ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cci.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Bolton* to construct additional Waterworks; to acquire the *Turton and Entwisle* Reservoir; to provide a public Park and Town Hall; and for other Purposes.

[14th *July* 1864.]

WHEREAS by "The *Bolton* Improvement Act, 1854," (in this Act called "The *Bolton* Act of 1854,") the Mayor, Aldermen, and Burgesses of the Borough of *Bolton* (in this Act called "the Corporation") are authorized to complete and maintain Waterworks, and to supply with Water the Borough of *Bolton* (in this Act called "the Borough") and its Neighbourhood, and to do other Things for the Improvement of the Borough: And whereas by "The *Bolton* Improvement Act, 1861," (in this Act called "The *Bolton* Act of 1861,") the Corporation are empowered to make further Improvements in the Borough: And whereas it is expedient that the Corporation be authorized to obtain a further Supply of Water, and to construct Reservoirs, Aqueducts, and other Works for impounding, collecting, storing, and distributing the Water for the further and better Supply of the Inhabitants of the Borough

17 & 18 Vict. c. clix.

24 & 25 Vict. c. clxxiii.

and its Neighbourhood, and to acquire Lands for those Purposes: And whereas in the Year One thousand eight hundred and thirty-two an Act was passed "for making and maintaining a Reservoir upon "*Bradshaw* Brook in the Townships of *Turton* and *Entwisle* in the "Parish of *Bolton-le-Moors* in the County of *Lancaster*, for pro- "viding a more regular Supply of Water in *Bradshaw* Brook afore- "said, and in certain Rivers connected therewith," to which Act the Expression "The *Turton and Entwisle* Act of 1832," when herein-after used, refers: And whereas by that Act Persons therein named and their Successors, elected as therein provided, were incorporated by the Name of the Commissioners for the *Turton and Entwisle* Reservoir, and Provision was made (Section Two) for the Election of new Commissioners on Vacancies at a General Meeting of the Occupiers of the Stream or River called *Bradshaw* Brook, and the Rivers *Eagley*, *Irwell*, and *Mersey*, in the County of *Lancaster*, and of the Falls to be supplied with Water therefrom: And whereas by the same Act (Section Thirty-two) the Commissioners were empowered to make and maintain on the upper Part of *Bradshaw* Brook, in the Townships of *Turton* and *Entwisle*, a Reservoir, to be called the *Turton and Entwisle* Reservoir, for the Purpose of providing a more regular Supply of Water in the said Stream and Rivers: And whereas by the same Act divers other Powers were conferred on the Commissioners: And whereas by the same Act, in order to raise Money for executing the Act, Provision was made (Section Thirty-seven) for the levying of Rates of a certain Amount by the Commissioners on the Occupiers of the said Streams and Rivers, in proportion to the Number of Feet of Fall of Water occupied by them respectively for the Purpose of giving Motion to any Machine or Engine: And whereas by the same Act (Section Forty-nine) the Commissioners were empowered to borrow Money, not exceeding Twenty-five thousand Pounds, on the Security of the Rates: And whereas in the Year One thousand eight hundred and thirty-eight the last-recited Act was amended by another Act, to which Act the Expression "The *Turton and Entwisle* Act of 1838," when herein-after used, refers: And whereas by the Amending Act the Commissioners were empowered to levy additional Rates: And whereas by the same Act the Commissioners were required to cause a Supply of Water to flow out of the Reservoir at the Rate of Twelve Cubic Feet of Water at least *per* Second, during Twelve Hours of every Working Day, between Half-past Five of the Clock in the Morning and Half-past Eight of the Clock in the Evening, provided that there should be sufficient Water in the Reservoir: And whereas by the same Act the Commissioners were empowered to borrow further Money, not exceeding Five thousand Pounds, on the Security of the Rates: And whereas under the *Turton and Entwisle* Acts of 1832 and 1838, or One of them, the Commissioners have made the Reservoir thereby authorized, and have

2 & 3 W. 4. c. xxiv.

1 & 2 Vict. c. xxx.

have borrowed Money, and there is now due in respect of the Money so borrowed the Sum of Twenty-six thousand nine hundred and ninety-seven Pounds Eleven Shillings and Threepence for Principal, with a large Amount for Arrears of Interest, and there is payable on the said Principal Sum Interest at the Rate of Five Pounds *per Centum per Annum:* And whereas it would be of great Advantage to the Inhabitants of the Borough and its Neighbourhood if the *Turton and Entwisle* Reservoir were held and used by the Corporation as Part of their Waterworks for the Supply of Water: And whereas it is expedient that Provision should be made for the Transfer of the same to the Corporation accordingly, they assuming the Liabilities of the Commissioners and continuing to deliver Supplies of Water for the Benefit of the Occupiers of Falls interested in the Supply of Water prescribed by the *Turton and Entwisle* Act of 1838: And whereas, for the Purpose of enabling the Corporation so to deliver Supplies of Water, and for other the Purposes of the Corporation, it is expedient that the Corporation should be empowered to construct a Reservoir for receiving the Waters of the *Bradshaw* and *Wayoh* Brooks: And whereas the Corporation are by the *Bolton* Act of 1854 authorized to erect a Town Hall and other Buildings, and it is expedient that they be empowered to take certain Lands for those Purposes, and for opening new Streets communicating with the new Market Place: And whereas it would be for the public Advantage if the Corporation were authorized to acquire certain Lands for the Purpose of providing a public Park for the Inhabitants of *Bolton:* And whereas it is expedient that the Corporation be authorized to raise further Sums of Money: And whereas the Borough of *Bolton* consists of Three Townships or Districts, called *Great Bolton*, *Little Bolton*, and *Haulgh:* And whereas at the passing of "The Borough of *Bolton* Act, 1850," herein-after called "The *Bolton* Act of 1850," certain Trustees, respectively called the *Great Bolton* Trustees and the *Little Bolton* Trustees, were entitled to certain Property consisting, as regards the *Great Bolton* Trustees, of Rents called *Bolton Moor* Rents and of other Property, and as regards the *Little Bolton* Trustees of a Town Hall and Buildings and other Property, and all the said Property was by the last-mentioned Act (Section Seventeen) vested in the Corporation as Part of their Corporate Estates and Effects, and (notwithstanding that the last-mentioned Act was repealed by the *Bolton* Act of 1854) the same remains so vested: And whereas the *Bolton Moor* Rents, and any Money arising from the Sale thereof, are carried to the Borough Fund, and the Corporation under the Provisions of the *Bolton* Act of 1854 (Section One hundred and sixty-three) pay yearly out of the Borough Fund the clear Sum of One thousand eight hundred and sixty-three Pounds Thirteen Shillings and Tenpence to the Credit of the *Great Bolton* Account, and the Rents and Profits of the Lands and Property formerly belonging to the *Great Bolton*

Bolton Trustees and *Little Bolton* Trustees respectively, and the Proceeds arising from the Sale thereof, are by the same Act directed to be carried to the Credit of the *Great Bolton* Account or *Little Bolton* Account, as the Case may be: And whereas under the *Bolton* Act of 1854 the said Townships in the Borough are, for the Purposes of Improvement, Sewerage, and Paving, distinct Districts, and by that Act special District Rates are required to be raised therein respectively for those Purposes, and the Receipts and Expenditure in those Districts are required to be distinguished by separate Accounts, called the "*Great Bolton* Account," "*Little Bolton* Account," and "*Haulgh* Account:" And whereas the Expenses of the Corporation in connexion with the Waterworks, Lighting, Scavenging, Markets, Fairs, Slaughter Houses, Police, and other Matters are defrayed either out of the Borough Fund or by general District Rates levied equally on all Parts of the Borough: And whereas the Separation of the Three Townships in the Borough into distinct Districts for some Purposes is inconvenient and prejudicial to the Improvement of the Borough, and it is expedient that such Arrangements be made instead thereof as in this Act expressed, and that, as Compensation to the Inhabitants of *Great Bolton* on the Amalgamation of the Funds and Accounts of the Three Townships as herein-after directed, differential Rates should for a certain Period be levied in the Three Townships respectively: And whereas Plans describing the Line or Situation of the intended Reservoirs and Aqueducts, and the Lands in, over, upon, through, or under which the same are intended to be constructed, and the Lands upon which the Town Hall and other Buildings and Offices are intended to be erected, and the Line or Situation of the new Streets and Improvements authorized by this Act, and the Lands to be taken for the Purposes of such new Streets and Improvements, and of the public Park, and Books of Reference to those Plans containing the Names of the actual or reputed Owners and Lessees and of the Occupiers of those Lands respectively, and Sections describing the Levels of the Reservoirs and Aqueducts, have been deposited with the Clerk of the Peace for the County of *Lancaster*, and such Plans, Sections, and Books of Reference, so far as they relate to the Reservoirs and Aqueducts and the Works connected with the Supply of Water, are in this Act distinguished as "the Waterworks Plans, Sections, and Book of Reference," and so far as they relate to the Town Hall, new Streets, and Improvements are distinguished in this Act as "the Improvement Plans and Book of Reference," and so far as they relate to the public Park are distinguished as "the public Park Plans and Book of Reference:" And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Preliminary.

