CHAPTER clii.

An Act to enable the Heywood Waterworks Company to construct additional Works; and for other purposes. A.D. 1877.

[2d August 1877.]

WHEREAS the Heywood Waterworks Company (who are herein-after referred to as "the Company") were incorporated in the year 1846 for the purpose of supplying with water the town of Heywood in Lancashire, and the neighbourhood thereof; and by "The Heywood Waterworks Amendment Act, 1855," (which is herein-after referred to as the "Act of 1855,") the previous Act of the Company was repealed, the Company were re-incorporated, and their limits of supply (section 27) extended: Preamble recites 9 & 10 Vict. c. cclxxxvi. 18 & 19 Vict. c. xx.

And whereas by "The Heywood Waterworks Act, 1866," the Company were authorised to raise additional capital, and they have by virtue of their several Acts power to raise the following sums: 29 & 30 Vict. c. ix.

	Shares.	Loan.
Act of 1846	£22,000	£14,000
Act of 1855	22,000	
Act of 1866	56,000	14,000

and they have in fact raised in shares and expended on their undertaking the sum of £76,468, and have raised by mortgage and expended on their undertaking the sum of £23,983:

And whereas the Company have constructed in the township of Spotland certain reservoirs shown on the deposited plans, and have also constructed a reservoir at or near a place called Hebers in the township of Middleton, and have made works for the supply of the said reservoirs with water, and for the distribution of the said water within the limits of their Acts:

And whereas by the said Act of 1855 (section 48) it is recited that a reservoir had been constructed by the Company upon the Nayden Brook, in order to compensate for any diminution in the supply of water to the several mills in part worked by the said brook, and by the streams diverted and used by the Company for the purposes of their Act of incorporation; and the said section

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enacts that the Company shall maintain the said compensation reservoir of sufficient dimensions and extent to contain ten millions of cubic feet of water at the least, so that a supply of water may be at all times provided in the manner in the said Act of 1855 mentioned, namely, that during each and every second during the whole of the twelve ordinary working hours of every day throughout the year (Sunday, Christmas Day, and Good Friday only excepted) nine cubic feet shall flow over a certain gauge in the months of January and February, six in March, three in April and May, four and a half in June and July, six in August, nine in September, and twelve in the months of October, November, and December; and the 51st section of the said Act of 1855 provides, that if at any time the quantity of water passing and flowing through or over the said gauge shall not be equal to the quantity or respective quantities prescribed by the 49th section, the Company shall be deemed to have permanently abstracted from the owners and occupiers of the mills such quantity of water so deficient, and the said parties shall be entitled to compensation as if for an interest in land taken for and injuriously affected by the works of the Company, and the Company shall be liable to pay, as such compensation for the same, a sum of money not exceeding the sum of fifty pounds for each and every working day during which the quantity of water shall be so deficient, and the same section provides for the apportionment by arbitration of the compensation money so recovered:

And whereas since the year 1855 the population entitled to be supplied with water by the Company has largely increased, and it is from year to year rapidly increasing, and it may be that the quantity of water reserved for millowners in the said Act of 1855 will render it impossible for the Company to supply with water the population of their district, and it is expedient that power should be given to the Company to reduce the quantities of water prescribed by the 49th section of the Act of 1855, in the manner and with the restrictions herein-after mentioned, and it is also expedient that the Company should be enabled to make the reservoirs and works herein-after mentioned, and that the area from which they may impound water should be increased, and that the powers of the Company be in other respects enlarged, and that the Acts relating to the Company be extended and amended:

And whereas plans and sections showing the lines, situation, and levels of the intended works, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken

for the purposes thereof, or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Lancaster, and are herein-after respectively referred to as the deposited plans, sections, and book of reference: A.D. 1877.

And whereas the estimated expense of the works authorised by this Act, including the purchase of the necessary land, is £55,000, and such works are permanent works within the meaning of the 234th section of the Public Health Act, 1875:

And whereas in pursuance of powers contained in "The Heywood Improvement Act, 1867," the Local Board of Heywood in Lancashire have contracted to purchase the undertaking of the Company, including all lands, estate, effects, powers, and privileges of the Company, subject to all rentcharges, mortgages, debts, and liabilities of the Company, the consideration for the said purchase being the grant of annuities to the proprietors of shares in the Company, in pursuance of the 91st section of the said Improvement Act: 30 & 31 Vict. c. lxiv.

