



CHAPTER ccxxxvi.

An Act to authorise the Mayor Aldermen and Burgesses of the county borough of Rochdale to acquire the undertaking of the Todmorden Waterworks Company to construct additional waterworks and for other purposes.

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[12th August 1898.]

WHEREAS the county borough of Rochdale (herein-after called "the borough") is subject to the Acts relating to municipal corporations and under the government of the mayor aldermen and burgesses of the borough (herein-after called "the Corporation") acting by the council:

40 & 41 Vict.
c. ccxxi.

And whereas the Corporation are the owners of the water undertaking whereby they supply with water the borough and various adjacent places in the county of Lancaster and they are also authorised to supply the township of Todmorden and Walsden:

And whereas by the Todmorden Waterworks Act 1882 (in this Act called "the Act of 1882") the Todmorden Waterworks Company (in this Act referred to as "the Company") were incorporated and empowered to supply water to the township of Todmorden and Walsden the township of Langfield and to part of the township of Stansfield in the parish of Halifax in the west riding of the county of York and to part of the township of Cliviger in the parish of Whalley in the county palatine of Lancaster and to raise capital for the purpose:

45 & 46 Vict.
c. clxv.

And whereas the Company were authorised by the Act of 1882 to raise and have raised the sum of forty thousand pounds in four thousand ordinary shares of ten pounds each entitled to a dividend of ten pounds per centum per annum and have borrowed the sum of ten thousand pounds on mortgage:

And whereas by the Todmorden Water Order 1890 (in this Act called "the Order of 1890") the Company were authorised to raise the sum of ten thousand pounds in one thousand ordinary and preference shares of ten pounds each and to borrow the sum of

53 & 54 Vict.
c. c.

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And whereas the Company have a larger supply of water than is needed for the purposes of their present limits and claim further water rights not as yet utilised :

And whereas the demand for water in the borough and adjacent places in the limits of the Corporation is increasing and it is expedient that the Corporation be authorised to acquire the undertaking of the Company to obtain an additional supply of water and to construct additional waterworks :

And whereas the Company have agreed with the Corporation for the transfer to them of the said undertaking upon the terms in this Act appearing and it is expedient that this agreement be carried into effect :

And whereas it is expedient that the Corporation be authorised to construct the additional waterworks herein-after described for the better supply of their area of supply :

And whereas it is expedient that the Corporation be authorised to borrow on the security of the revenue of their water undertaking and of the borough fund and borough rate of the borough the moneys requisite for the purposes of this Act :

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

And whereas the Corporation have caused estimates to be prepared for the following purposes and the amounts thereof are as follows (that is to say) :—

For the purchase of land and the execution of the works by this Act authorised two hundred and thirty-five thousand eight hundred pounds ;

For new mains extensions of mains and machinery fifteen thousand pounds :

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

And whereas an absolute majority of the whole number of the members of the council at a meeting held on the ninth day of November one thousand eight hundred and ninety-seven after ten clear days notice by public advertisement of such meeting and of the

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purpose thereof in the Rochdale Observer a newspaper published and 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 of the borough:

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And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

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

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

And whereas plans and sections showing the lines situation and levels of the works by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county palatine of Lancaster and with the clerk of the peace for the west riding of the county of York and are in this Act referred to as the deposited plans sections and book of reference:

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

PART I.—PRELIMINARY.

1. This Act may be cited as the Rochdale Corporation Water Act 1898. Short title.

2. This Act is divided into Parts as follows (that is to say):—

Act divided into Parts.

Part I.—Preliminary.

Part II.—Transfer of Todmorden water undertaking.

Part III.—New works &c.

Part IV.—Lands.

Part V.—Finance.

Part VI.—Miscellaneous.

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Incorporation of Acts.

3. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profits to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 and except 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 the 44th section of that Act);

The Waterworks Clauses Act 1863; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but for the purpose only of constructing the reservoirs and tunnels by this Act authorised and the works connected therewith;

so far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. In this Act unless the context otherwise requires—

“The borough” means the municipal borough of Rochdale:

“The council” and “the town clerk” mean respectively the council and the town clerk of the borough:

“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough:

“The Company’s undertaking” means the water undertaking of the Company and includes all lands easements buildings works reservoirs waters plant machinery mains pipes apparatus chattels money (except undivided profits of the Company and profits earned by the Company up to the thirtieth day of June one thousand eight hundred and ninety-eight) securities for money choses in action and other property real and personal of every description vested in or belonging or due or owing to the Company or any person on their behalf and all rights powers privileges and exemptions exerciseable or enjoyed by the Company under the Todmorden Water Acts or otherwise:

“The water undertaking” means and includes the existing water undertaking of the Corporation and the Company’s undertaking transferred to the Corporation:

“The Todmorden Water Acts” means and includes the Act of 1882 and the Order of 1890:

“Water revenue” includes all rents or other payments to the Corporation for or in respect of a supply of water:

“Shareholder” means proprietor of shares in the capital of the Company: A.D. 1898.

“Annuities” means Todmorden water annuities created under this Act:

“Annuitant” means any person for the time being entitled to any of the annuities under this Act:

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings:

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions “the railway” “the work” and “the centre of the railway” respectively mean the reservoirs and tunnels and the works immediately connected therewith and the boundaries thereof respectively by this Act authorised.

5. This Act shall be carried into execution by the Corporation acting by the council. Act to be executed by council.

PART II.—TRANSFER OF TODMORDEN WATER UNDERTAKING.

6. The Company shall sell and the Corporation shall purchase the Company’s undertaking as from the thirtieth day of June one thousand eight hundred and ninety-eight for the consideration and on and subject to the terms and conditions in this Act mentioned. Purchase of undertaking of Company by Corporation.

7. The consideration for the sale and purchase shall be— Consideration for purchase.

(A) The issue by the Corporation to the holders of the shares in the capital of the Company bearing the preferential dividend of five pounds per centum per annum of annuities at the rate of five pounds for every one hundred pounds of such capital:

(B) The issue by the Corporation to the holders of the shares in the capital of the Company bearing the preferential dividend of six pounds per centum per annum of annuities at the rate of six pounds for every one hundred pounds of such capital:

(C) The issue by the Corporation to the holders of the shares in the ordinary capital of the Company of annuities at the rates following for every one hundred pounds of such capital (namely):—

	£	s.	d.
For the year 1898	3	0	0
“ 1899	4	0	0
“ 1900	5	0	0
“ 1901 and every subsequent year	6	0	0

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(D) The payment by the Corporation on the completion of the purchase of the sum of one thousand seven hundred and fifty pounds to be applied by the directors of the Company in payment of compensation to the officers of the Company and in paying the costs charges and expenses incurred in winding up the affairs of the Company :

(E) The adoption by the Corporation of the mortgage debt and the other liabilities of the Company referred to in the sections of this Act the marginal notes whereof are respectively "Mortgage debt charge on water undertaking" and "Liabilities of and actions &c. by or against Company."

Transfer of undertaking by deed.