Short Title.

1. This Act may be cited as "*Bolton* Improvement Act, 1864."

Same Meanings to Words in incorporated Acts as in this Act.

2. The several Words and Expressions to which by the *Bolton* Act of 1854, and the Acts wholly or partially incorporated with this Act, Meanings are assigned shall in this Act have the same respective Meanings, unless in any of the Cases there shall be in the Subject or Context something repugnant to or inconsistent with such Construction.

Effect of Term "Court of competent Jurisdiction."

3. The Expression "Court of competent Jurisdiction," or any other like Expression in this Act or in the Acts incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Act to be executed by Corporation.

4. This Act shall be carried into execution by the Corporation acting by the Council of the Borough, and according to the Laws from Time to Time in force affecting the Municipal Corporation of the Borough of *Bolton*, except so far as the same respectively are expressly varied by this Act.

Recited Acts and this Act to be read as One Act.

5. The Powers and Provisions of the *Bolton* Acts of 1854 and 1861, so far as the same are now unrepealed, and except such of them as are repealed, altered, or otherwise provided for by this Act, shall extend to this Act and to the several Purposes thereof as fully and effectually as if the said Powers and Provisions were repeated and re-enacted in this Act in reference to such Purposes, Matters, and Things, and the said Acts and this Act shall be read and construed together as forming One Act.

11 & 12 Vict. c. 63. &c. to apply to this Act.

6. "The Public Health Act, 1848," so far as the same is incorporated with the *Bolton* Act of 1854, "The Local Government Act, 1858," and the several Acts amending the same Acts respectively, shall, save so far as any of the Provisions thereof are expressly varied by this Act, extend and apply to the Powers, Provisions, and Purpose of this Act.

Certain Provisions of certain Acts herein named repealed.

7. On and from the First Day of *August* One thousand eight hundred and sixty-four, the following Sections of the *Bolton* Acts of 1854 and 1861 shall be and are hereby repealed; (that is to say,)

Of the *Bolton* Act of 1854, Sections One hundred and forty, One hundred and forty-two to One hundred and forty-eight, both inclusive, and One hundred and sixty-three to One hundred and seventy-six, both inclusive; and

Of the *Bolton* Act of 1861, Sections Twenty and Twenty-one.

Lands.

Power to take Lands.

8. The Corporation may enter on, take, use, and appropriate the Lands described in such of the deposited Plans and Books of Reference as respectively relate to the several Undertakings and Works by this Act authorized, or any of those Lands, or any Right or Easement in or over them or any of them.

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

9. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," (except the Clauses of that Act with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit,) and "The Waterworks Clauses Act, 1863," shall be incorporated with this Act, and the Provisions of the last-mentioned Act "with respect to the Security of the Reservoirs constructed by the Undertakers" shall extend and apply to all the Reservoirs of the Corporation.

Certain Persons may grant Leases of Lands.

10. The Persons authorized by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," to convey Lands, may grant in Fee for the Purposes of this Act, and in consideration of any yearly or other Rent, or otherwise, any Lands as provided by the said Act of 1860, or any Easement, Right, Power, or Authority in or over any Lands.

23 & 24 Vict. c. 106., as to Easements, extended to this Act.

11. For the Purposes of this Act the several Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to Lands and Rentcharges, so far as the same respectively are applicable in that Behalf, shall extend and apply to Easements and Rentcharges reserved by Grants and Leases of Easements respectively.

Powers for compulsory Purchases limited.

12. The Powers of the Corporation for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of the following Periods after the passing of this Act; (that is to say,)

For the Purposes of the Waterworks, Seven Years:

For the Purposes of the Town Hall and Street Improvements, Three Years:

For the Purposes of the public Park, Five Years.

Additional Lands for Waterworks.

13. The Corporation may purchase by Agreement for the Purposes of the Waterworks, in addition to the Lands delineated on the Waterworks Plans and referred to in the Waterworks Book of Reference, and in addition to any other Lands authorized to be taken or held by the *Bolton* Acts of 1854 and 1861, or either of them, any Quantity of Land not exceeding in the whole Twelve Acres.

14. All

Lands, &c. purchased by Corporation to be Part of Corporate Estates.

14. All Lands, Easements, Rights, Powers, Privileges, and Property whatsoever by this Act vested in or from Time to Time acquired under this Act by the Corporation shall be vested in them as Part of their Corporate Estates, and the Rents, Issues, and Profits thereof shall be Part of their Borough Fund.

Power to Corporation to retain or sell Lands.

15. All Lands, Easements, Rights, Powers, Privileges, and Property acquired by the Corporation under this Act may be retained and used, and any Portion thereof not required for the Purposes of this Act may be sold, either absolutely or subject to a Rentcharge, or may be otherwise disposed of for the Benefit of the Borough, in such Manner, for such Estate, and on such Terms and Conditions as the Corporation think fit.

Reservation of Water Rights, &c. on Sale by Corporation.

16. On any Sale by the Corporation of any such Lands, Easements, Rights, Powers, Privileges, or Property, the Corporation may reserve to themselves all or any Part of the Water or Water Rights and other Easements belonging thereto, and may make the Sale subject to such Reservation accordingly, and also subject to such other Reservations, special Conditions, Restrictions, and Provisions with respect to Use of Water, Exercise of noxious Trades, or Discharge or Deposit of Manure, Sewage, or other impure Matter, as they think fit.

Waterworks.

Power to make new Waterworks.

17. Subject to the Provisions in this Act and in the Acts incorporated herewith contained, the Corporation may make, construct, lay down, and maintain the following Works in the Situations and Lines and according to the Levels shown on the Waterworks Plans and Sections relating thereto, and in and upon the Lands acquired by the Corporation under this Act; (that is to say,)

First. A Reservoir, to be called "The *Wayoh* Reservoir," in the Township of *Turton*, and in the Township of *Entwisle*, and the Township of *Edgeworth*, in the Parish of *Bolton-le-Moors*, at, upon, and near to the *Bradshaw* Brook and the *Wayoh* Brook, and upon Lands adjoining and near to such Brooks respectively, at and near to the Junction thereof;

Second. An Aqueduct or Conduit, commencing at or near the South-easterly End of the *Turton and Entwisle* Reservoir, and terminating at the *Sweetloves* Reservoir,

with all necessary or proper Weirs, Embankments, Sluices, Filtering Beds, Machinery, Waste Gates, Gauges, Regulating Basins, Approaches, and Conveniences connected with the Waterworks herein-before particularly described, or any of them.

Power to take, impound, and use Water of

18. For the Purposes of this Act the Corporation, subject as after mentioned, may from Time to Time take the Waters of the Streams shown on the deposited Plans, comprising the following, namely, the said

Wayoh Brook, &c.

said Brooks called the *Wayoh* Brook, *Bradshaw* Brook, and the *Cadshaw* Brook; and also the Waters of all other Brooks which now flow over, upon, or near the Sites of the said Reservoir and Aqueduct, or either of them, and to the said *Turton and Entwisle* Reservoir, and also all such Waters of Brooks, Streams, and Springs, and all such Surface or other Drainage Waters as may or can be caught or intercepted by the said Reservoirs, Aqueduct, or other Works, or any of them, and may impound the same in the said Reservoirs and Works, and draw off and use the Water so impounded; and for the Purposes aforesaid the Corporation may divert and alter the Course of any such Brook, Stream, or Spring or Waters as aforesaid to the Extent and in the Manner shown on the deposited Plans.

Part of 8 & 9 Vict. c. 20. incorporated.

19. The Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, shall be incorporated with this Act, but shall apply only to the Reservoir by this Act authorized to be made and the Works immediately connected therewith; and the said Clauses shall, for the Purposes of the present Provision, be read as if such Reservoir and Works were therein mentioned instead of "the Railway," and as if the Boundaries of such Reservoir and Works were therein mentioned instead of "the Centre of the Railway:" Provided always, that the prescribed Limits shall include only Lands being within One hundred Yards from the Margin of such Reservoir, and shall not include any private Road.

Limits of Deviation.

20. In the Construction of the Waterworks by this Act authorized it shall not be lawful for the Corporation, without the Consent of the Owners of the Lands on which such Waterworks will be situated, to make lateral Deviations from the Lines of such Works exceeding the Limits of lateral Deviations described and shown on the Waterworks Plans, nor without such Consent to make vertical Deviations from the Levels of the Reservoir delineated on the said Waterworks Sections to any Extent exceeding Three Feet upwards or Five Feet downwards, or to make vertical Deviations from the Levels of the Line of any Aqueduct delineated on the said Waterworks Sections to any Extent exceeding Five Feet.

Period within which Waterworks to be completed.

21. If the Reservoir and Aqueduct by this Act authorized to be made shall not be completed within Ten Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act or the said incorporated Acts granted to the Corporation for constructing such Works, or otherwise in relation thereto, shall cease to be exercised except as to so much of the same as shall then be completed.

22. The

New Waterworks to be Part of Waterworks Undertaking of Corporation.