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

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

1. This Act may be cited as "The Heywood Waterworks Act, 1877," and this Act and the Act of 1846, as amended by the Acts of 1855 and 1866 and by this Act, shall be construed together as one Act, except so far as such construction would be inconsistent with or repugnant to this Act. Short title.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Waterworks Clauses Acts, 1847 and 1863," and (so far as concerns the reservoirs and catchwater drain herein-after authorised, and the works connected therewith) the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the crossing of roads or other interference therewith, and to the temporary occupation of lands near the railway during the construction thereof, are, so far as they are applicable, and except where expressly varied by or inconsistent with this Act, incorporated with this Act, and "The Waterworks Clauses Act, 1863," shall extend to the existing waterworks undertaking of the Company as well as to the works by this Act authorised. Certain provisions of general Acts herein named incorporated.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated Interpretation of terms.

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herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the works" means the works by this Act authorised; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute:

In the provisions of "The Railways Clauses Consolidation Act" incorporated with this Act, and for the purposes of this Act, the expression "the railway" means the works, and the expression "centre of the railway" means any part of the works.

Power to take lands and construct works.

4. Subject to the provisions of this Act, the Company may enter upon, take, and use the lands delineated on the deposited plans and described in the deposited book of reference, and they may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the reservoirs, aqueducts, conduits, or lines of pipes herein-after described; namely,

(1.) A reservoir (No. 1) (herein-after referred to as reservoir No. 1), to be situate in the township of Spotland in the parish of Rochdale and the township of Ashworth in the parish of Middleton, in Lancashire, to be formed by means of an embankment to commence at a point about 10 chains southward of the north end of Red Hillocks Lane, in the township of Spotland and parish of Rochdale, and to terminate at a point on Ashworth Moor, in the said township of Ashworth and parish of Middleton, about 21 chains south of the north end of Red Hillocks Lane aforesaid; and also by another embankment to commence on Ashworth Moor aforesaid at a point about 2 chains south-west of the point of termination of the firstly-described embankment, thence proceeding on Ashworth Moor aforesaid in a north-westerly direction for a distance of 38 chains, and to terminate in the said township of Spotland at a point therein about 13 chains west of the Hare and Hounds public-house; and all rights of way in and over the site of the said reservoir are hereby extinguished:

(2.) A catchwater drain (No. 1), to be situate in the said township of Spotland, to commence (notwithstanding anything shown on the deposited plans) at a point 66 yards eastward from Fordoe Brook, and to terminate in reservoir No. 1,

at a point 10 chains or thereabouts, measured in a southerly direction, from the north end of Red Hillocks Lane aforesaid:

(3.) A conduit or line of pipes (No. 2), situate in the said township of Spotland, commencing in reservoir No. 1, at a point 17 chains or thereabouts, measured in a southerly direction, from the north end of Red Hillocks Lane aforesaid, and to terminate in the south-west corner of the Heywood Waterworks Supply Reservoir:

(4.) The Company may make a new road, commencing in the said township of Spotland at a point 7 chains or thereabouts, measured in a south-easterly direction, from the northerly end of Red Hillocks Lane aforesaid, and terminating in Ashworth Road aforesaid, in the said township of Ashworth and parish of Middleton, at a point 2 chains or thereabouts south of the junction of the continuation of Red Hillocks Lane therewith, and when the said new road is completed they may stop up and discontinue as a public thoroughfare and appropriate to the purposes of the Company Red Hillocks Lane aforesaid and the road in continuation thereof across Ashworth Moor to Ashworth Road:

(5.) They may also make a new road wholly in the said township of Spotland, commencing on the westerly side of Woodhouse Lane, at the southerly end of a road leading thence to a house known as Green Booth, and terminating at the east end of the Heywood Waterworks Supply Reservoir embankment. When the said new roads provided for in this and the next preceding paragraph are completed they shall respectively be maintained by the body or person liable to maintain the roads in the district where the said roads are situated:

(6.) A line of pipes (No. 5), situate wholly in the said township of Spotland, to commence in the Heywood Waterworks Supply Reservoir, and to terminate in reservoir No. 2 hereinafter mentioned:

(7.) A reservoir (No. 2), situate wholly in the said township of Spotland, on the easterly side of Furbarn Lane and between Whitaker Moss and Clay Lane:

(8.) A line of pipes (No. 6), situate wholly in the said township of Spotland, to commence in line of pipes No. 5 hereinbefore described, at a point 2 chains or thereabouts north of the northerly end of Furbarn Lane, and to terminate in the filter belonging to the Company situate on the southerly side of Clay Lane aforesaid.

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Limits of deviation.

