and appropriate, for the purposes of their waterworks by this Act authorised, all brooks, springs, streams, and waters intercepted by the works as shown on the deposited plans, and may stop up all roads and ways within the limits of deviation defined on the deposited plans which are shown thereon as intended to be stopped up, and may appropriate for purposes of this Act the sites of the roads and ways so stopped up. The works herein-before referred to and by this Act authorised are :

Power to
 make works
 and take
 lands, &c.

(a.) A reservoir ("Readycon Dean Reservoir") on the stream known as Readycon Dean Brook, to be formed by an embankment crossing the said brook at a point eight hundred and forty yards, or thereabouts, from the junction of Rape's Highway with the road known as the Oldham and Ripponden turnpike road ;

(b.) A reservoir ("Crook Gate Reservoir") on the Readycon Dean Brook aforesaid, to be formed by an embankment crossing the said brook at a point four hundred and seventy-three yards, or thereabouts, from the junction of the said brook with the Dowry Water ;

(c.) A reservoir ("Dowry Reservoir") on the Readycon Dean Brook, Dowry Water, and the River Tame, to be formed by an embankment crossing the River Tame at a point one

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hundred and six yards, or thereabouts, from the junction of the Readycon Dean Brook with the Dowry Water ;

- (d.) A reservoir ("New Year's Bridge Reservoir") on the River Tame, to be formed by an embankment crossing the said river at a point thirty-six yards, or thereabouts, from the south-west corner of the mill known as New Year's Bridge Mill ;
- (e.) A reservoir ("Copster Hill Reservoir") to be situate at Copster Hill, in the township of Oldham, in the parish of Prestwich-cum-Oldham, in the county palatine of Lancaster ;
- (f.) An aqueduct or conduit to commence at and in the Readycon Dean Brook aforesaid, at a point three hundred and sixty-one yards, or thereabouts, from the north-east corner of the farm-house known as Crook Gate, and to terminate at and in the River Tame at a point one hundred yards, or thereabouts, from the south-west corner of New Year's Bridge Mill ;
- (g.) An aqueduct or conduit to commence at and in the stream known as Dowry Water, at a point two hundred and seven yards, or thereabouts, from the centre of the bridge carrying the Dowry Road over the said stream, and to terminate by a junction with the aqueduct or conduit (f.) by this Act authorised at a point two hundred and thirty-seven yards, or thereabouts, from the junction of the Dowry Water with the Readycon Dean Brook ;
- (h.) An aqueduct or conduit to commence at and in the Readycon Dean Brook, at a point four hundred and sixty-two yards, or thereabouts, from the centre of the ford where Rape's Highway crosses the said brook, and to terminate at and in the Readycon Dean Brook at a point three hundred and forty yards, or thereabouts, from the centre of the said ford ;
- (i.) An aqueduct or conduit to commence at and in a stream called Summer Hill Clough, at a point three hundred and eight yards, or thereabouts, from the buildings at Broad Meadow Top, and to terminate in the New Year's Bridge Reservoir by this Act authorised ;
- (j.) An aqueduct, tunnel, conduit, or line of pipes, to commence in the Dowry Reservoir by this Act authorised, and to terminate in the New Year's Bridge Reservoir by this Act authorised ;

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- (k.) An aqueduct, tunnel, conduit, or line of pipes, to commence at the point of termination of the aqueduct, tunnel, conduit, or line of pipes (j.) by this Act authorised, and to terminate in the Hanging Lees Reservoir of the Corporation ;
- (l.) An aqueduct, conduit, or line of pipes, to commence in and out of the aqueduct, conduit, or line of pipes (k.) by this Act authorised, and to terminate in the Piethorn Reservoir of the Corporation ;
- (m.) An aqueduct, conduit, or line of pipes, to commence in Hollins Road at Copster Hill by a junction with the existing main pipe of the waterworks of the Corporation, and to terminate in the Copster Hill Reservoir by this Act authorised ;
- (n.) A diversion of the public carriage road known as Rape's Highway, to commence at a point two hundred and ninety-three yards, or thereabouts, from the junction of the Fair Spring Road with that highway, and to terminate at a point five hundred and twenty-two yards, or thereabouts, from the junction of the said highway with the Oldham and Ripponden turnpike road ;
- (o.) A diversion of the public carriage road known as the Huddersfield and New Hey turnpike road, to commence at a point one hundred and ninety-six yards, or thereabouts, from the point of junction of the Dowry Road with the said road, and to terminate at a point two hundred and sixteen yards, or thereabouts, from the Denshaw toll gate at Denshaw.