22. The Works herein-before authorized are in this Act referred to as "the Waterworks," and when constructed shall for all Purposes, but subject to the Provisions of this Act, be deemed Part of the Waterworks Undertaking of the Corporation, as if they had been authorized by and included or referred to in the *Bolton* Act of 1854.

As to Supply of Water in Townships of Little Hulton, &c.

23. If within Five Years next after the passing of "The *Manchester Corporation* Waterworks Act, 1863," the *Manchester* Corporation shall not, under the Powers of that Act and "The *Manchester Corporation* Waterworks Act, 1847," have provided the Inhabitants of the several Townships of *Worsley*, *Little Hulton*, and *Clifton* with a sufficient Supply of Water for domestic and sanitary Purposes, the Corporation may from Time to Time, provided the Works authorized by this Act are completed, after the Expiration of the said Five Years, or they may sooner, with the Consent of the *Manchester* Corporation, upon Request of any Local Board, Company, or Person authorized to distribute Water within the said Townships, or any of them, and willing to provide a sufficient Reservoir or Reservoirs for the Storage thereof, supply, at and upon such fair and reasonable Price, Terms, and Conditions as may be agreed upon, to such Local Board, Company, or Person such Quantity of Water in Bulk as may be agreed upon, not exceeding Four hundred thousand Gallons *per* Day, and also such further Quantity of Water in Bulk as may be agreed upon, and as the Corporation may consider themselves able to supply and can supply without Prejudice to the Maintenance of an adequate Supply of Water for the Ratepayers of the Borough, such Water to be delivered into the Pipes of such Local Board, Company, or Person in the Township of *Farnworth*, for Distribution by them or him in the said several Townships of *Worsley*, *Little Hulton*, and *Clifton*, or any of them; and the Water which may from Time to Time be supplied by the Corporation for the Use of the said Townships, or any of them, shall, in reference to the Eighty-fifth Section of "The *Bolton* Improvement Act, 1854," be deemed to be supplied to the Township of *Farnworth* for the Purposes mentioned in the same Section: Provided always, that no Agreement for any Supply beyond the aforesaid Quantity of Four hundred thousand Gallons *per* Day shall be entered into for a longer Term than Twenty-one Years, but such Term may be renewed every Seven Years, so long as the prospective Supply to the Borough shall continue adequate as aforesaid.

Turton and Entwisle Reservoir.

Repeal of Parts of Reservoir Acts.

24. From and after the Expiration of Two Years from the passing of this Act, the *Turton and Entwisle* Acts of 1832 and 1838 shall, except in the Event herein-after provided, be repealed, except Section Thirty-two, and Sections Thirty-four and Thirty-five, and Section Seventy-six of the former Act, all which excepted Sections are set forth in Schedule A. to this Act, and such excepted Sections shall apply to the

the Corporation in the same Manner, and be read and construed as if the Corporation were named in such Sections instead of the Commissioners, and the Purpose of such Sections were the Supply of Water for the Waterworks Undertaking of the Corporation.

Transfer of Turton and Entwisle Reservoir to Corporation.

25. From and after the Expiration of Two Years from the passing of this Act, the *Turton and Entwisle* Reservoir, together with all the Estates, Lands, Rights, Privileges, Easements, Arrears of Rates, and other Property of the Commissioners, but subject to and charged with all the Debts, Obligations, and Liabilities of the Commissioners, shall, except in the Event herein-after provided, absolutely vest in the Corporation as Part of their Waterworks Undertaking, and be enjoyed, used, and disposed of by them accordingly; saving and reserving nevertheless to *Robert Heywood* and his Heirs, with his and their Servants and Assistants, the Right and Privilege of Fishing and Fowling in and around the said Reservoir with or without Boats, but not with Nets, as granted and conveyed to him and them by Indenture under the Common Seal of the Commissioners, dated the Eighteenth Day of *April* One thousand eight hundred and thirty-eight.

Saving for Contracts made, Proceedings pending, &c. under repealed Provisions.

26. Nothing in this Act shall prejudicially affect,

1. Any Purchase, Sale, Conveyance, Covenant, Contract, Deed, Act, or Thing which before the vesting of the Reservoir in the Corporation has been made, entered into, executed, or done under or by virtue of any such of the Enactments of the *Turton and Entwisle* Acts of 1832 and 1838 as will be by this Act repealed, and the same respectively shall continue in as full Force and be as valid and effectual as if this Act had not been passed, the Corporation being only substituted for the Commissioners:
2. Any Debt or Money Demand, or any Right or Cause of Action or Suit or other Remedy of, for, or against the Commissioners, or any other Body or Person, and the same shall and may be paid, discharged, enjoyed, used, or exercised as if this Act had not been passed, the Corporation being only substituted for the Commissioners:
3. Any Action, Suit, Prosecution, Proceeding, or Thing commenced or to be commenced under or by virtue of any of the last-mentioned Enactments, and the same may be carried on and completed as if this Act had not been passed.

Books, &c. to remain Evidence.

27. All Books and Documents of or concerning the Commissioners which, if this Act had not been passed, would have been admissible in Evidence shall be admitted in Evidence as if this Act had not been passed.

28. Notwith-

Reservoir Rates may be collected by Corporation for a limited Period.

28. Notwithstanding the passing of this Act and the partial Repeal of the *Turton and Entwisle* Reservoir Acts of 1832 and 1838, the Corporation may levy and raise for their own Benefit, for the Period of One Year after the Expiration of Two Years from the passing of this Act, all such and the same Rates as the Commissioners might have levied or raised if this Act had not been passed, and may after the said Period collect all Arrears (if any) then unpaid of any such Rate as may have previously been made.

Corporation to pay Mortgage Debt of Commissioners.

29. The Corporation shall, if and so soon as the *Turton and Entwisle* Reservoir becomes vested in them, pay the Principal Sum of Twenty-six thousand nine hundred and ninety-seven Pounds Eleven Shillings and Threepence at the Times and in the Manner at or in which the Commissioners would have been liable to pay the same if this Act had not passed, and shall also pay and discharge, within Six Months after the Expiration of Two Years from the passing of this Act, the Sum of Seven thousand five hundred and fifty-three Pounds Nine Shillings, the Amount of Interest due in respect thereof up to the Fourth Day of *November* One thousand eight hundred and sixty-three, and the Amount of such further Arrears of Interest as may have arisen between the last-mentioned Day and the Time of the vesting in the Corporation of the *Turton and Entwisle* Reservoir, and shall thenceforward pay Interest on the said Principal Sum, or on so much thereof as may from Time to Time remain unpaid, at the Rate of Five Pounds *per Centum per Annum*, such Interest to be paid half-yearly, and the First half-yearly Payment to be made at the Expiration of Six Months from the Time of the vesting of the said Reservoir, and the whole of such Money and Interest shall, without Prejudice to all then existing Securities on the Borough Fund and Property of the Corporation, be charged on and payable out of the Borough Fund and other Property of the Corporation.

Priority of Charge.

30. The Principal Money and Interest hereby made a Charge upon the Borough Fund and other the Property of the Corporation shall, in regard to Priority, come immediately after all such other Charges thereon in respect of Money borrowed as may be actually subsisting at the Time of the passing of this Act.

Present Height of Embankment of Turton and Entwisle Reservoir not to be increased.

31. The present Height of the Embankment of the *Turton and Entwisle* Reservoir shall not be increased by the Corporation, nor shall the present maximum Level of the Water in such Reservoir be raised by them, either by altering the Level or Position of the present Sill of the Bye-wash, or in any other Manner, nor shall any Portion of the Water supplying the *Wayoh* Brook above its Junction with *Bradshaw* Brook be diverted into the *Turton and Entwisle* Reservoir, or into the Tunnel authorized to be constructed by the Corporation for the Purpose of carrying off the Waters of such Reservoir.

32. The

Top-water Level of the Wayoh Reservoir to be raised.

32. The Corporation shall cause the Top-water Level of the *Wayoh* Reservoir to be raised Three Feet above the Level shown on the deposited Plans and Sections.

Corporation to make good all Damage done by breaking down of Embankments, &c.

33. The Corporation shall pay and make good to every Corporation and Person whomsoever all Loss, Costs, Damages, and Expenses whatsoever, and all Injury of what Nature or Kind soever, as well immediate as consequential, which they or he may sustain or be put unto by reason or in consequence of the breaking down at any Time of the Embankment of any of the Works by this Act vested in them, or by this Act authorized to be made or maintained, or from the improper Construction or Maintenance of such several Embankments and Works respectively, during the making or Repair thereof respectively, to the same Extent to all Intents and Purposes as the Corporation by "The *Bolton* Improvement Act, 1854," are liable in respect of the Embankments of any of the Works authorized by or constructed or enlarged under the Powers of the Acts fourthly and fifthly recited in the said "*Bolton* Improvement Act, 1854," and the same may be recovered with full Costs of Suit in any Court of competent Jurisdiction.

As to Water drawn off Wayoh Reservoir.

34. All Water drawn off from the *Wayoh* Reservoir shall, as far as possible, be drawn from the Surface.

Water to be supplied from Turton and Entwisle Reservoirs to Occupiers of Falls until Completion of Wayoh Reservoir.