5. In the construction of the works authorised by this Act the Company 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 reservoirs, three feet upwards and five feet downwards, and in the case of all other works to any extent not exceeding ten feet; but if it be found necessary or expedient in the construction of any of the reservoirs by this Act authorised to alter the situation of any embankment, they may, within the limits of deviation, in the construction thereof and of the works connected therewith, deviate vertically from the levels of such embankments, reservoirs, and works to any extent not exceeding twenty feet; provided that the Company shall not construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections, and three feet in addition.

Power to take water.

6. Subject to the provisions of this Act, and in addition to such of the waters of the Naden Brook as the Company are authorised to take, divert, and collect, the Company may take, divert, and collect into or by means of the reservoirs, tanks, filtering beds, catchwaters, conduits, pipes, and other works shown on the deposited plans, or some of them, or into any other reservoirs, tanks, filterbeds, catchwaters, conduits, pipes, and other works of the Company, or any of them, and impound, appropriate, and use all or some of the waters of the several streams and brooks called respectively Old House Brook, Red Lumb Brook, Royds Brook, and Fordoe Brook, and the several tributaries thereof, except Knowl Brook, and all other brooks, streams, springs, watercourses, and surface waters intercepted by the works of the Company which may be tributary to the said streams or brooks, and impound and store such several waters in their reservoirs and works.

Compensation in water provided.

7. In order to fully compensate for the diminution of any supply of water to the owners and occupiers of mills situate upon the several streams and brooks herein-before mentioned, or upon Naden Brook, or using the waters supplying the same, by the diversion and use of the same by the Company under the powers and for the purposes of this Act, the Company shall, after the filling of reservoir No. 1, during every minute between the hours of six o'clock in the morning and four o'clock in the afternoon of every day throughout the year, excepting Sundays, Good Friday, and Christmas Day, cause to flow from and out of the reservoir No. 1, and, by means of

the conduit No. 2 herein-before authorised, or by some other means at their discretion, through the gauges herein-after mentioned, the quantities of water herein-after mentioned; (that is to say,)

Down the Old House Brook, not less than one hundred and eight gallons per minute;

Down the Clifford Hall Brook, not less than eighty gallons per minute;

Down the Red Lumb Brook, or into the reservoir numbered 40 on the deposited plan, not less than three hundred and forty gallons per minute; and

Down the Fordoe Brook, not less than one hundred and thirteen gallons per minute.

And the Company shall, at their own expense, erect and maintain such and so many gauges as may be necessary for the purpose of measuring the quantities of water herein-before directed to be discharged as herein-before mentioned, and such gauges shall respectively be placed, as respects Old House Brook within fifty yards below the embankment at the southern end of the reservoir No. 1, and as respects Clifford Hall Brook, Red Lumb Brook or Royds Brook and Fordoe Brook, within twenty yards below the respective points where the said conduit (No. 2) shall cross such brooks: Provided always, that the Company shall not take any of the waters of Old House Brook, Clifford Hall Brook, Red Lumb Brook or Royds Brook or Fordoe Brook, or their tributaries, until the Company shall begin to fill the said reservoir No. 1; and during the filling of the same reservoir the Company shall permit to flow down Old House Brook, Clifford Hall Brook, Red Lumb Brook, and Fordoe Brook respectively the natural volume of the said streams to the extent as regards Old House Brook of one hundred and eight gallons per minute, and as regards Clifford Hall Brook eighty gallons per minute, and as regards Red Lumb Brook three hundred and forty gallons per minute, and as regards Fordoe Brook one hundred and thirteen gallons per minute, measured at the respective places for discharging the compensation water herein-before required to be caused to flow from the said reservoir and conduit No. 1 after the filling of the same reservoir.

Provision as to gauges.

8. The gauges to be erected by the Company under the provisions of this Act shall be under the superintendence of the person who may for the time being be the superintendent under the Act of 1855, and such superintendent shall have the same powers and duties with respect to such gauges as are mentioned and contained in the last-mentioned Act with respect to the gauge thereby authorised to be maintained, and such gauges shall be open to the inspection

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and examination of the owners and occupiers of the several present and future mills and works interested in the water herein-before directed to be caused to flow down the said brooks respectively, and such owners and occupiers respectively, and their respective agents and servants, shall for such purpose have such right of access to the said gauges as the Company shall themselves have.

The Company may draw off the water to enable them to repair reservoir No. 1.