9. The Corporation may take by agreement, and any person by "The Lands Clauses Consolidation Act, 1845," enabled to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement of water required for the purposes of this Act, in, over, or affecting any such lands ; and the provisions of the said Acts with respect to lands and rentcharges, 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.

Power to take easements, &c.

10. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the commencement of this Act.

Powers for compulsory purchases limited.

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Period for
completion
of works.

11. If the waterworks authorised by this Act are not completed within the time limited by the Act of 1870 for the completion of the waterworks thereby authorised, then, on the expiration of that time, the powers by this Act granted to the Corporation for executing the waterworks by this Act authorised, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this section shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water, at any time and from time to time as occasion requires.

Limits of
lateral
deviation.

12. In the construction of the works authorised by this Act the Corporation may deviate laterally from the lines of the respective works as shown on the deposited plans to the extent of the limits of lateral deviation marked in each case thereon.

Limits of
vertical
deviation.

13. In the construction of the works authorised by this Act the Corporation may deviate vertically from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding five feet upwards or ten feet downwards, and in the case of other works, to any extent not exceeding three feet upwards or seven feet downwards: Provided always, that the Corporation shall not construct any embankment or wall of the reservoirs of a greater height above the general surface of the ground than that shown in each case on the deposited sections.

Power to
hold lands
needful to
protect
waterworks
against
nuisances,
&c.

14. It shall be lawful for the Corporation to hold any lands, either already or hereafter to be vested in them, which they may deem necessary for the purpose of protecting their waterworks against nuisances, encroachment, or injury, and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act and the recited Waterworks Acts, or "The Lands Clauses Consolidation Act, 1845," respectively: Provided always, that the Corporation shall not erect, or authorise or permit the erection, on any of such lands while so held by them, of any buildings other than buildings necessary for or connected with their waterworks.

Clause for
protection of
proprietors
of land and
premises near
conduit in
eighth sec-
tion.

15. The Corporation shall not divert into the conduit described under the heading (2.) of the eighth section of this Act any water now used for supplying the domestic or agricultural wants of the lands and premises of the several proprietors of the lands and premises crossed by such conduit, without the consent of the owner or owners for the time being of the said lands, and the Corporation shall construct and maintain such works as may be necessary for conveying such waters past the said conduit into their

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present channels below the said conduit; but nothing herein contained shall be construed to prevent the Corporation from taking and appropriating any water which can be intercepted by means of the said conduit, other than and except water used for supplying domestic or agricultural wants as aforesaid.

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16. Before the Corporation in any way interfere with the public carriage roads known respectively as Rape's Highway and the Huddersfield and New Hey turnpike road, as by this Act respectively authorised to be diverted, they shall construct the proposed diversion of the respective road, as shown upon the deposited plans, with all necessary and proper side drains, culverts, retaining walls, and fences thereto. In constructing the respective road diversion, the soil or material excavated therefrom shall be carted and conveyed away, so as to not impede the traffic on the existing road. The respective diverted road, when so constructed, together with the drains, culverts, retaining walls, and fences thereof, shall be maintained by and at the cost of the Corporation for one year from the completion thereof, of which completion a certificate of two justices shall be conclusive evidence, and which certificate two justices shall give on such completion being proved to their satisfaction.

Diversion of roads.

17. When and so soon as the respective road diversion shall have been completed, so much of the respective diverted road as lies between the commencement and termination of the respective diversion shall cease to be or be used as a public road, and the site and soil thereof shall be and is hereby absolutely vested in the Corporation, freed and discharged from all public rights of way, and all other rights, interests, charges, and incumbrances then affecting the same (save and except, as regards so much of the Huddersfield and New Hey turnpike road as lies between Longroyd Mill and the termination of the intended diversion of that road, a right of way on foot, and with carriages, horses, and cattle, for the owners, lessees, and occupiers of that mill, and their servants and all other persons having occasion to pass to or from the said mill), and the same, or any part or parts thereof, may be from time to time so sold and disposed of or demised by the Corporation to such person or persons, for such sum or sums of money, or for such rent or rents, or other consideration, as to the Corporation may seem fit.

Diverted portions of roads vested in Corporation.

18. When and so soon as the respective road diversion shall have been completed, the respective substituted road shall become, by virtue of this Act, a public highway, and (subject to the provisions of this Act) shall be thenceforth repairable accordingly.

Substituted roads when completed to be public highways.

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For protec-
tion of
London and
North-
western, and
Oldham,
Ashton-
under-Lyne,
and Guide
Bridge Junc-
tion Com-
panies.