8. The sale of the Company's undertaking shall be carried into effect by a deed of conveyance duly stamped and truly stating the consideration which deed may be in the form set forth in the First Schedule to this Act or to the like effect with such variations and additions as circumstances require and the purchase shall be completed on or before the first day of September one thousand eight hundred and ninety-eight On the execution of the said deed the water undertaking of the Company shall be as on and from the thirtieth day of June one thousand eight hundred and ninety-eight transferred to and vested in the Corporation subject and according to the provisions of this Act and thenceforth the Corporation in their own name and for their own benefit shall have and hold the said undertaking (which transfer and vesting is in this Act referred to as "the transfer").

Provisions subsidiary to transfer.

9. With respect to the transfer of the Company's undertaking to the Corporation the following provisions shall have effect:—

(i) Until the completion of the purchase the Company shall subject to the provisions of this Act carry on the said undertaking according to their usual course of business and in accordance with their statutory powers and obligations but at the expense and risk of the Corporation Provided always that after the transfer the Company shall not enter into any engagement or any contract involving the payment of more than five hundred pounds without the sanction in writing of the chairman of the waterworks committee of the Corporation :

(ii) All books and other documents necessary for the conduct of the business of the Company shall after the transfer of the Company's undertaking be transferred to the Corporation but not any books or other documents which are no longer useful or reasonably necessary for the purposes of the Corporation as owners of the said undertaking.

Mortgage debt charge

10. The mortgage debt of the Company at the time of the transfer and the interest thereon shall after the transfer continue

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to be a charge on the water undertaking and on the revenue thereof and shall further be a charge on the borough fund and borough rate. A.D. 1898.
on water undertaking.

11. From and after the completion of the purchase all the powers rights privileges authorities duties and obligations of the Company under the Act of 1882 shall be by virtue of this Act transferred to and vested in the Corporation subject to the provisions of this Act and that Act shall be read and have effect as if the Corporation had been therein named instead of the Company subject nevertheless and according to the following exceptions and provisions (namely) :— Application of Company's Acts to the Corporation.

(1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Acts 1863 and 1869 incorporated with the Act of 1882 shall not apply to the Corporation :

(2) None of the provisions of the Act of 1882 or of any Acts incorporated therewith in any manner relating to the share or loan capital of the Company or to any limitation of the amount of profit to be received by the Company or undertakers or to the balancing of the books or to the accounts of the Company or to the constitution meetings or directors of the Company shall apply to the Corporation :

(3) The Order of 1890 shall be hereby repealed.

12. Until the transfer all byelaws and regulations made by the Company and in force at the passing of this Act shall continue in force and from and after the transfer the Corporation shall have full power to repeal alter and amend all or any of the said byelaws and regulations and to make fresh byelaws and regulations for all or any of the purposes mentioned in section 39 of the Rochdale Waterworks Act 1866 but any such repeal alteration or amendment as aforesaid and any fresh byelaws or regulations made by the Corporation under this section shall not take effect unless and until confirmed by the Local Government Board but they shall not require or be subject to confirmation or allowance by justices or any other authority whatever. Regulations of Company continued.

13. Sections 182 to 185 of the Public Health Act 1875 shall apply to the making of byelaws and regulations by the Corporation under this Act. Byelaws &c. of Corporation.

14. All debts and liabilities of the Company which remain unpaid or unsatisfied at the time of the transfer shall be paid or satisfied by the Corporation and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending Liabilities of and actions &c. by or against Company.

A.D. 1898. or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed. Provided that as between the Company and the Corporation the provisions of this section shall not be construed to relieve the Company from any payment or liability which is to be made or discharged by the Company under the section of this Act the marginal note whereof is "Provisions subsidiary to transfer."

Contracts of Company to be binding on Corporation.

15. Except as is by this Act otherwise specially provided all purchases sales conveyances deeds contracts bonds and agreements entered into or made and in force at the time of the transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto.

Grant of annuities by Corporation to shareholders in Company.

16. In so far as the consideration for the transfer to the Corporation of the undertaking of the Company shall be payable by the issue of annuities to the shareholders the Corporation shall issue to the shareholders annuities (subject to redemption as herein-after mentioned) of the amounts provided by this Act in respect of their shares and such annuities shall be called Todmorden Water Annuities.

Books of Company evidence as to shareholders.

17. The several persons who at the time of the transfer appear in the books of the Company to be proprietors of shares in the capital of the Company or their respective executors administrators or assigns shall be considered to be shareholders for the purpose of the issue of annuities or the payment of any sum in cash as the case may be.

Security for annuities.

18. The annuities shall be charged on and payable out of the revenue arising from the water undertaking of the Corporation and on and out of the borough fund and borough rate.

Corporation to issue certificates for annuities.

19. The Corporation shall issue to every annuitant or to his representatives on demand and on delivery of his or their share certificate or proof of its loss or destruction to the reasonable satisfaction of the Corporation a certificate of the annuity free of expense to the annuitant and the certificate may be in the form in the Second Schedule to this Act or to the like effect and by agreement one certificate may include any number of annuities.

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20. The annuities shall in all respects represent the shares in the capital of the Company in respect of which they are issued and shall be held by the grantees thereof respectively on the same trusts and subject to the same powers provisions charges and liabilities as those on and to which their respective shares in the capital of the Company were held and so as to give effect to and not to defeat any deed agreement or other instrument or any testamentary or other disposition.

Annuities to represent shares in Company.

21. The annuities shall commence on the first day of July one thousand eight hundred and ninety-eight and be paid by equal half-yearly payments on the first day of January and the first day of July in every year and the first payment shall be made on the first day of January one thousand eight hundred and ninety-nine.

Annuities to be payable half yearly.

22. The Corporation shall deliver to each annuitant or send by post in a prepaid letter addressed to the registered address of such annuitant a warrant or order on the treasurer of the borough for every payment to such annuitant.

Warrants for payment of annuities.

23. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the distribution of the capital of the Company into shares and with respect to the transfer or transmission of shares are hereby incorporated with this Act and shall (except as expressly varied by this Act) so far as the same are applicable apply to the Corporation and the annuities and annuitants as if the Corporation were a company under that Act and the annuities were shares and the annuitants were shareholders but the form of transfer of an annuity may be according to the form in the Second Schedule to this Act or to the like effect The town clerk or any other duly authorised officer of the Corporation shall perform the duties imposed by the said Act upon the secretary of the Company and no annuity shall be paid to any transferee thereof until the transfer has been delivered to the town clerk.

Transfer and transmission of annuities.

24. If within thirty days after an instalment of an annuity becomes payable it is not paid the annuitant may recover it against the Corporation in any court of competent jurisdiction.

Recovery of arrears of annuities.

25. The annuitants without prejudice to other remedies may enforce payment of arrears of their annuities by the appointment of a receiver as if they were mortgagees of the Corporation and each annuity was interest on a mortgage of the Corporation.

Receiver for annuitants.

26. If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind the receipt of the guardian or committee of his estate shall be a discharge to the Corporation for the same.

Receipts of guardians &c.

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Redemption
of annuities
by Corpora-
tion.

27. The Corporation may from time to time redeem any of the annuities at such price not exceeding the market price for the time being at Rochdale for the same as may be agreed between the annuitant and the Corporation and on the thirty-first day of December one thousand nine hundred and forty-eight the Corporation shall redeem any of the annuities not previously redeemed by payment to the owner thereof in cash of a sum equal to thirty-five years purchase of the annuity.