35. In the meantime and until the *Wayoh* Reservoir shall be completed, and the Water therefrom in regular Course of Delivery to the Occupiers of Falls, a Supply of Water for the Benefit of such Occupiers shall, unless prevented by an Insufficiency of Water in the Reservoir or by any Accident, be delivered in a continuous and uniform Flow from the *Turton and Entwisle* Reservoir, at the Rate of Twelve Cubic Feet of Water at the least *per* Second of Time during Twelve Hours of every Working Day, between Half-past Five o'Clock in the Morning and Half-past Eight o'Clock in the Evening, and of Eight Cubic Feet at the least *per* Second of Time during Twelve consecutive Hours of every *Sunday*, *Good Friday*, and *Christmas Day*, and during all other Hours a Supply of Water shall be delivered from the said Reservoir sufficient to make the Flow of Water at *Nicodean* Weir Eight Cubic Feet *per* Second at the least.

Upon Completion of Wayoh Reservoir, such Occupiers to be supplied therefrom.

36. Upon the Completion of the *Wayoh* Reservoir the Supply of Water from the *Turton and Entwisle* Reservoir to the Occupiers of Falls shall cease, and the Occupiers of Falls shall be entitled to have delivered, as after mentioned, from the *Wayoh* Reservoir, for their Benefit, and in a continuous and uniform Flow, unless prevented by an Insufficiency of Water or by any Accident,

Firstly, a Supply of Water to be delivered into the *Bradshaw* Brook at the Rate of Twelve Cubic Feet at the least *per* Second of Time during Twelve Hours of every Day (*Sundays*, *Good Friday*, and *Christmas*

Christmas Day only excepted), between Half-past Five o'Clock in the Morning and Half-past Five o'Clock in the Evening:

Secondly, a Supply of Water at the Rate of Four Cubic Feet *per* Second of Time during Twelve Hours of every Day, to be delivered and distributed as after mentioned, as washing Water to and amongst the several Falls on *Bradshaw* Brook between the *Wayoh* Reservoir and the Junction of the *Bradshaw* Brook with the River *Tonge*, in respect of which the Water of *Bradshaw* Brook shall at any Time within Twelve Months next before the Thirty-first Day of *March* One thousand eight hundred and sixty-four have been used or employed as washing Water, such washing Water to be delivered by means of Pipes duly supplied with Valves and other Apparatus for regulating and controlling the Supply, at the Rate, as near as the Measurement of such Falls will admit, of Six thousand Gallons during Twelve Hours of every Day for every Foot of Fall; and

Thirdly, the surplus Water, if any, from the said Reservoir, to be delivered therefrom in the Proportion of One Fourth Part thereof into such last-mentioned Pipes for Distribution as aforesaid, and the remaining Three Fourth Parts thereof into *Bradshaw* Brook, such Surplus to be delivered into the said Pipes and Brook in such Quantities in the Proportions aforesaid as the Managers of the *Wayoh* Waters herein-after mentioned may from Time to Time direct, and, as far as may be practicable, between the Hours of Half-past Five o'Clock in each Evening and Half-past Five o'Clock in the following Morning.

Proof of Completion.

37. Of the Completion of the *Wayoh* Reservoir, a Certificate in Writing, under the Hand of an Engineer, appointed for the Purpose by the Board of Trade on the Request of the Corporation, shall be for all the Purposes of this Act conclusive Evidence, and Notice of such Completion shall be given to the Clerk or other Person acting for or on behalf of the Managers herein-after mentioned.

Occupiers of Falls to determine Position of Supply of washing Water.

38. The several Occupiers of Falls on the *Bradshaw* Brook entitled to distributive Shares of the washing Water shall, within Two Months next after the passing of this Act, by Notice in Writing to the Corporation in that Behalf, specify the respective Situations or Places at or near such Falls at which they severally desire their Supply of washing Water to be distributed to them respectively, and shall be bound by such Notice as to the Situation so specified.

For certain Purposes Water Supply to extend to Townships in the Parish of Bolton.

39. For the Purposes of the Supply by means of Pipes of clear Water as Compensation Water to the Occupiers of certain Falls on the Stream between the *Wayoh* Reservoir and the Junction of the *Bradshaw* Brook with the *Tonge*, the Townships of *Edgeworth*, *Turton*, *Bradshaw*, and *Harwood* in the Parish of *Bolton-le-Moors* shall be deemed to be within the Limits of the Water Supply of the Corporation.

Provision as to Pipes and Apparatus for washing Water.

40. The Corporation may, by Agreement, purchase or acquire any Lands, or any Easement, Right, or Power in, under, through, or over any Lands for the laying down and maintaining of Pipes and Apparatus for the Purpose of delivering washing Water to the Occupiers of any Falls according to the Provisions of this Act, and the Corporation may, if they think it necessary or expedient, in the next or in any Session of Parliament held within Two Years from the passing of this Act, apply to Parliament for Powers for the laying down and maintaining of such Pipes and Apparatus for delivering washing Water as in this Act provided; and if, on or previous to the Expiration of Two Years from the passing of this Act, the Corporation shall not be enabled, either by Agreement with Owners of Lands and other Parties interested or by the Authority of Parliament, to execute the Works necessary for the Delivery of washing Water to the Occupiers of Falls as in this Act prescribed, then and in such Case all the Powers given by this Act for the vesting of the *Turton and Entwisle* Reservoir, and all the Provisions of this Act in relation thereto, shall cease and determine, and the *Turton and Entwisle* Reservoir shall remain vested in the Commissioners, and the Provisions of the Acts relating thereto shall remain in force as fully and effectually as if this Act had not been passed: Provided always, that if the Corporation shall, within the said Period of Two Years from the passing of this Act, give Notice in Writing to the Commissioners that they have acquired all necessary Powers for the laying of Pipes for the Delivery of washing Water, such Notice shall be deemed a Contract upon the Part of the Corporation for the Execution of such Works, and the same shall thereupon become obligatory on the Corporation, and the *Turton and Entwisle* Reservoir shall, at the Expiration of the said Period of Two Years from the passing of this Act, become vested in the Corporation for the Purposes of this Act, and the Provisions of this Act in relation thereto shall take effect accordingly.

Pipes and Apparatus for Delivery of washing Water to be provided, &c. at the Expense of Corporation.

41. The whole Expense of providing, laying down, and maintaining the necessary Pipes and Apparatus for supplying washing Water to the respective Occupiers of Falls on the *Bradshaw* Brook using washing Water, and the Expense of providing and affixing Valves and Gauges to the several Supply Pipes for the Purpose of regulating the Distribution and measuring the Quantity of such Waters at the respective Works of such Occupiers, shall be borne and paid by the Corporation, but any Change in the Dimensions or Position of any Supply Pipe which may be required after the same shall have been laid down or fixed shall be effected at the Expense of the Person requiring the same; and the Maintenance of the Valves and Gauges at the respective Works of the several Occupiers of Falls, after they shall have been once provided and affixed as aforesaid, shall devolve upon such several Occupiers respectively.

42. Where

For determining the Rights of concurrent Occupiers.

42. Where any Two Persons shall be concurrent Occupiers of Falls, the Proportion of each Occupier to the whole Height of the Fall of Water so concurrently occupied shall (in case of any Difference of Opinion on the Subject) be determined by a Majority of Three impartial Surveyors, One to be chosen by One of such Occupiers, another by the other of them, and the Third by the Two first chosen; and the Expenses of such Apportionment shall be borne by such Two Persons in the Proportions in which they shall respectively be determined to be Occupiers of the Fall; and in case either of such Persons shall refuse or omit, for the Space of Two Months after Notice for that Purpose given or sent to him by the other of such Persons, to appoint a Surveyor on his Behalf, it shall be lawful for the Surveyor appointed on behalf of the other of such Persons to appoint another Surveyor to act on behalf of the Person so refusing or omitting as aforesaid, and the Surveyor so last appointed shall be as competent to act in all respects as if he had been appointed by the Person so refusing or omitting as aforesaid, and each such concurrent Occupier shall, for the Purpose of attending and voting at Meetings of the Managers of the *Wayoh* Waters, and in all other respects, be considered as an Occupier of a distinct Fall of Water, bearing to the whole Height of the Fall of Water so concurrently occupied the Proportion so determined as aforesaid.

Falls between Bradshaw Works and Rigby's to be deemed separate Falls.

43. Whereas the Water for the Supply of *Bradshaw* Works is taken from the *Bradshaw* Brook near *Bradshaw* Weir, and after supplying Three separate Falls, known as the *Higher* Fall, the *Lower* Fall, and *Rigby's* Fall, again flows into *Bradshaw* Brook: Such Three last-mentioned Falls shall therefore be deemed for all Purposes to be Three separate Falls, and not to form Part of the Fall at *Bradshaw* Works.

Reservoir for washing Water to be provided near Works of Messrs. Knowles and Green.

44. A Reservoir or Tank for washing Water shall be constructed by the Corporation in a suitable Situation at or near the Bleaching Works occupied by Messieurs *Knowles* and *Green*, on Land to be provided by the Owners of such Works, for the Purpose of receiving the washing Water to be used at the said Works, but the Corporation shall not be required to expend more than One hundred and fifty Pounds in constructing the same.