19. Any mains, pipes, or other works to be laid, constructed, or executed in the exercise of the powers conferred by this Act, crossing or in any way affecting the respective railways of the London and North-western, and the Oldham, Ashton-under-Lyne, and Guide Bridge Junction Railway Companies, or any of the bridges or works thereof, or any lands or property belonging to or used or occupied by those respective companies, shall be done under the superintendence and to the reasonable satisfaction, in the case where affecting the London and North-western Railway Company, of their principal engineer, and in the case where affecting the Oldham, Ashton-under-Lyne, and Guide Bridge Junction Railway Company, of the principal engineer of its lessees, namely, the London and North-western, and the Manchester, Sheffield, and Lincolnshire Railway Companies, and according to plans to be reasonably approved by such respective engineers before any such works are begun, but in all things at the expense of the Corporation, and so as to cause no injury to or interference with any such railways, bridges, works, lands, or property, or the passage or conduct of traffic over such respective railways, or at any station thereof; and if any such injury or interference shall arise to any such railways, bridges, works, lands, or property, or with the passage or conduct of such traffic, the Corporation shall make full satisfaction in respect of such injury or interference.

Corporation
not to use
waters of
River Tame
until pre-
pared to give
compensa-
ting water.

20. The Corporation shall not, by means of any of the works by this Act authorised, use, divert, interfere with, retain, or appropriate, for the supply of the inhabitants within the limits of supply of the Corporation, any of the waters which now flow or pass, or which but for the passing of this Act would have flowed or passed, into the River Tame, unless and until the reservoirs by this Act authorised (except Copster Hill Reservoir), or some or one of those reservoirs, shall be so far completed, and so far filled with water, as that the several quantities of water herein-after mentioned shall be capable of being discharged, and shall be discharged therefrom into the River Tame, and the Lumb Hole and the Brimmy Clough Brooks respectively; that is to say,

- (a.) Into the River Tame, out of the New Year's Bridge Reservoir by this Act authorised, not less than two hundred and forty-three cubic feet per minute; and
- (b.) Into the Lumb Hole and Brimmy Clough Brooks, or one of them, out of the aqueduct, tunnel, conduit, or line of pipes (k.) by this Act authorised, not less than five cubic feet per minute.

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And the respective quantities of water so to be discharged as aforesaid shall be by way of full compensation to the owners, lessees, and occupiers of mills and other works, and to all other persons interested in the supply of water to the said river and brooks respectively, and to the Manchester, Ashton-under-Lyne, and Oldham Canal (including the Manchester, Sheffield, and Lincolnshire Railway Company, in respect of such rights as they are entitled to as owners of the last-mentioned canal), for and in respect of the abstraction and diversion of water from that river and those brooks respectively by the works or any of the works, including the aqueduct, tunnel, conduit, or line of pipes (*&c.*), by this Act authorised, whether during the construction or after the completion of such works respectively.

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21. The respective quantities of compensation water by this Act required to be discharged into the River Tame, and into the Lumb Hole and Brimmy Clough Brooks, or one of them, as aforesaid, shall be so discharged in a regular, equal, constant, and continuous supply, as regards the said river, during twelve hours of each of the working days in the year, as defined in the section next immediately following, except Saturdays, and during seven hours of each Saturday of such working days, commencing in each case at five o'clock in the morning; and as regards the said brooks, during the twenty-four hours of each day in the year, including Sundays, in a regular, equal, constant, and continuous supply.

As to supply of compensation water to River Tame.

22. The working days in every year, which are referred to in the last preceding section, shall be those which remain after excluding Sundays, Good Friday, Christmas Day, the Friday and Saturday in Whitsun week, the first Saturday in each year, and the Friday next before such last-mentioned Saturday.

Definition of working days in last preceding section.

23. The Corporation shall and they are hereby required, at their expense, to make and construct, and for ever thereafter maintain, such and so many gauges as may be necessary for the purpose of ascertaining the actual quantities of compensation water passing out of the reservoirs, or otherwise supplied, as in this Act in that behalf above mentioned.

Gauges to be provided by Corporation.

24. It shall be lawful for the owners and occupiers of the mills and works situate on the River Tame, down to and including Scout Mill at Mossley, and for the Corporations of Ashton-under-Lyne and Staleybridge, and the Dukinfield Local Board of Health, by some one person to be nominated in writing by those corporations and that local board, or a majority of them, on their joint behalf, to have access at all times to such of the said gauge or

Inspection of gauges.

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gauges as determine the quantity of any water sent directly or derivatively into the River Tame, for the purpose of measuring and gauging the quantity of water from time to time passing through or over the same.