Every annuity redeemed by the Corporation shall be extinguished.

Winding up
of Company.

28. The Company may at any time after the completion of the purchase be wound up in the manner and with the same incidents as if the Company were a company registered under the Companies Acts 1862 to 1893 and shall from and after the passing of this Act for that purpose be deemed to be so registered in England accordingly and for the purposes of calling and holding meetings and passing resolutions and other matters incident to such winding up the resolutions passed at meetings of the Company convened and held in pursuance of the provisions contained in the Act of 1882 and the Acts incorporated therewith may and shall have effect as resolutions of a company duly registered under the Companies Acts 1862 to 1893.

Saving rights
of the owners
of Crossley's
Estates

29. Nothing in this Act shall be construed to prejudice alter or affect any rights which Crosslegb Dampier Crossley or other the owner or owners for the time being of the estates now known as Crossley's Estates (herein-after referred to as and respectively included in the expression "the owner") may have to supply water from any reservoir or reservoirs mains and pipes belonging to the owner within the limits of supply of the Company under the Act of 1882 and nothing in this Act shall be construed to empower the Corporation to interfere with such reservoirs mains and pipes and in case any such interference shall be necessary as aforesaid the Corporation shall before such interference provide in substitution for the works so interfered with such works as may be necessary Any difference between the owner and the Corporation with reference to the substituted works to be so provided by the Corporation or as to the necessity for or the sufficiency of the same shall be determined in manner provided by the Arbitration Act 1889.

Power of
Corporation
to supply
Todmorden
to cease in
certain
events.

30. If the mayor aldermen and burgesses of the borough of Todmorden (in this section called "the Todmorden Corporation") obtain powers in the present session of Parliament to construct works in the Gorpley Valley and to take the waters of the Howroyd

and Gorpley Cloughs and within three years from the passing of this Act commence the construction of those works and within the period of seven years from the passing of this Act so far complete the same as to be able to afford to the borough of Todmorden a supply of water independently of any supply of water by the Corporation the following provisions shall have effect (that is to say) :—

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- (A) The Todmorden Corporation shall forthwith purchase from the Corporation and the Corporation shall sell to the Todmorden Corporation all the water mains pipes fittings and apparatus of the Corporation laid in the said borough and the parish of Blackshaw except any mains pipes fittings and apparatus necessary to supply with water any other part of the limits of supply of the Corporation subject to all then subsisting agreements relating to the said mains pipes fittings and apparatus upon such terms and conditions as shall be agreed on between the Corporation and the Todmorden Corporation or as failing agreement shall be settled by arbitration :
- (B) All powers of and all obligations on the Corporation to supply water to the said borough and parish shall cease.

PART III.—NEW WORKS &c.

31. Subject to the provisions of this Act the Corporation may wholly in the west riding of the county of York and in the county palatine of Lancaster and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say) :—

Power to
make works.

Work Number 3.—A storage reservoir herein-after called “the Ramsden Reservoir”) situate wholly in the parish of Todmorden to be formed by a dam about 270 yards in length crossing Ramsden Clough in a northerly and southerly direction at a point 68 yards or thereabouts measured in a straight line in a westerly direction from the centre of the bridge over the said Ramsden Clough known as Rugby Bridge :

Work Number 4.—A line of pipes being a diversion of an existing water main belonging to the Company situate wholly in the parish of Todmorden commencing at a point on the said main 7 yards or thereabouts measured in a straight line in a north-easterly direction from the north-east corner of field numbered 1,020 on the $\frac{1}{2500}$ Ordnance map (1894) of the parish of Todmorden and Walsden (herein described as “the parish of Todmorden”) and terminating at a point on the said main on

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the western boundary of the road to the Rugby Bridge 97 yards or thereabouts south-east from the centre of the bridge carrying the said road over Ramsden Clough:

Work Number 6.—A conduit or line or lines of pipes (Number 2) situate wholly in the parish of Todmorden commencing in the Ramsden Reservoir and terminating by a junction with line of pipes Number 3 at the junction of Ramsden Wood Road with the Rochdale Road:

Work Number 7.—A conduit or line or lines of pipes (Number 3) commencing in the parish of Todmorden at the junction of line of pipes Number 2 passing through the parish of Littleborough and terminating in the parish of Wardle in the county palatine of Lancaster in the intended Wardle Reservoir hereinafter described:

Work Number 8.—A covered service reservoir (hereinafter called "the Wardle Reservoir") situate wholly in the said parish of Wardle in portions of fields numbered 379 381 and 386 on the $\frac{1}{2500}$ Ordnance map (1893) of the parish of Wuerdle and Wardle:

Work Number 9.—A conduit or line or lines of pipes (Number 4) commencing in the said parish of Wardle in the Wardle Reservoir above described and terminating in the parish of Rochdale by a junction with an existing water main belonging to the Corporation at the junction of Wardle Road with the Halifax Road:

Work Number 10.—A storage reservoir (hereinafter called "the Hey Head Reservoir") situate wholly in the parish of Littleborough in the county of Lancaster formed by two embankments the one commencing at a point 140 yards or thereabouts measured in a straight line in a south-easterly direction from the north-east corner of field numbered 162 on the $\frac{1}{2500}$ Ordnance map (1893) of the parish of Blatchinworth and Calderbrook proceeding thence in an easterly direction for 120 yards and thence in a north-easterly direction for 125 yards and terminating at a point 96 yards or thereabouts measured in a straight line in a westerly direction from the north corner of field numbered 87 on the said Ordnance map the other embankment (about 90 yards in length) commencing at a point 38 yards or thereabouts measured in a straight line in a north-easterly direction from the north-east corner of field numbered 162 on the said Ordnance map and terminating at a point 120 yards or thereabouts measured in a straight line in a north-easterly direction from the same corner of the said field:

Work Number 11.—An open cut or line of pipes (herein-after called “the Hey Head Catchwater”) situate wholly in the said parish of Littleborough commencing at a point in Turn Slack Clough 55 yards or thereabouts measured in a straight line in a northerly direction from the point where the said Turn Slack Clough crosses the northern boundary of field numbered 169 on the $\frac{1}{2500}$ Ordnance map (1893) of the parish of Blatchinworth and Calderbrook (herein described as “the parish of Littleborough”) and terminating in the above described Hey Head Reservoir: A.D. 1898.

Work Number 12.—A covered tank (herein-after called “the Hey Head Tank”) situate wholly in the parish of Littleborough in field numbered 144 on the $\frac{1}{2500}$ Ordnance map (1893) of the parish of Blatchinworth and Calderbrook (herein described as “the parish of Littleborough”) at a point 100 yards or thereabouts measured in a straight line in a south-easterly direction from the north-west corner of the said field:

Work Number 13.—A conduit or line or lines of pipes (Number 5) situate wholly in the parish of Littleborough commencing in the Hey Head Tank and terminating by a junction with an existing water main belonging to the Corporation at the junction of Hare Hill Road with the Halifax Road.

32. The Corporation in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them. Power to
make
subsidiary
works.

33. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoirs three feet upwards and five feet downwards and in the case of all other works to any Limits of
deviation.