The Delivery of the Waters of the Reservoir to be under the Management of the Managers of the Wayoh Waters.

45. The Managers of the *Wayoh* Waters shall, subject to the Provisions of this Act, have the entire Management of the Delivery of the Waters of the *Wayoh* Reservoir when completed, and in the Interval between the vesting of the *Turton and Entwisle* Reservoir in the Corporation and the Completion of the *Wayoh* Reservoir shall, subject to the Provisions of this Act, have the entire Management of the Delivery of the Water of the *Turton and Entwisle* Reservoir.

Water Gauges to be

46. The Corporation shall provide and for ever after maintain good and sufficient Valves, Gauges, and other Works of the best and most

provided by the Corporation.

most improved Construction for the Measurement from Time to Time of the Water in the *Wayoh* Reservoir, and of the Delivery of the Water therefrom, and also a good and convenient Residence for a Valve-man, such Valve-man to be from Time to Time appointed and discharged by the Corporation and to be paid by them.

Access to Gauge.

47. The respective Owners and Occupiers of Falls on the Stream between the *Wayoh* Reservoir and the Junction of the *Croal* with the *Irwell* shall at all reasonable Times have full and free Access by themselves, their Agents or Servants, to the said Valves, Gauges, and other Works, for the Purpose of testing the Quantity of Water delivered through or over the same.

Annual Sum of 30*l.* to be paid by Corporation to the Managers of the Wayoh Waters for Expenses of Management.

48. The Sum of Thirty Pounds shall be paid by the Corporation to the Managers of the *Wayoh* Waters within One Month after the Expiration of Two Years from the passing of this Act, and thenceforward the annual Sum of Thirty Pounds shall be paid to them by the Corporation on the First Day of *January* in every succeeding Year, to be applied by them in respect of the Expenses of Management for the then current Year.

Valve-man to be subject to the Orders of the Managers of the Wayoh Waters.

49. The Valve-man at the *Wayoh* Reservoir shall be under the entire Control of the Managers of the *Wayoh* Waters in all Matters relating to the Delivery of Water from such Reservoir; and the Managers of the *Wayoh* Waters shall at all Times be responsible for the Orders from Time to Time given by them to such Valve-man, and they shall have the Management, Care, and Control of the Distribution of the washing Water at all Times after the Pipes for delivering the same shall have been laid.

Clerk and Surveyor of the Commissioners to be compensated.

50. The Corporation shall make such Compensation to the Clerk and Surveyor of the Commissioners, in respect of their respective Loss of Office by the Operation of this Act, as may be respectively agreed upon between them and the Corporation, or, in case of Difference, as may be settled by a single Arbitrator, to be appointed in each Case.

Right of Fishing, &c. in the Wayoh Reservoir.

51. All Rights of Fishing and Fowling in and around the *Wayoh* Reservoir shall be absolutely vested in the Owners of the Lands taken for the Construction of such Reservoir, and their respective Heirs and Assigns, and in the Owners and Occupiers of Falls from the *Wayoh* Reservoir to the Junction of the *Bradshaw* Brook with the River *Tonge* and the conjoined Streams, thence to the Junction with the *Irwell*, subject to such Rules and Regulations as may from Time to Time be made by the Managers of the *Wayoh* Waters.

Occupiers of Falls constituted Ma-

52. The Occupiers for the Time being of Falls on the *Bradshaw* Brook from the *Wayoh* Reservoir to the Junction of the *Bradshaw* Brook

Brook with the River *Tonge*, and on the conjoined Streams, thence to their Junction with the *Irwell*, shall be and they are hereby constituted and shall be called "the Managers of the *Wayoh* Waters." Managers of the Wayoh Waters.

53. "The Commissioners Clauses Act, 1847," (except Sections Six to Thirty-five inclusive, relating to the Qualification and the Election and Rotation of Commissioners, and also Sections Seventy-five to Eighty-eight inclusive, relative to Mortgages, and also Sections Eighty-nine to Ninety-five inclusive, relative to Accounts to be kept by Commissioners, and Section Fifty-four,) shall be incorporated with this Act, and shall apply to the Managers of the *Wayoh* Waters. Part of 10 & 11 Vict. c. 16. incorporated.

54. The Managers shall, within One Month after the Expiration of Two Years from the passing of this Act, or as soon thereafter as conveniently may be, hold their First Meeting at some Place in *Bolton*, but it shall not be incumbent on the Managers to hold either Annual or Monthly Meetings. First Meeting.

55. The Managers may hold Meetings at any Time, and any Two or more of the Managers may require a Meeting to be held, and any Meeting may be adjourned from Time to Time. Meetings.

56. Two clear Days Notice at least shall be given of any Meeting of the Managers, and the Notices for the First Meeting of the Managers shall be signed by any Two or more of them. Notice of Meeting of Managers.

57. The Quorum of the Managers shall be Three. Quorum.

58. The Managers may, in addition to other Byelaws, make Byelaws for regulating the Supply of Water from the *Wayoh* Reservoir when completed, and in the Interval between the vesting of the *Turton and Entwisle* Reservoir in the Corporation and the Completion of the *Wayoh* Reservoir may make Byelaws for regulating the Supply of Water from the *Turton and Entwisle* Reservoir. Byelaws may be made for regulating Supply of Water.

59. At every Meeting of the Managers every Manager shall be entitled to a single Vote only if the Fall of Water which he shall occupy shall be less than Six Feet, but he shall be entitled to One Vote for every Three Feet of Fall if such Fall shall amount to Six Feet or upwards: Provided nevertheless, that if the Fall which such Manager shall occupy shall amount to more than Twenty-one Feet, such Manager shall be entitled to One additional Vote only for each additional Ten Feet of such Fall above Twenty-one Feet; and every Manager may appoint, in Writing under his Hand, some other Manager as his Proxy, except in the Case of Occupiers being a Corporation, who may vote by their Secretary: Provided always, that when any Fall shall be in the joint Occupation of Two or more Regulations as to voting.

Persons, whether as Partners, Joint Tenants, Tenants in common, or Coparceners, they shall together be considered as One Manager only, and shall vote by Proxy constituted as aforesaid, which Proxy may be either One of themselves or any other Manager.

Power to survey Falls, &c.

60. The Managers may from Time to Time cause the *Bradshaw* Brook from the *Wayoh* Reservoir down to the Junction of the *Bradshaw* Brook with the River *Tonge* and the conjoined Streams, thence to their Junction with the *Irwell*, and also all the Pipes, Conduits, Valves, Gauges, and Apparatus for the Supply of Water from the *Wayoh* Reservoir and the Falls supplied with Water therefrom respectively, to be inspected and surveyed by a Surveyor for determining the Levels, State, and Condition of the said Brook, River, Falls, Pipes, Conduits, Valves, Gauges, and Apparatus, and for ascertaining that the same Pipes, Conduits, Valves, Gauges, and Apparatus are maintained in good Order and Repair, and for any such Purpose it shall be lawful for any such Surveyor, either with or without Assistants, from Time to Time to enter upon the Lands and Works adjoining or near to the said Brook, River, Falls, Pipes, Conduits, Valves, Gauges, and Apparatus.

For the Protection of Rostron Estate.

61. For the Protection of the Land and Premises known as the "*Know Mill* Printworks," the Property of *Sarah Ann Rostron*, and in the Occupation of *George Holt*, the following Provisions shall take effect if the *Turton and Entwisle* Reservoir becomes vested in the Corporation:

First. The Corporation shall, at their own Expense, within Three Years from the passing of this Act, make and construct of Stone, of sufficient Strength, Durability, and Convenience, and in such Situation in the Land or Field marked 2 on the Plan B., deposited for the Purposes of this Act, as the Owner and Occupier for the Time being shall select, Two certain Settling Pools contiguous to each other, of the respective Dimensions of Twenty-one Feet long by Twelve Feet wide and Six Feet deep, the Bottom of each of which shall be at least Three Feet above the Top-water Mark shown on the Sections to the said Plan B., for the Purpose of intercepting and detaining Part of the Refuse of the said Printworks:

Second. The Corporation shall, at their own Expense, within the said Period of Three Years, well and substantially make, of sufficient Capacity and Strength, and for ever thereafter maintain in good Order and Condition, a Culvert, Channel, or Sough, to be connected with the second of the said Settling Pools, and to be carried outside of the Margin of the *Wayoh* Reservoir into the Brook below the Embankment of such Reservoir, for the Purpose of taking and carrying away the polluted Water and Overflow

Overflow from such Settling Pools, and such Culvert or Channel shall be laid at such Depth as will suffice to carry away Water from a Level equal to the Top-water Level of the *Wayoh* Reservoir, as shown on the Sections to the said Plan B. as deposited:

Third. The Corporation within the same Time shall, at their own Expense, make and construct over that Part of the *Wayoh* Brook where the existing Bridge marked 3 on the said Plan B. is situate, a Bridge of Stone and other good and substantial Materials, and shall at all Times for ever thereafter maintain the same Bridge and the Approaches thereto for Ten Yards from each End of such Bridge in good and sound Order and Condition, and such Bridge shall be for the Use of the Owner and Occupier for the Time being of the said Land and Premises of the said *Sarah Ann Rostron*, and her and their Tenants, Servants, Workpeople, and others employed by her or them, and of the Corporation, and of all such others as are or from Time to Time shall be lawfully authorized to use the same, to pass and repass at all Times for ever thereafter over the same with and without Horses, Carts, and Carriages:

Fourth. The Corporation shall, within the like Period of Three Years, at their own Expense, form, make, and construct, and for ever thereafter maintain in good and serviceable Order and Condition, along the Westerly Margin of the *Wayoh* Brook, where it abuts on the said Land of the said *Sarah Ann Rostron* marked 2 in the said Plan B., a good, firm, and sufficient Embankment of Earth, Stone, or other Material, to commence at the said Bridge marked 3, and be continued of such Length, Form, and Structure as will be required to preserve the said Land or Field marked 2 free from Overflow by the said Brook, and in a dry and serviceable Condition for the Purposes of Meadow or Pasture Land:

Fifth. The Owner and Occupier for the Time being of the Lands of the said *Sarah Ann Rostron* adjoining the said *Wayoh* Reservoir, and every of them, may use the Water of the said Reservoir for watering Cattle and for domestic Purposes.