Compensation for bursting of reservoirs.

25. The Corporation shall and they are hereby required, from time to time and at all times hereafter, to pay and make good to the owners, lessees, and occupiers of all lands, and of all mills, manufactories, dwelling-houses, cottages, and other buildings now erected or in course of erection over, upon, or near to the banks of the said River Tame, down to and including Scout Mill at Mossley, or which may hereafter be erected in proper and reasonable situations on the banks of the said river, down to and including Scout Mill aforesaid, all loss, costs, charges, sum and sums of money, damages, and expenses whatsoever, for all injury, of what nature and kind soever, which such owners, lessees, or occupiers may suffer, incur, pay, expend, or be put unto by reason or in consequence of the failure or giving way of the reservoirs, embankments, water-courses, or other works of the Corporation: Provided that this section shall not prejudice or impair the rights or remedies of the owners, lessees, and occupiers of property below Scout Mill by reason or in consequence of the matters aforesaid.

Penalty on failure to supply the stipulated quantity of water.

26. In case the Corporation shall wilfully, or after written notice shall negligently, either fail to discharge the quantity of water required by this Act as aforesaid to be discharged from and out of the works by this Act authorised into the River Tame or (as the case may be) the Lumb Hole and Brimmy Clough Brooks, or one of them, the Corporation shall, for and during every day on which such failure shall occur, forfeit and pay by way of penalty to the occupier or occupiers of any of the mills and works which shall be affected thereby, and the occupier or occupiers of which shall actually have received damage and incurred loss by reason of such failure (such mills or works not being lower down the stream than Scout Mill at Mossley), the sum of ten pounds, such penalties to be recovered, in the manner in which penalties not otherwise provided for are directed to be recovered by "The Waterworks Clauses Act, 1847."

As to construction of Copster Hill Reservoir.

27. Notwithstanding anything contained in this Act or shown on the deposited plans, the Corporation shall not, in constructing the Copster Hill Reservoir, deviate in any direction more than one hundred feet from the lines thereof as shown on the said plans, nor use or occupy for the said reservoir and the works connected therewith a greater space than eight acres.

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28. The agreement made the fourth day of March one thousand eight hundred and seventy, between James Butterworth, Henry Butterworth, John Butterworth, and Edmund Butterworth of the one part, and the Corporation on the other part, shall, so far as that agreement remains to be performed, apply mutatis mutandis, and so far as the same is applicable, to and in the case of the works by this Act authorised, as if those works had been authorised by the Act of 1870 and were referred to in the agreement instead of the works authorised by that Act. In order to prevent any question hereafter arising as to the effect or operation of article 7 of the said agreement as applied to the works on the River Tame by this Act authorised, be it enacted, that that article shall as so applied have effect as if it were in the following words :

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Agreement
between
Messieurs
Butterworth
and the Cor-
poration to
apply to
works by
this Act
authorised.

“(7.) For the purpose of affording such a supply of pure water
“ from the River Tame whilst the intended works on that
“ river shall be in course of construction, to make up the
“ deficiency aforesaid the Corporation agree to make and
“ construct a residuum reservoir at or near New Year’s
“ Bridge, so that the water fouled by the construction of
“ the said works on the said river may be purified by
“ passing through such residuum reservoir, or in lieu of
“ such residuum reservoir the Corporation may construct
“ sluices or drains, or lay down the necessary pipes for
“ carrying the water of the river past the works in course
“ of construction, so that the same water may not be
“ fouled thereby.”

29. Section 138 of the Act of 1865 shall extend and apply to the owner or occupier of any land or other premises in or upon which water shall be supplied by the Corporation to such owner or occupier, and the said section shall be read and construed as if it had originally referred to the owner or occupier of any such land or other premises, as well as to the owner or occupier of any building supplied with water, but nothing in this section shall have a retrospective operation or effect.

Extending
application of
section 138
of the Act of
1865.

30. No water meter, nor any index thereto, whether belonging to the Corporation or otherwise, shall at any time be altered or repaired, connected or disconnected, nor shall any pipe, fitting, or apparatus of any description be attached or affixed to or connected with any water main or pipe of the Corporation, or with any such water meter, or to or with any pipe, fitting, or apparatus communicating either directly or indirectly with such water main or pipe of the Corporation or with such water meter, nor shall any pipe, fitting, or apparatus (whether belonging to the Corporation or other-

Penalty for
interference
with meters
or pipes.