A.D. 1898. extent not exceeding three feet upwards and ten feet downwards
Provided as follows (that is to say):—

If it be found necessary or expedient in the construction of any reservoir by this Act authorised to alter the situation of any embankment or retaining wall the Corporation may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankment or retaining wall reservoir and works as shown with reference to the datum line to any extent not exceeding twenty feet:

The Corporation shall not construct any embankment or wall of such reservoir 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 wall and three feet in addition:

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

For protec-
tion of
Lancashire
and York-
shire Railway
Company.

34. The following provisions for the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the company and the Corporation have full force and effect and be binding upon the Corporation (that is to say):—

(1) In constructing or laying the conduits or lines of pipes by this Act authorised where the same are to be laid under or over the company's main line of railway or any viaduct bridge or tunnel thereon as also in effecting the maintenance repairs and renewals of such conduits or lines of pipes the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and according to plans to be submitted to and reasonably approved by him before any such works are commenced and all such works shall be executed by and in all things at the expense of the Corporation and so as not to cause any injury to such railway viaduct bridge or tunnel or interruption to the passage or conduct of the traffic over such railway Provided that the engineer of the company shall approve or disapprove such plans within one month from the submission thereof otherwise such plans shall be deemed to have been approved by him:

(2) The Corporation shall repay to the company the expense of any temporary works or watching which the company may think reasonably necessary to provide for the protection of their

railway or the traffic thereon during the carrying out of the works under and over the railway and adjacent thereto: A.D. 1898.

- (3) If by reason of the execution of the works any injury shall arise to such railway or interruption to such traffic the Corporation shall make full compensation to the company in respect of such injury or interruption:
- (4) The Corporation in constructing or laying down the said conduits or lines of pipes where the same are to be laid over or under the said railway or any viaduct bridge or tunnel thereon shall not without the consent in writing of such engineer (which consent shall not be unreasonably withheld) deviate laterally or vertically from the lines and levels thereof as shown on the deposited plans and sections:
- (5) The Corporation shall not (except with the previous consent of the company under their common seal) purchase or acquire any lands or property of the company but the Corporation may purchase and take and the company shall sell and grant accordingly an easement or right of using so much of the lands of the company as may be necessary for the crossing of the said conduits and lines of pipes under over or through the company's railway and property:
- (6) If at any time hereafter the company require to make any alterations of or to widen their said railway or to increase the railway accommodation at the place where the said conduits or lines of pipes cross the railway and property of the company otherwise than in a public road thereover the Corporation shall at their own cost make such alterations of the said conduits and lines of pipes and the works connected therewith as may be required by the company to enable them to carry out such alteration or widening of the railway or to provide such increased accommodation and the provisions of this section shall so far as applicable extend and apply to the execution and carrying out by the Corporation of any such alterations of the said conduits and lines of pipes and works connected therewith:
- (7) If any difference arise between the engineer of the Corporation and the engineer of the company with respect to any of the aforesaid matters in which the engineer of the company is expressed to be concerned such difference shall be referred to the arbitration of an engineer to be appointed by the two engineers or if they cannot agree by the Board of Trade on the application of the Corporation or the company.

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For protection of
Lancashire
County
Council.

35. For the protection of the county council of the county palatine of Lancaster (in this section called "the county council") the following provisions shall have effect (that is to say):—

- (1) Before commencing to execute any work upon any main road under the jurisdiction of the county council the Corporation shall submit to the county council for its approval plans sections and specifications of the proposed works Provided that if the county council fail within thirty days after such submission to signify their disapproval they shall be deemed to have approved thereof :
- (2) The Corporation shall maintain the portion of the said main road affected by the works of the Corporation for such period (not being less than twelve months from the date of the efficient restoration thereof) as there shall be any subsidence in the surface thereof :
- (3) All works affecting the said main road shall be executed under the superintendence and to the reasonable satisfaction of the surveyor to the county council and the reasonable cost of such superintendence and of the inspection approval or disapproval of plans sections and specifications as aforesaid shall be paid by the Corporation to the county council :
- (4) If any difference arise between the county council and the Corporation touching anything to be or not to be done under this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be binding on both parties.

For protection of
Rochdale
Canal.

36. Notwithstanding the transfer of the Company's undertaking to the Corporation as provided by this Act the provisions of sections 12 and 13 of the Act of 1882 shall remain in force for the protection of the Rochdale Canal in reference to that undertaking and the provisions of those sections shall extend and apply also mutatis mutandis to any works constructed or laid down by the Corporation under the powers of this Act across or affecting the Rochdale Canal or any towing-path thereof or any bridge or other work over or belonging to the same or any property of the company of proprietors of the Rochdale Canal.

Power to
take waters.

37. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their water undertaking the waters known as Ramsden Clough Foul Clough Red Clough Blue Pot Brook Turn Slack Clough and Stony Brook and all such springs streams and waters as will or may be

intercepted by the works by this Act authorised or as may be found in on or under any of the lands for the time being belonging to the Corporation. A.D. 1898.
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38.—(1.) The Corporation shall permit or cause to flow in a continuous flow into the following streams the following quantities of water in every twenty-four hours (that is to say):— As to compensation water.

(A) Into Ramsden Clough at a point therein within two hundred yards of the foot of the embankment of the intended Ramsden Reservoir forty-three thousand eight hundred and seventy-five gallons per day in addition to any compensation water fixed by the Act of 1882:

(B) Into the Whitling Reservoir of Robert Henry Scott (Limited) by means of a pipe from the intended Hey Head Reservoir (Work Number 10) sixteen thousand eight hundred and seventy-five gallons per day;

And the further quantity of 562·5 gallons per day in respect of every acre from which water is taken by the Hey Head Catchwater (Work Number 11):

Provided that the aforesaid quantities of compensation water permitted or caused to flow into the Whitling Reservoir shall subject to the use of the same for the purposes of the Clough Mills be returned or allowed to flow into the stream below the said mills:

Nothing in this Act contained shall prevent Isaac Hartley his heirs executors administrators or assigns from obtaining from the Corporation such compensation in money as he or they may be entitled to under the Waterworks Clauses Act 1847 or any Act amending the same in respect of any lands or streams belonging or leased to the said Isaac Hartley or in which he is interested and which may be taken used or injuriously affected by the construction or maintenance of the works by this Act authorised or otherwise by the execution of the powers by this Act conferred:

Nothing in this Act contained shall prevent Robert Henry Scott Limited their successors or assigns from obtaining from the Corporation such compensation in money in respect of the interference with the Turn Slack Reservoir or with any stream to the flow of which they are entitled as they would be entitled to obtain under the provisions of the Waterworks Clauses Act 1847 or any Act amending the same:

In assessing any compensation money so to be paid as aforesaid the arbitrator shall take into consideration the amount of compensation waters provided under this section.

A.D. 1898.