Additional Settling Pools to be made.

62. The Corporation shall construct and for ever maintain at the lower End of the Culvert, Channel, or Sough from the *Know Mill* Settling Pools herein-before mentioned, Two other Settling Pools at or near to the outer Foot of the Embankment of the *Wayoh* Reservoir, for the further Interception of Waste of the *Know Mill* Printworks, which last-named Pools shall be of such Dimensions as shall be agreed upon by the Borough Surveyor of *Bolton* for the Time being and the Surveyor for the Time being of the Managers of the *Wayoh* Waters, or, in case of Disagreement, by an Umpire appointed by

by such Surveyors; and the flushing of such Pools shall from Time to Time be effected by means of Water delivered from the *Wayoh* Reservoir (which may be used for such Purpose) as far as practicable, in conformity with Directions to be from Time to Time given in that Behalf by the Managers of the *Wayoh* Waters to the Valve-man of the Corporation, or, in the Absence of such Directions, in such Manner and at such Times as the Borough Surveyor shall deem least inconvenient and least injurious to the Occupiers of Falls on the *Bradshaw* Brook.

For Protection of Lands and Property of Lancashire and Yorkshire Railway Company.

63. The following Stipulations shall be obligatory on and shall be observed and performed by the Corporation for the Protection of the Lands and Property of the *Lancashire and Yorkshire* Railway Company; (that is to say,)

Nothing in this Act contained shall authorize the Corporation or any other Person, without the previous Consent in Writing of the *Lancashire and Yorkshire* Railway Company, under their Common Seal, for the Purposes of the *Turton and Entwisle* Reservoir or the *Wayoh* Reservoir and Works connected therewith, to enter upon, take, or use any of the Lands of the *Lancashire and Yorkshire* Railway Company, or to interfere with their Railway or Works in *Turton* or *Entwisle*, further or otherwise than may be necessary for enabling the Corporation to impound the Waters of *Bradshaw* Brook, and to carry such Brook under the Viaduct of the *Lancashire and Yorkshire* Railway and across the Company's Land there, pursuant to the Provision herein-after contained, but the Corporation may purchase and take, and the said Company may and shall sell and grant accordingly, an Easement or Right of using the same Land for the Purposes aforesaid:

The Corporation shall not impound Water on any Land of the *Lancashire and Yorkshire* Railway Company in *Turton* or *Entwisle* aforesaid, for the Purposes of the *Wayoh* Reservoir or otherwise, except in *Bradshaw* Brook, by means of the Channel constructed under this Act:

The Corporation may carry *Bradshaw* Brook under the Viaduct of the *Lancashire and Yorkshire* Railway in *Turton* and *Entwisle* aforesaid, and across the Land of the said Company, by a Channel in Masonry, with proper Invert and Retaining Walls of such Width and of such Dimensions and otherwise in accordance with such Plans as shall be approved of by the Engineer for the Time being to the *Lancashire and Yorkshire* Railway Company and the Borough Surveyor of the Corporation; and the Corporation shall, One Month at least previously to commencing such Works, deposit at the Office of the *Lancashire and Yorkshire* Railway Company Working Drawings of such Works, and shall not execute

execute or commence the Construction of such Works until such Working Drawings are approved by the Engineer for the Time being to the *Lancashire and Yorkshire* Railway Company, and such Works shall be executed only in accordance with the Working Drawings so approved: Provided always, that in case the Borough Surveyor to the Corporation and the Engineer to the *Lancashire and Yorkshire* Railway Company fail to agree as to such Working Drawings, then such Works shall be executed only in accordance with a Working Drawing to be approved and signed by an Engineer to be appointed jointly by them, or in case of Failure so to appoint, then by an Engineer to be appointed on the Application of the Corporation or of the *Lancashire and Yorkshire* Railway Company by the Board of Trade. All Damage or Injury to the Works or Property of the *Lancashire and Yorkshire* Railway Company which may be caused by or result from the Execution of any of the Powers of this Act shall forthwith be made good by the Corporation.

Supply for watering Cattle.

64. The Corporation shall at all Times furnish from the *Wayoh* Reservoir and permit to flow down *Bradshaw* Brook a Supply of Water sufficient for watering Cattle.

Town Hall and Street Improvements.

Power to Corporation to erect Town Hall, make new Streets, &c.

65. Subject to the Provisions of this Act, the Corporation may from Time to Time, upon the Lands in that Behalf shown on the Improvement Plans and specified in the Books of Reference thereto, and within the Limits of Deviation shown on the Improvement Plans, erect, make, and maintain a Town Hall and other Buildings, and make and maintain the several new Streets and Improvements of Streets and Sites described on those Plans, comprising the following; (that is to say,)

First. The stopping up of so much of *Old Hall Street* as is situate between *Hotel Street West* and *Exchange Street West*, and the Appropriation of the Site thereof for the Purposes of the Town Hall and Buildings:

Second. The widening and Improvement of *Howell Croft* at and near the Site of the intended Town Hall:

Third. A new Street or Communication between *Howell Croft* and *Exchange Street West* on the Southerly Side of the new Market Place:

Fourth. A new Street or Communication between *Howell Croft* and *Hotel Street West* on the Northerly Side of the new Market Place.

Bolton Park.

Power to form and maintain Park.

66. The Corporation may, on Lands acquired by them under this Act, and according to the deposited Plans, provide, form, and maintain a Park or Enclosure, to be called *Bolton* Park, for the Use, Recreation, and Enjoyment of the Inhabitants of the Borough.

Power to lay out, plant, and enclose the Park and purchase Buildings, &c., and construct Bridges.

67. The Corporation may lay out, plant, and enclose the Park, and build any Lodge or Lodges or other ornamental Buildings therein, and in such Manner as they shall think fit, and may cause any of the Buildings which shall be on the Lands used for the Park to be pulled down, and shall carry the Produce of the Sale of the Materials thereof to the Credit of the Borough Fund, and may construct such Arches or Bridges or Communications as they may deem necessary over the Stream called the River *Croal* within the Park.

Provision as to Rights to Water, &c.

68. Inasmuch as the River *Croal* and Waters flowing into and towards the River flow through and near to Parts of the Lands which the Corporation are by this Act authorized to acquire for the Purposes of the Park, and those Waters are taken and used as of Right for the Purposes of Bleachworks and other Purposes requiring that the Water should be pure, therefore the Corporation shall acquire those Lands subject and without Prejudice to all now existing Rights to and in any way relating to those Waters, and also subject to such Arrangements as the Corporation from Time to Time agree on with the Owners, Lessees, or Occupiers of any of those Lands or any adjoining Lands with respect to any Drains, Reservoirs, Conduits, Banks, Sewers, Works, and Conveniences connected with those Waters, and the conveying, storing, or using thereof, and the keeping of the same free from Contamination by Sewage or otherwise.

Provision as to Roads, &c.

69. The Corporation from Time to Time may make with all or any of the Owners, Lessees, and Occupiers of any of the Lands to be acquired for the Purposes of the Park, or any adjoining Land, and carry into effect all such Arrangements with respect to the making and maintaining of Roads to, from, across, or near to the Park as they think fit.

Byelaws and Regulations for Management of Park.

70. The Corporation from Time to Time shall make and enforce such Byelaws and Regulations as they think fit for the Exclusion of improper Persons from the Park, and for the Use, Government, Control, or Management of the Park, and for protecting and preserving from Injury the Park, and the Buildings, Terraces, Trees, Fountains, Bridges, Shrubs, Walks, Seats, Gates, Fences, and Palings, and all other Parts thereof, and may alter or revoke any such Byelaws and Regulations.

Penalty for Breach of Byelaws.

71. The Corporation may and shall appoint a Penalty not exceeding Five Pounds for any and every Breach, whether by any of their Officers and Servants, or by any other Person, of any Byelaw made by the Corporation with respect to the Park; but every Byelaw appointing a Penalty shall be so framed as to allow of the Justice who adjudicates thereunder in any Case ordering Part only of the maximum Penalty to be paid.