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A.D. 1875. — wise) so attached or affixed to or connected with such water main or pipe of the Corporation, or with such water meter, be subsequently altered or repaired or disconnected, except under the direction or with the consent in every case of the Corporation. The owner or occupier of the building or premises in which such meter, pipe, fitting, or apparatus shall be placed, and every other person offending against this enactment, shall forfeit and pay a sum not exceeding five pounds for the first offence, and a further sum not exceeding ten pounds for the second offence, and a further sum not exceeding fifty pounds for every subsequent offence.

Power to Corporation officers to enter buildings.

31. Any officer of the Corporation duly appointed for the purpose by them may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with water by the Corporation, in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, either for the purpose of ascertaining the quantity consumed or supplied, or to see whether the meters, pipes, fittings, cisterns, or other apparatus provided be in good repair, or whether the same have been disconnected, altered, or otherwise interfered with; and if such officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier shall for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds.

Power of Corporation to cut off water supply in certain cases.

32. If and whenever any person supplied with water under this Act wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of the Acts of 1865 or 1870 or this Act, or the regulations made or to be made thereunder by the Corporation with respect to water supply, the Corporation may cut off or stop any pipe by or through which water is supplied to him, and may cease to supply him with water as long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof, and the remedies of the Corporation under this enactment shall be in addition to their other remedies in this behalf.

Power to apply corporate funds.

33. The Corporation may apply for the purposes of this Act any moneys which by the Act of 1865 and the Act of 1870, or either of those Acts, they were authorised to borrow, and which may not be required for the purposes for which the same were authorised to be borrowed.

Power to borrow further moneys.

34. In addition to any sum or sums which the Corporation are now authorised to borrow, they may from time to time borrow

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at interest, on the security of the estates and property of the Corporation and the borough fund, any sum not exceeding in the whole two hundred and fifty thousand pounds, and may mortgage their estates and property and the borough fund to secure the repayment thereof with interest accordingly.

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35. The provisions of sections 49, 50, and 51 of the Act of 1870 shall apply to all money borrowed and all mortgages granted by the Corporation under this Act.

Applying certain sections of Act of 1870.

36. Section 52 (sinking fund) of the Act of 1870 is hereby repealed.

Repealing sect. 52 of Act of 1870.

37. Section 323 of the Act of 1865 shall be read and have effect as if in the paragraph thereof numbered (4) the words "one per centum" had been inserted instead of the words "one thirtieth part," and as if the words "and remaining unpaid" had not been inserted.

Amending sect. 323 of Act of 1865.

38. In order to discharge the principal money borrowed or to be borrowed under the Act of 1870, the Corporation shall, from and after the expiration of ten years from the passing of that Act, commence, and they shall thenceforth continue, to appropriate every year out of the borough fund a sum equal to one per centum of the money borrowed under that Act for a sinking fund, to be from time to time accumulated and applied in like manner as in section 323 of the Act of 1865 is provided respecting the sinking fund thereby directed to be created.

Sinking fund for discharging principal money borrowed under Act of 1870.

39. In order to discharge the principal money to be borrowed under this Act, the Corporation shall, from and after the expiration of ten years from the passing of this Act, commence, and they shall thenceforth continue, to appropriate every year out of the borough fund a sum equal to one per centum of the money borrowed under this Act for a sinking fund, to be from time to time accumulated and applied in like manner as in section 323 of the Act of 1865 is provided respecting the sinking fund thereby directed to be created.

Sinking fund for discharging principal money borrowed under this Act.

40. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under the Act of 1865, or under the Act of 1870, or under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also

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

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showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Discharge of mortgages.

41. Any person entitled to any mortgage granted by the Corporation under the authority of the Acts of 1865 and 1870, or either of those Acts, or under the authority of this Act, may discharge the same, and his right and interest therein, in favour of the Corporation; and every such discharge may be written, or partly written and partly printed, on the mortgage security, and may be according to the form contained in the schedule to this Act, or to the like effect; and such discharge, when signed by the person entitled to such mortgage and duly stamped, shall be valid and effectual to all intents and purposes as a release of the premises mortgaged from the said mortgage.

Saving rights of Corporation.

42. Save as in this Act expressly provided, nothing in this Act contained shall take away, lessen, alter, or prejudice any of the existing rights, powers, authorities, or privileges of the Corporation.

Expenses of Act.

43. All costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Corporation.

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The SCHEDULE referred to in the foregoing Act.

A.D. 1875.

FORM OF DISCHARGE.

RECEIVED from the treasurer of the borough of Oldham the
sum of
being the principal sum secured by the within mortgage (all interest
thereon having been previously paid), and the said mortgage is now
delivered up to be cancelled.

Dated this day of 18 .

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