(2.)—(A) Nothing in this Act contained shall prevent the owners and lessees of Town House Mill their heirs executors administrators and assigns and the owners and lessees of Gale Mill their heirs executors administrators and assigns or either of them from obtaining such compensation in money as they or either of them may be entitled to under the Waterworks Clauses Act 1847 or any Act amending the same in respect of the said mills or the businesses there carried on and in respect of any lands or streams belonging to or leased by the said owners or lessees their heirs executors administrators and assigns or either of them or in which they or any of them are interested so far as the said mills businesses lands or streams are taken used or injuriously affected by the construction or maintenance of the said works by this Act authorised or otherwise by the execution of the powers by this Act conferred and in assessing any compensation money so to be paid as aforesaid the arbitrator shall have regard not only to the existing mills or businesses but to any reasonable extension of them which it may be proved to his satisfaction may be and would have been bonâ fide carried out but for the construction or maintenance of the said works or the exercise of the said powers and shall also in assessing any compensation take into consideration the amount of compensation water provided under this section :

(B) If at any time the said owners and lessees of either or both of the said mills their heirs executors administrators and assigns shall prove to the satisfaction of the said arbitrator that the said businesses or either of them cannot be satisfactorily carried on by reason of the construction or maintenance of the said works or the execution of the said powers the said arbitrator shall order the Corporation to compensate the said owners or lessees their heirs executors administrators or assigns or either of them by the total purchase of either or both of the said mills and in assessing any compensation money so to be paid as aforesaid the arbitrator shall have regard not only to the existing mills or businesses but to any reasonable extension of them which it may be proved to his satisfaction may be and would have been bonâ fide carried out but for the construction and maintenance of the said works or the exercise of the said powers. Provided that the amount of any compensation in money theretofore paid by the Corporation in respect of the premises purchased shall be taken into account upon any arbitration as to purchase.

(3.) The Corporation shall construct and for ever after maintain suitable measuring gauges over or through which the compensation water under this Act shall flow and the same shall be open to the

inspection and examination of the owners lessees and occupiers of the lands and of the several present and future mills works and navigations interested therein. A.D. 1898.

(4.) In case of any neglect on the part of the Corporation to maintain any such gauges in a state of efficiency and in case of any other neglect 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 occurs forfeit and pay to the occupiers of each of the mills and works affected thereby (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 such occupiers or any of them in respect of which such penalties are an insufficient compensation and such occupiers may respectively from time to time recover such compensation with costs from the Corporation by proceedings in any court of competent jurisdiction.

(5.) The provisions of this section shall be accepted and taken as full compensation for all water by this Act authorised to be diverted taken used and appropriated by the Corporation for the purposes of their water undertaking.

39.—(1.) The Corporation at the time of the making of the said catchwater drains shall at their own expense make and at all times thereafter maintain such and so many safe and convenient plattings or covers for cattle and carts to pass over such catchwater drains as shall be necessary for the accommodation of the owners and occupiers of the lands adjoining the said catchwater drains in addition to and besides those required to be made where the present roads or ways pass and are situated.

For protec-
tion of
James
Griffith
Dearden.

(2.) If at any time hereafter James Griffith Dearden the present lord of the manor of Rochdale who claims to be entitled to the mines and minerals in and under certain parts of the common and other lands mentioned in the deposited plans and book of reference shall have occasion to open within or upon the said last-mentioned lands any shafts breast-eyes or other openings for the getting of the said mines and minerals and shall require for the conveyance of the said mines and minerals when gotten off and from the said lands any further or additional plattings or covers across the said catchwater drains which may be made over such land as aforesaid or any of them besides the said plattings and covers which the Corporation are hereby required to make such further or additional plattings or covers shall be made by and at the expense of the Corporation and the said James Griffith Dearden shall be able to work and get the

A.D. 1898. — said mines and minerals situate and being under the said catchwater drains without being answerable for any damage which may be occasioned thereby to the said catchwater drains.

(3.) In the event of its being necessary for the said James Griffith Dearden in the getting or conveyance of the said mines and minerals as aforesaid to make a break in or temporarily to move the said catchwater drains the Corporation shall upon due notice thereof carry the said drains by trough or otherwise as to them shall seem best at their own expense over such break or where such drains shall be temporarily moved.

(4.) If at any time hereafter the said James Griffith Dearden shall require water for the use of any steam engines employed by him for the working of any mines or minerals upon any of the said lands the said James Griffith Dearden shall be at liberty to take and apply from the said catchwater drains so much water as may be necessary for the supplying of the said steam engines and shall not be liable to pay for the same or to make any compensation to the Corporation in respect thereof and the said water so to be taken shall be kept as pure and free from injury as is consistent with the use thereof and shall after the same shall have been used for supplying the said steam engines be permitted to flow back into the said catchwater drains for the use of the Corporation and the said James Griffith Dearden shall also give to the Corporation and discharge and make to flow into the said catchwater drains all such water not previously flowing down any pipes belonging to the said James Griffith Dearden and supplying his farms or premises as shall be drawn or raised or shall drain or flow from any of the said mining shafts or breast-eyes to or at an elevation not lower than the lowest part of the said catchwater drains or the aqueducts or reservoirs of the Corporation provided that the said James Griffith Dearden be not put to any expense in discharging and making such water to flow into the said catchwater drains aqueducts or reservoirs Provided always that if any of the said water so to be taken by the said James Griffith Dearden as aforesaid or of the said water so to be drawn and raised or discharged or which shall run or flow from the said mines of the said James Griffith Dearden shall be foul muddy noxious bad or offensive the Corporation may and they are hereby required at their own expense to construct or cause to be constructed upon any of the said lands in the deposited plans or book of reference mentioned or upon any other lands where they lawfully may all such drains sewers and watercourses as may be necessary or proper for carrying off and conveying all such foul

A.D. 1898.
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muddy noxious bad or offensive water from or past the said catchwater drains aqueducts and reservoirs of the Corporation or any of them or from any lands near to them or any of them and in case the Corporation shall neglect to make and provide such drains sewers and watercourses the said James Griffith Dearden shall be exempt from all such penalties as by this Act or the said Waterworks Clauses Act 1847 or any other Act are imposed upon persons offending in this behalf anything herein or in the said last-mentioned Acts to the contrary notwithstanding.

(5.) If in the construction of the said Work Number 11 there shall be any diversion of or interference with the existing supply of water to the Greenwells Top of Clough Hall Hey or Long Clough Farms belonging to the said James Griffith Dearden or any of them or the water flowing down the brooks or streams flowing through the same or any of them provision shall be made by and at the expense of the Corporation for the giving of a like supply of water from the said catchwater drains or from the reservoirs or other works to be constructed by the Corporation to each of the said farms so as to afford full compensation for any water supply to such farms which may be so interfered with.

(6.) If in the construction of the said Works Numbers 10 and 12 there shall be any diversion of or interference with the water obtained from or collected on the common lands known as Shore Moor and Ringing Pots Hill or the adjoining lands and which thence flows along two lines of pipes or drains into and through the farm known as Grimes and along another line of pipes or drain into and through the farm known as Far Hey Head or with the water flowing from the spring or well situate in the said Far Hey Head Farm into the last-mentioned line of pipes or drain and all which water supplies the said last-mentioned farms and several other farms houses and premises situate at Hey Head Handel Hall Hill Top and Whitfield and also the Stansfield Dye Works the Corporation shall during the construction of the said works and at all times thereafter at their own expense permit or cause to flow in a continuous flow from the Hey Head Reservoir into and through each of the said lines of pipes or drains respectively the water flowing through which may be so diverted or interfered with at the point of entry of such line or lines of pipes or drains into such farms respectively or as near thereto as may be such a quantity of pure water every twenty-four hours as shall not be less than the average quantity of water which shall previous to such interference or diversion have flowed down each of such lines of pipes or drains respectively so as to afford full compensation water from the said reservoir in lieu of any water supply to such farms and works which may be so interfered with or diverted.