72. The

General Laws as to Byelaws.

72. The Provision as to the General Laws with respect to Municipal Corporations from Time to Time in force within the Borough, and affecting the Corporation, with respect to the making, altering, revoking, and enforcing of Byelaws for any general Purposes relating to the Borough, shall extend to all the Byelaws made by the Corporation with respect to the Park, and to the Corporation and their Officers and other Persons with respect to the Byelaws so made.

Byelaws for Park to be posted there.

73. A printed Copy or a sufficient Abstract of the Byelaws relating to the Park shall be put up at every Entrance to the Park, and at such other convenient Places in or near to the Park as the Corporation think fit.

Evidence of Byelaws.

74. A printed Copy of any Byelaws made by the Corporation and certified by the Town Clerk to be a true Copy, and to have been duly made and approved of, shall be Evidence of such Byelaws for all Purposes whatsoever, and it shall not be necessary to produce the original Byelaws, or to prove the making, Approval, or Publication of the same.

Corporation may supply Water gratis to the Park.

75. The Corporation from Time to Time may furnish *gratis* from their Waterworks an adequate Supply of Water for watering the Gardens and Plantations in the Park, and for any ornamental or other Purpose within the Park.

Park exempt from local Rates.

76. The Park and all Buildings thereon, and every Part thereof respectively, and the Corporation and all other Persons with respect to the same, shall be wholly exempt from all municipal, parochial, and other local Rates, Assessments, and Impositions whatsoever.

Future Additions to Park to be subject to this Act.

77. The Corporation may at any Time purchase by Agreement any Land adjoining to the Park for the Purpose of adding the same to the Park; and in the event of any Land adjoining to the Park being at any Time added thereto, the same shall thereupon and for ever thereafter be deemed to be Part of the Park, and shall be vested in the Corporation accordingly, and shall accordingly be subject to the same Regulations and Conditions, and to the several Powers and Provisions of this Act with respect to the Park, as if such Land had been shown on the public Park Plans and described in the Books of Reference thereto.

Borrowing Powers.

Power to borrow on Mortgage, &c. of Borough Fund.

78. The Corporation from Time to Time may, under the Authority and for the Purposes of this Act, borrow and reborrow at Interest on Mortgage, or by way of Annuity or otherwise, on the Security of the Borough Fund, any Sums which the Corporation from Time to Time think necessary for any of the Purposes of this Act, not exceeding,

exceeding, in addition to any Sums of Money already raised or authorized to be raised by them under the Authority of any former Act, the Sum of Three hundred thousand Pounds.

Power to reborrow.

79. In order to pay off any Money borrowed by the Corporation under this Act, they from Time to Time may borrow, under the Provisions of this Act, such Sums as are from Time to Time requisite, and so from Time to Time: Provided the Corporation shall not so reborrow any Amount paid off by means of a Sinking Fund.

Priority of Mortgages of Corporation.

80. All Mortgages and Securities from Time to Time granted by the Corporation under this Act shall have Priority according to the Order of Time in which the Mortgages and Securities respectively are granted.

Priority of existing Securities generally.

81. All Mortgages and Securities granted by the Corporation before the passing of this Act, and in force at the passing of this Act, shall, so far as they respectively affect the Subject Matter of any Mortgage or Security from Time to Time granted by the Corporation under this Act, and according to their respective Priorities among themselves, have Priority over all Mortgages and other Securities granted by the Corporation under this Act.

Sinking Fund.

82. The Corporation shall set apart a Sinking Fund for Repayment of the Money borrowed under the Powers of this Act, and the Period for the Sinking Fund required by this Act shall be Forty Years from the passing of this Act; and the Corporation may either pay off the Money so borrowed by annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest, by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times, within Forty Years from the passing of this Act, as the Corporation determine.

Application of Monies borrowed under Act.

83. All Monies which from Time to Time are borrowed, reborrowed, or otherwise raised on Security by the Corporation under this Act shall be applied for the Purposes of this Act for which the same are so borrowed, reborrowed, or raised, and the Surplus, if any, from Time to Time shall be carried to the Credit of the Borough Fund.

Income and Expenditure.

General Expenses of

84. All the Monies from Time to Time expended for the Markets, the Waterworks, and all other the Costs, Charges, and Expenses of and incident to the executing of this Act by the Corporation, except so much thereof as are by this Act required to be and can be otherwise

wise paid or satisfied, shall be charged upon and paid or satisfied out of the Borough Fund of the Borough, as if the Expenditure were an Expenditure necessarily incurred in carrying into execution with respect to the Borough the Provisions of the Act for the Regulation of Municipal Corporations in *England* and *Wales*, and all Monies from Time to Time borrowed or otherwise raised by the Corporation under this Act, shall, except as by this Act otherwise provided, be paid to the Credit of the Borough Fund, but distinct Accounts shall nevertheless continue to be kept of the Markets and Waterworks as heretofore.

executing Act, and Income of Corporation under Act.

85. On and after the First Day of *August* One thousand eight hundred and sixty-four, the Lighting and Scavenging Account, the *Great Bolton* Account, the *Little Bolton* Account, and the *Haulgh* Account shall cease to be kept as separate Accounts, and the *Great Bolton* Account, the *Little Bolton* Account, and the *Haulgh* Account shall thenceforth be consolidated into and constitute One Account, and all Receipts and Credits by the *Bolton* Acts of 1854 and 1861, or either of them, or any other Act authorized or required to be carried to, and all Payments or Liabilities authorized or required to be defrayed out of or charged upon such Accounts respectively, shall be carried to, paid out of, and charged upon the consolidated Account, which shall be called "The Sewering, Paving, and Improvement Account," and all such Sums of Money standing on the First Day of *August* One thousand eight hundred and sixty-four to the Credit or Debit of the before-mentioned Accounts so consolidated shall be carried to the Credit or Debit, as the Case may be, of the Sewering, Paving, and Improvement Account.

Amalgamation of Districts, Funds, and Accounts.

Consolidation of Accounts.

86. On and after the First Day of *August* One thousand eight hundred and sixty-four, the Corporation from Time to Time may make a General District Rate or Rates for the Expenses of the Lighting, Scavenging, Sewerage, Paving, and Improvement of the Borough, and the Payment of the Debts payable according to the *Bolton* Acts of 1854 and 1861, or either of them, out of the special District Rates authorized to be made by the *Bolton* Act of 1854 on *Great Bolton* and *Little Bolton* respectively; and every such General District Rate shall be assessed according to the Provisions of the Local Government Act, 1858, with respect to General District Rates.

General District Rate may be made for the Purposes of consolidated Account.

87. If any Railway Company so require, the Demand for any Rate made by the Corporation under the Authority and for any of the Purposes of this or the recited Acts, shall be made by Letter addressed to the Secretary of such Company at their principal Office, and such Letter may be sent by Post.

Period for Appeal by Railway Companies against Rates.

Payment from Borough Fund to Great Bolton Account to cease.

88. On and after the First Day of *August* One thousand eight hundred and sixty-four, the Payment to the Credit of the *Great Bolton* Account by the Corporation out of the Borough Fund of the Borough of the clear yearly Sum of One thousand eight hundred and sixty-three Pounds Thirteen Shillings and Tenpence shall cease and determine.

Proceeds of Estates of Great Bolton Trustees, other than Bolton Moor Rents, to be carried to Credit of General Improvement Account and applied as herein set forth.

89. Except as by the *Bolton* Acts of 1854 and 1861 provided with respect to the *Bolton Moor* Rents, and the Monies produced by the Sale thereof, and the Rents and Profits thereof until Sale, the Corporation shall, on and after the First Day of *August* One thousand eight hundred and sixty-four, carry the Monies thereafter produced by the Sale of the Lands, Rents, Estates, Property, and Effects of the *Great Bolton* Trustees, by the *Bolton* Act of 1850 vested in the Corporation, and the Rents and Profits thereof until Sale, to the Credit of the Sewering, Paving, and Improvement Account, and shall apply those Monies, Rents, and Profits, in the first place, in Payment of the Expenses of and relating to the Management of those Lands, Rents, Estates, Property, and Effects respectively, and the Recovery and Receipt of those Rents and Profits, and the Sale of those Lands, Rents, Estates, Property, and Effects, and in the next place in or towards paying or discharging the Debts, Liabilities, and Engagements whatsoever of the *Great Bolton* Trustees at the Commencement of the Act of 1850, and the Surplus (if any) of those Monies, Rents, and Profits shall from Time to Time be applied by the Corporation for or towards the Purpose to which the Money standing to the Credit of the Sewering, Paving, and Improvement Account is applicable.

Rents of existing Town Hall to be carried to Credit of General Improvement Account.

90. All Monies from Time to Time received by the Corporation with respect to the Occupation or Use of the Town Hall, House, Offices, Buildings, and Places erected by the *Little Bolton* Trustees, and by the *Bolton* Act of 1850 vested in the Corporation, or any Part thereof, shall be carried to the Credit of the Sewering, Paving, and Improvement Account.