A.D. 1898.

(7.) If the said James Griffith Dearden and the Corporation shall at any time hereafter disagree or shall not agree as to the places where or the manner in which the said further or additional plattings or covers shall be made over or across the said catchwater drains or as to the temporarily moving of the said drains or as to the quantity of the said water to be taken by the said James Griffith Dearden for the use of the said steam engines under the provisions herein-before contained or as to the places where or the manner in which the same water shall be taken as aforesaid or as to the manner of keeping and using the same water or as to the places where or the manner in which the same water or the water which shall be drawn or raised or shall drain or flow from the said mines shafts or breast-eyes shall be discharged or made to flow into the said catchwater drains aqueducts or reservoirs of the Corporation or as to the quantity of compensation water to be provided or supplied by the Corporation in pursuance of this Act or the mode of such supply the said several matters and things as to which the said James Griffith Dearden and the Corporation shall disagree or shall not agree shall be settled and determined by arbitration in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

(8.) In the making and maintenance of the said Work Number 7 the Corporation shall not interfere with or permit any damage or pollution to be caused to the reservoirs near to and adjoining Stansfield Dye Works and situate on the easterly and westerly sides of Calderbrook Road or to the water therein or to the culvert running under such road and connecting such reservoirs or to the pipes or drains running under such road conveying water to the said reservoirs and the farms and other premises mentioned in this section or to the water thereby conveyed.

(9.) The Corporation in constructing and maintaining the said catchwater drains and other works so far as they are reasonably able shall not permit or suffer any trespass to be committed on the adjoining common or enclosed lands or do or permit any other act which may interfere with or injure the rights of the said James Griffith Dearden of shooting and sporting over such common and enclosed lands.

(10.) Nothing in this Act contained shall prevent the said James Griffith Dearden from obtaining from the Corporation such compensation in money in respect of any interference with or diversion of any brooks streams or flow of water to which he is entitled and also in respect of any interference with or injury to the said shooting rights as he the said James Griffith Dearden

would be entitled to obtain under the provisions of the Waterworks Clauses Act 1847 or any Act amending the same. A.D. 1898.

In this section the expression "James Griffith Dearden" shall include his successors in title and also any person for the time being entitled to work any mines and minerals to which the said James Griffith Dearden now is or claims to be entitled and also any person who may be a lessee or tenant of any lands and premises belonging to the said James Griffith Dearden.

40. If any works authorised by the section of this Act the marginal note whereof is "Power to make works" are not completed within the period of ten years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Corporation for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Corporation from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus filter-beds mains pipes or other works or plant at any time and from time to time as occasion may require. Period for completion of works.

41. For the prevention of the pollution of reservoirs streams watercourses and waters over which the Corporation for the time being for the purposes of their water supply have any power of user or in which for the like purposes they are for the time being interested and in the event of the sanitary authority for the district in which the pollution occurs refusing or neglecting within the space of one month after being requested by the Corporation by notice in writing under the hand of the town clerk so to do to enforce with respect to any such reservoirs streams watercourses or waters the provisions of the Rivers Pollution Prevention Act 1876 the Corporation shall have and may if they think fit exercise such and the like powers as may for the time being be exercised by such sanitary authority under any of the said provisions and the said provisions shall for the purposes aforesaid extend and apply mutatis mutandis to the Corporation. Provisions for preventing fouling of water.

42. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works by this Act authorised with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into such reservoirs and works. Power to agree as to drainage of lands &c.

A.D. 1898.

PART IV.—LANDS.

Power to Corporation to take the lands referenced.

43. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for the construction and maintenance of the works by this Act authorised. Provided that the Corporation shall not under the powers of this Act enter upon take or use more than the following quantities of the following lands reputed to be common or commonable and for the following purposes (that is to say):—

Purpose for which Lands are required.	Name by which Lands are known.	Parish in which situate.	Quantity to be taken.
Works Nos. 10 and 11.	Ringing Pots and Stansfield Hills.	Littleborough -	A. R. P. 9 3 24
Work No. 11 -	Old Charles Hill -	Littleborough -	0 1 18

Owners may be required to sell parts only of certain lands and buildings.

44. And whereas in the construction of the works by this Act authorised or otherwise in exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Third Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the

question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion of such costs charges and expenses as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

[Ch. ccxxxvi.] *Rochdale Corporation Water Act, 1898.* [61 & 62 VICT.]

A.D. 1898.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Corporation may acquire easements only in certain lands.

45. The Corporation may in lieu of acquiring any lands for the purposes of the works by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein 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 be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Corporation for the purpose of laying any conduit or pipe underground the Corporation shall not (unless they purchase such lands and not merely easements therein) 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 at all times after the completion of the work have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

Limitation of time for compulsory purchase of lands.

46. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to take easements &c. by agreement.

47. 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. 1898.

48. The Corporation may for the purposes only of protecting from contamination fouling or discolouration the waters in any reservoirs or any waters over which they for the time being have any right or in which they for the time being have any interest and any waters which unite with or flow into such reservoirs or waters acquire by agreement or take on lease and hold either temporarily or permanently any lands situate within the drainage area of such reservoirs or waters and such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Consolidation Act 1845 but the Corporation shall not deal with such lands so as to create or permit a nuisance nor use any such lands for any building except buildings required for the undertaking of the Corporation or for the purposes of farms.

Power to take additional lands by agreement for protection of water supply.

49. Subject to the provisions of this Act the Corporation may with the consent of the Local Government Board appropriate and use for any of the purposes of this Act any lands from time to time vested in them and being part of their corporate estates.

Corporation may use their own lands for purposes of Act.

50.—(1.) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class

(2.) For the purpose of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

51. The Corporation may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Corporation think fit any

Sale of superfluous lands.

A.D. 1898. — lands houses or other property for the time being held by the Corporation for the purposes of their water undertaking and which they do not require for the purposes of that undertaking and in any such sale or lease the Corporation may reserve to themselves all or any water or water rights or other easements in respect of the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions and provisions and generally upon such terms and conditions as the Corporation think fit.

As to consent
of Local
Government
Board.

52. Nothing in this Act shall be taken to dispense with the consent of the Local Government Board to any sale lease or other disposition of any lands of the Corporation in any case in which the consent of the Board would have been required if this Act had not been passed.

PART V.—FINANCE.

Power to
borrow.

53. The Corporation may from time to time (in addition to any other moneys they are now authorised to borrow under any other Act passed in this or any previous session of Parliament or under the order or sanction of any public department of the State) borrow at interest on the security of the water revenue and the borough fund and borough rate and for the following purposes the following sums (that is to say):—

For the purpose of paying the costs of this Act as herein-after defined the sum requisite for that purpose ;

For the purpose of acquiring the undertaking of the Company such sum as shall be equal to the amounts to be paid by the Corporation to the Company under the provisions of this Act ;

For paying off the mortgage debt of the Company any sum not exceeding eleven thousand pounds ;

For the redemption of the annuities the sum necessary for that purpose ;

For the construction of the works by this Act authorised any sum not exceeding two hundred and thirty-five thousand eight hundred pounds ;

For new mains and extensions of mains and service pipes any sum not exceeding fifteen thousand pounds :

Provided always that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the provisions of the Municipal Corporations Acts or the Public Health Act 1875 and that in calculating the sum the Corporation may borrow under any other enactment order or sanction any sums they may borrow

under this Act shall not be reckoned Provided further that the total amount which may be borrowed under this Act shall not exceed four hundred and fifty thousand pounds. A.D. 1898. —

54. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :— Provisions as to mortgages.

- Section 236 (Form of mortgage) ;
- Section 237 (Register of mortgages) ;
- Section 238 (Transfer of mortgages) ; and
- Section 239 (Receiver may be appointed in certain cases).

55. Part IV. (Corporation stock) of the Rochdale Corporation Act 1884 shall subject to the provisions of this Act extend and apply mutatis mutandis to and in relation to all moneys borrowed under the powers of this Act by the creation and issue of Corporation stock Provided that the Stamp Act 1891 shall be substituted for section 53 of the Inland Revenue Act 1880 in sub-division A. of the Fourth Schedule of the said Act of 1884. Certain provisions of Act of 1884 extended to this Act.

56.—(1.) The amount of the annual sums payable to the Rochdale Corporation Consolidated Loans Fund under the Rochdale Corporation Act 1884 towards the redemption of stock created and issued by the Corporation for the purposes of this Act shall be such as with accumulations at a rate not exceeding three per centum per annum will suffice to redeem at par such stock within the period prescribed by this Act from the time or respective times of the original borrowings. As to moneys raised by Corporation stock.

(2.) The sums payable in each year to the said loans fund under the Rochdale Corporation Act 1884 for payment of dividends on and towards redemption of such stock shall be provided out of the revenue of the water undertaking and if and so far as that revenue proves insufficient for the purpose the deficiency shall be provided out of the borough fund and borough rate.

57.—(1.) Notwithstanding anything contained in section 39 of the Rochdale Corporation Act 1884 the Corporation may from time to time exercise any statutory borrowing power by the creation and issue under the powers of the said Act of a new class of redeemable stock to be designated "Rochdale Corporation New Redeemable Stock" at such price (not being lower than ninety-five pounds per centum) and bearing such dividend (not exceeding three pounds per centum per annum) as the Corporation may by the resolution for such issue determine Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same Power to issue stock at lower rate of dividend.

A.D. 1898.

class of stock bearing the same rate of dividend and shall become redeemable as herein-after provided after the expiration of the same period from the first creation of such stock.

(2.) After the expiration of such a period from the creation of the said stock as the Corporation shall by the resolution creating the same declare the stock shall be redeemable at par at the option of the Corporation and the whole of the stock shall be redeemed or purchased and extinguished within such a period (not exceeding sixty years) from the first creation of the stock as the Corporation shall by such resolution declare.

(3.) All stock created by virtue of this section shall be charged in the same manner as and shall rank *pari passu* with stock issued under the provisions of the said Act except so far as those provisions are expressly altered by this Act.

Repayment
of borrowed
moneys.

58. The Corporation shall pay off all moneys borrowed by them under the powers of this Act and shall provide for the repayment of the mortgage debt of the Company and for the redemption of the annuities issued under this Act within the following periods (that is to say):—

As regards money borrowed to defray the costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto within any period not exceeding five years from the time of the borrowing thereof;

As regards the mortgage debt of the Company and any moneys borrowed for its repayment within any period not exceeding fifty years from the date of the transfer;

As regards the redemption of the annuities and any money borrowed for redemption of annuities, within any period not exceeding fifty years from the date of transfer;

As regards money borrowed for new mains and extensions of mains, and service pipes, within any period not exceeding fifty years;

As regards money borrowed for the construction of works within any period not exceeding sixty years from the time of the borrowing thereof;

As regards money borrowed for the purpose of acquiring the undertaking of the Company within any period not exceeding fifty years from the time of the borrowing thereof:

And such repayments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund:

The sinking fund shall be formed by setting apart in every year out of the water revenue or the borough fund and borough rate such equal annual sums as will with the accumulations thereof at compound interest (at a rate not exceeding three pounds per centum per annum) be sufficient after payment of all expenses to pay off the moneys borrowed (so far as they are repayable by means of a sinking fund) and to redeem the mortgage debt of the Company and to redeem the annuities within the periods by this Act prescribed in relation thereto respectively: A.D. 1898.

The first payment by instalments or to a sinking fund for repayment of borrowed moneys shall be made on the thirty-first day of March next following the date of the borrowing of the money in respect of which such payment is to be made:

The first payment to the sinking fund for the repayment of the mortgage debt of the Company and for redemption of the annuities shall be made on or before the twenty-fifth day of March next following the expiration of one clear year from the transfer day:

The sums to be annually appropriated and set apart to the sinking fund exclusive of accumulations shall be equal throughout the whole period allowed for repayment:

The Corporation may at any time apply the whole or part of the sinking fund set apart by them in or towards the repayment of the borrowed moneys or for the redemption of the annuities for the repayment of which the sinking fund is set apart in such order and manner as they deem proper:

Provided as follows:—

That in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys and all of such annuities as the case may be, are discharged or redeemed a sum equal to the interest which would have been produced by the sinking fund, or part thereof so applied at the rate per centum on which the payments to the sinking fund are based:

That whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding and to the amount then yearly payable in respect of the annuities the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest or such annuities and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto:

A.D. 1898.

That if any annuities are redeemed otherwise than out of moneys accumulated by means of a sinking fund the amount payable in every year to the sinking fund for the redemption of the annuities shall be reduced in the same proportion as the amount of the annuities so redeemed bears to the total amount of the annuities redeemable by means of such sinking fund.

Power to reborrow.

59. If the Corporation pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may reborrow the same and so from time to time Provided that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing shall have been made and any amounts from time to time reborrowed shall be deemed to form the same loan as the moneys in lieu of which such reborrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such reborrowing.

Proceeds of sale of surplus lands.

60. The Corporation shall apply all moneys received from the sale of lands and of any portions of the water undertaking and by way of fines or premiums on leases made under the powers of this Act in 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 by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board.

Sinking fund may be adjusted in certain events.

61. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act or redeem any of the annuities the payments to any sinking fund applicable to the repayment of such principal moneys or the redemption of such annuities may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Power to borrow under Local Loans Act 1875.

62. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in manner by

A. D. 1898.

this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act and the provisions of this Act with respect to the sinking fund shall apply to the repayment of moneys so borrowed in lieu of the provisions of section 15 of that Act.

63. All sums paid into the sinking fund and the annual income thereof shall be accumulated at compound interest and shall be as soon as may be invested in 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 (not being annuities) authorised by or under any Act of Parliament passed or to be passed of any municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation or securities transferable by delivery.

Sinking fund how to be invested.

64. From and after the passing of this Act the Corporation shall not create or issue any irredeemable stock nor shall they invest the loans fund or any sinking fund in their own securities.