Proceeds of Estates of Little Bolton Trustees to be carried to Credit of General Improvement Account, and applied as herein set forth.

91. The Corporation shall carry the Monies produced by the Sale of the Lands, Rents, Estates, Property, and Effects of the *Little Bolton* Trustees, by the *Bolton* Act of 1850 vested in the Corporation, and the Rents and Profits thereof until Sale, to the Credit of the Sewering, Paving, and Improvement Account, and shall apply those Monies, Rents, and Profits, in the first place, in Payment of the Expenses of and relating to the Management of those Lands, Rents, Estates, Property, and Effects, and the Recovery and Receipt of those Rents and Profits, and the Sale of those Lands, Rents, Estates, Property, and Effects, and in the next place in or towards paying or discharging

discharging the Debts, Liabilities, and Engagements whatsoever of the *Little Bolton* Trustees at the Commencement of the *Bolton* Act of 1850, and the Surplus (if any) of those Monies, Rents, and Profits shall from Time to Time be applied by the Corporation for or towards the Purposes to which the Money standing to the Credit of the Sewering, Paving, and Improvement Account is applicable.

Differential Rates in favour of Great Bolton as Compensation for Amalgamation of Accounts, Funds, &c.

92. Every General District Rate levied in *Bolton* within Twenty Years after the First Day of *August* One thousand eight hundred and sixty-four shall be apportioned amongst the several Townships or Districts of *Great Bolton*, *Little Bolton*, and *Haulgh*, and assessed at such respective Poundage Rates as that in each Year there shall be levied in respect of the rateable Property in *Haulgh*, as nearly as may be, a yearly Sum of Ninety Pounds more, and in respect of the rateable Property in *Little Bolton*, as nearly as may be, a yearly Sum of Nine hundred and ninety Pounds more, and in respect of the rateable Property in *Great Bolton*, as nearly as may be, a yearly Sum of One thousand and eighty Pounds less than their respective rateable Proportions of the net Sum to be levied, if raised by an equal Poundage-Rate upon all the rateable Property in *Bolton*, would amount to, to the Intent that by means of such differential Sums levied during the said Period of Twenty Years the respective Properties, Credits, and Debits of the said several Districts of *Great Bolton*, *Little Bolton*, and *Haulgh* may be amalgamated and be compensated for, and may constitute One common Fund and Liability from the First Day of *August* One thousand eight hundred and sixty-four, and from and after the First Day of *August* One thousand eight hundred and eighty-four every General District Rate levied in *Bolton* shall be assessed at an equal Pound Rate upon all the rateable Property in the said several Townships or Districts of *Great Bolton*, *Little Bolton*, and *Haulgh*.

Audit.

Auditors.

93. The Auditors from Time to Time appointed under the *Bolton* Act of 1854 for auditing the Accounts of the Corporation under that Act shall be the Auditors of the Accounts of the Corporation under this Act, and shall audit the Accounts under this Act accordingly.

Expenses of Act.

Expenses of Act.

94. All the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Corporation out of the Borough Fund of the Borough.

SCHE-

SCHEDULE A.

SECTIONS OF TURTON AND ENTWISLE RESERVOIR ACTS EXCEPTED FROM REPEAL BY THIS ACT.

Of the Act of 1832 (2 Wm. 4. Cap. 24.)

Section 32.

Commissioners may make and maintain Reservoir, Conduits, and Works.

And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered upon the Site of any Messuages or Tenements, or upon any Lands or Hereditaments which shall have been purchased and paid for by them under the Authority of this Act, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain, upon the upper Part of the said Stream or River called Bradshaw Brook, in the said Townships of Turton and Entwisle, a competent and sufficient Reservoir, to be called "The Turton and Entwisle Reservoir," for the Purpose of providing a more regular Supply of Water in the aforesaid Stream and Rivers, and to construct a proper and substantial Embankment at the South-east End of the said Reservoir, and also to supply the said Reservoir with Water by means of the said Stream or River called Bradshaw Brook, and its tributary Streams and Springs; and to make or cause to be made a Conduit or Conduits from the said Reservoir, through or near the said Embankment, and thereby to divert the Water of the same Brook so as to meet and fall into the present Bed of the said Stream or River called Bradshaw Brook, in One or more Place or Places, at or near Nicodean Weir aforesaid; and also to make, form, erect, and construct, in, upon, or near the said Reservoir and Conduit or Conduits, such Flood-gates, Spill-waters, Weirs, Dams, Banks, Embankments, Drains, Sluices, and other Works as the said Commissioners shall think necessary for providing and securing a regular Supply of Water in the said Stream and Rivers, and for allowing the Escape of the Water, and for the Security, Repair, and Maintenance of the said Reservoir and Conduit or Conduits and other Works; and also to erect and build in some convenient Situation near the said Reservoir and other Works, and at all Times thereafter to keep in good Repair, a House or Houses and other necessary Buildings for the Habitation of a Person to be from Time to Time appointed by the said Commissioners as Superintendent of the said Reservoir and other Works; and such Person so to be appointed shall always be resident close to the said Reservoir and other Works, and shall have full Power and Authority (subject nevertheless to the Control of the said Commissioners) to superintend and regulate the Supply of Water in the said Stream and Rivers, and by means of the said Reservoir, Flood-gates, and other Works to keep up and maintain a uniform

a uniform Supply of Water for the said Stream and Rivers: Provided always, that no Part of the Water of the said Brook called Bradshaw Brook between the said intended Reservoir and Nicodean Weir aforesaid shall be diverted without the Consent in Writing of the Owners and Occupiers of that Part of the Bed of the same Brook from which such Water shall be diverted: Provided also, that the said Commissioners shall at all Times furnish from the said Reservoir and permit to flow down Bradshaw Brook aforesaid a Supply of Water sufficient for watering Cattle.

Section 34.

Power to make necessary Roads and to divert a certain Occupation Road.

And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent in Writing of the Owners and Occupiers of the Premises through which the same shall be made, to make all such Roads and Ways as they may find necessary or expedient for enabling them, and their Engineers, Surveyors, Agents, Officers, Workmen, Servants, and other Persons in their Employ, to have Access to the said Reservoir, Embankment, Conduit or Conduits, Feeder, and other Works, and to maintain the same, and also to stop up so much as shall be found necessary of a certain Occupation Road now used by the Owners and Occupiers of the adjoining Lands, and leading from a Place called Batteridge, by a Place called Old Man's, to certain Farms at or near a Place called Holden Fold, and thence into the Bolton and Blackburn Turnpike Road, and in lieu of so much of the said Occupation Road as shall be so stopped up to form another Occupation Road for the Use of the Owners and Occupiers of the said adjoining Lands, such new Occupation Road to lead from Batteridge aforesaid over the said intended Embankment at the South-eastern Extremity of the said Reservoir, and by or near a certain Farm called Over Shore Farm, and thence near the Edge of the said intended Reservoir into that Part of the present Occupation Road aforesaid which lies between Holden Fold aforesaid and the Bolton and Blackburn Turnpike Road: Provided always, that no Part of the said present Occupation Road shall be stopped up until the Road to be substituted in lieu thereof shall have been formed and made fit for Use; and such substituted Road shall be an Occupation Road only for the Use of the Occupiers of the present Road, and the said Commissioners, and their Agents, Servants, and Workmen, and any other Person or Persons to be authorized by the said Commissioners; and the said Commissioners shall for ever hereafter keep such substituted Road in repair.

Present Road not to be stopped until new Road made.

Section 35.

Commissioners may sell Land not wanted.

And be it further enacted, That it shall be lawful for the said Commissioners, on such Terms and in such Manner as they shall think fit, absolutely to sell for Money, or on perpetual Rent, or both, any Part or Parts of the Messuages or Tenements, Lands or Hereditaments, which may be purchased by them under the Authority of this Act, and to annex thereto such Right or Rights of Water, and to supply the Hereditaments so to be sold with Water from the said Conduit or Conduits, in such Manner in all respects as the said Commissioners shall think proper; and also that it shall be lawful for the said Commissioners, after having sold any such Land on perpetual Rent, to sell the said Rent to the same or any other Person.

Section 76.

Saving the Rights of the Mersey and Irwell Navigation.

Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Franchises, Powers, or Authorities which the Company of Proprietors of the Mersey and Irwell Navigation now have or are entitled to under or by virtue of Two several Acts of Parliament, the one of them made and passed in the Seventh Year of the Reign of His late Majesty King George the First, intituled "An Act for making the Rivers Mersey and Irwell "navigable from Liverpool to Manchester in the County Palatine of Lancaster," and the other of them made and passed in the Thirty-fourth Year of the Reign of His late Majesty King George the Third, and intituled "An Act for altering "an Act passed in the Seventh Year of the Reign of His late Majesty King "George the First, intituled 'An Act for making the Rivers Mersey and Irwell "'navigable from Liverpool to Manchester in the County Palatine of Lancaster,' "by incorporating the Proprietors of the said Navigation, and to declare their "respective Shares therein to be Personal Estate."

7 G. 1. c. 15.

34 G. 3. c. 37.

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