Corporation not to create irredeemable stock nor to invest sinking fund in their own securities.

65. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Protection of lenders from inquiry.

66. All mortgages granted by the Corporation subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Priority of existing mortgages.

67. The Corporation shall keep accounts in respect of their water undertaking separate from all their other accounts and shall apply all water revenue as follows (that is to say):—

Application of revenue.

First In payment of their costs charges and expenses of and incidental to the collecting and recovering of water revenue and of the borrowing of money under this Act:

Secondly In payment of the working and establishment expenses and cost of maintenance of their water undertaking:

Thirdly In payment of the annuities granted under the powers of the Rochdale Waterworks Act 1866:

A.D. 1898.

Fourthly In providing the requisite instalments or sinking fund under the Rochdale Waterworks Act 1866 for redemption of the said annuities granted under that Act :

Fifthly In providing the moneys required to pay the interest on the moneys borrowed by the Corporation for the purposes of their existing water undertaking and charged on the revenue thereof and still owing :

Sixthly In providing the requisite instalments or sinking funds or otherwise making provision for the repayment of the last-mentioned moneys borrowed :

Seventhly In payment of the interest on the mortgage debt of the company transferred to the Corporation :

Eighthly In payment of the annuities granted under this Act :

Ninthly In providing the moneys required to pay the interest on moneys borrowed by the Corporation under this Act for their water undertaking :

Tenthly In providing the requisite instalments or sinking funds under this Act or otherwise making provision for repayment of the moneys borrowed under this Act and for repayment of the mortgage debt of the company and for redemption of the annuities :

Eleventhly In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in or upon any securities in or upon which the Corporation are or may be authorised to invest their sinking fund and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or to the improving and extending thereof and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens :

And the Corporation shall carry to the borough fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to five thousand pounds.

The accounts of the Corporation kept in accordance with the provisions of this section shall be audited with the same incidents and consequences as the accounts of the Corporation are audited under the provisions of the Municipal Corporations Act 1882. A.D. 1898.

68. Any deficiency in the revenues and receipts of the Corporation on account of their water undertaking shall be from time to time made good out of the borough rate in such manner as the Corporation may from time to time determine. As to deficiency in receipts.

69. As to any addition to or any increase of the borough rate under the powers or for the purposes of this Act the occupiers of any land used only as a railway constructed under the powers of any Act of Parliament for public conveyance shall from time to time be entitled to a drawback to be paid by the Corporation on the assessment of such properties respectively to the borough rate equal to three fourths of the amount to which such occupiers respectively shall be assessed in respect to these properties respectively and the provisions of section 65 of the Rochdale Waterworks Act 1866 shall be applicable to any drawback in this section provided for. Certain drawbacks to be allowed to railway companies.

70. All money borrowed under this Act shall be applied for the purposes of this Act only for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise. Application of money borrowed.

71. 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 or any instalment is required to be paid 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 paid as an instalment or 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 showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof 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 the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the Annual return to Local Government Board with respect to sinking fund.

A.D. 1898. — sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that sinking fund or any interest thereof 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 High Court.

The provisions of this section shall extend and apply mutatis mutandis to appropriations and to annual repayments.

Corporation
not to regard
trusts.

72. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid in any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

PART VI.—MISCELLANEOUS.

Power to
Corporation
to supply
water in
bulk to local
authorities
through
whose dis-
trict works
will be made.

73. The Corporation may enter into and fulfil contracts and agreements with any other corporation or any county urban district or rural district council or any public authority or body or any company or person in or having jurisdiction within any parish in or through which the works by this Act authorised will be made or pass for or in relation to the supply of water in bulk by the Corporation to such other corporation council authority body company or person and the execution of the works and the acquisition of the lands requisite for the purpose of such supply and for the purposes aforesaid or any of them may apply any moneys they are authorised to raise and which are not required for the purposes for which they were authorised The Corporation may for the purposes aforesaid exercise the powers of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes :

Provided that the Corporation shall not under the powers of this section supply water in any parish without the statutory limits of the Corporation for the supply of water except with the consent in writing of the local authority of such parish and of any company (if any) empowered by Act of Parliament or any Order confirmed by Parliament to supply water within such parish. A.D. 1898.

74. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act including such costs charges and expenses as have been agreed to be paid by the Corporation to the Company shall after taxation by the taxing officer of the House of Lords or the House of Commons be paid by the Corporation out of money borrowed for the purpose by them under the provisions of this Act. Costs of Act.

A.D. 1898.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

FORM OF DEED OF TRANSFER OF WATER UNDERTAKING OF THE COMPANY.

In pursuance of and subject to the provisions of the Rochdale Corporation Water Act 1898 the Todmorden Waterworks Company do hereby in consideration of [*as the case may be*] grant convey and assign to the mayor aldermen and burgesses of the borough of Rochdale the Todmorden water undertaking as defined by the said Act To hold to them the said mayor aldermen and burgesses their successors and assigns and the said mayor aldermen and burgesses do accept the same accordingly.

In witness whereof the parties hereto have hereto set their respective common seals this day of one thousand eight hundred and ninety-eight.

THE SECOND SCHEDULE.

FORM A.

FORM OF CERTIFICATE OF ANNUITY.

Todmorden Water Annuities.

No. _____ £ _____

By virtue of the Rochdale Corporation Water Act 1898 the mayor aldermen and burgesses of the borough of Rochdale (herein-after called "the Corporation") do hereby certify that of is under and subject to the provisions of that Act entitled to an annuity [*or to annuities*] [*as the case may be*] of charged on and issuing out of the revenue of the water undertaking of the Corporation and on and out of the borough fund and borough rate for the time being of the borough of Rochdale which annuity is [*or annuities are*] [*as the case may be*] payable to the said his executors administrators or assigns clear of all

[61 & 62 Vict.] *Rochdale Corporation Water* [Ch. ccxxxvi.]
Act, 1898.

deductions (except for income tax) by equal half-yearly payments on the first day of January and the first day of July in each year. A.D. 1898.

Given under the common seal of the mayor aldermen and burgesses of the borough of Rochdale this day of one thousand eight hundred and

L.S.

FORM B.
FORM OF TRANSFER OF ANNUITY.

I of in consideration of the sum of £
paid to me by of do hereby transfer to
(herein-after called "the transferee") the annuity [*or annuities*] [*as the case may be*] of numbered created under the
Rochdale Corporation Water Act 1898 and all my right and interest therein and thereto To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same at the time of the execution hereof and I the transferee do hereby agree to take the same annuity [*or annuities*] [*as the case may be*] subject to the same conditions.

As witness our hands and seals this day of
one thousand eight hundred and

L. S.

L.S.

THE THIRD SCHEDULE.

A.D. 1898.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Parish.	Number on deposited Plans.
WORK NUMBER 7.	
Todmorden	84 85 86 87 88 89 90 91 92
Littleborough	3 24 28 30
Wardle	1 6 7 12 13 18
WORK NUMBER 8.	
Wardle	28 29 30
WORK NUMBER 10.	
Littleborough	11 14 16
WORK NUMBER 11.	
Littleborough	21 22
WORK NUMBER 13.	
Wardle	32 34 37.

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