9. It shall be lawful for the Company, their agents, servants, and workmen, to draw and let off the water of the reservoir No. 1 herein-before mentioned when and as often as it shall be necessary for the purpose of repairing the said reservoir and the works appertaining thereto, the Company in drawing and letting off the said water doing as little damage as possible, and using all convenient speed in making the necessary repairs: Provided that during the exercise of the powers contained in this section the Company shall permit to flow down Old House Brook, Clifford Hall Brook, Red Lumb Brook, and Fordoe Brook respectively the natural volume of the said streams to the extent herein-before mentioned with respect to the filling of the reservoir in the first instance.

Penalty for failure to supply compensation water.

10. In case the Company shall wilfully or negligently fail to discharge the quantity of water required by this Act to flow or be discharged through or over the said gauges respectively down the Old House Brook, Clifford Hall Brook, Red Lumb Brook or Royds Brook and Fordoe Brook respectively, the Company shall for every day during which or any part of which such failure shall occur forfeit and pay to the occupiers of each of the mills and works affected thereby upon or near to the said brooks and Naden Brook, or any of them who shall have received damage or incurred loss by reason of such failure as aforesaid, and who may demand the same, the sum of five pounds, which shall be recoverable from the Company by such occupiers in any court of competent jurisdiction: Provided always, that in case of any mill or other works being in the occupation of several persons, one sum of five pounds per day shall be payable by the Company to the several occupiers of that mill or those other works for such failure.

Power to purchase additional lands.

11. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may from time to time enter upon and take compulsorily, and hold for the purposes of their undertaking, the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference; (that is to say,)

(*a.*) A plot of land situate on the southerly side of Clay Lane, and lying between the said lane and the property of the Company;

(*b.*) A plot of land also situate on the south side of Clay Lane aforesaid, and lying between the property of the Company and Dirty Lane;

(*c.*) A plot of land situate between the farmhouse known as Nayden Dean and the Company's property, and adjoining thereto;

(*d.*) A plot of land situate on the easterly side of the Heywood Waterworks Compensation Reservoir, and immediately adjoining thereto:

All the said lands are in Lancashire.

Provided always, that the Company shall not erect or authorise or permit the erection on any of such lands while so held by them of any buildings other than buildings necessary for or connected with their waterworks, or as dwellings for workmen employed on the undertaking of the Company.

Powers for compulsory purchases limited.

12. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing thereof.

Period for completion of works.

13. If the works are not completed within twelve years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for executing the works, or in relation thereto, shall cease to be exercised, except as to any part thereof then completed; but nothing in this section shall restrict the Company from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water at any time and from time to time as occasion requires, subject to the provisions of this Act.

Provisions as to permanent reduction of compensation water.

14. Notwithstanding anything contained in the said Act of 1855 and this Act, the Company may, if they see fit, determine within one year from the passing of this Act permanently to alter the quantity of water to pass over or through the gauge mentioned in the 49th section of the first-named Act; but so that,

(*a.*) In each and every second during the whole of the twelve ordinary and legal working hours mentioned in the said 49th section of the Act of 1855, of every day throughout the year (Sundays, Good Friday, and Christmas Day only excepted), the quantity of water to pass through or over the said gauge shall be not less than $4\frac{1}{4}$ cubic feet, and the following provisions shall apply to such alteration, if such alteration be determined upon by the Company;

(*b.*) The Company shall, on or before the expiration of one year from the passing of this Act, give three calendar months

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notice to the owners and occupiers of the several mills on or near Naden Brook of their intention to alter the quantity of water to be supplied for the use and benefit of the said mills in accordance with the provisions of this Act, and on the expiration of such notice such alteration shall take effect;

(*c.*) The owners and occupiers for the time being of the mills situate on or near the Naden Brook entitled to the use and benefit of the quantities of water provided for in the said 49th section of the Act of 1855 shall be entitled to receive from the Company such compensation for the alteration of compensation water as shall be agreed on between them and the Company, or as in default of agreement shall be determined by arbitration between the Company and the owners and occupiers of the said mills respectively in the manner prescribed by "The Lands Clauses Consolidation Act, 1845," and the provisions of that Act with respect to the settlement of disputes by arbitration shall apply to every such arbitration, and shall for the purposes thereof be incorporated with this Act;

(*d.*) In settling such compensation, the increase of supply in the months of April and May, as well as the reduction of supply in the remaining months of the year, shall be taken into account;

(*e.*) The supply of water through or over the said gauge shall commence at six o'clock in the morning of each day, and be continuous during the hours prescribed for the time being.

In case of such alteration as aforesaid, the 49th section of the Act of 1855 shall for every purpose except that of the preceding provision for altering the quantity of water to be supplied, and for compensation as aforesaid, be read, and the proviso to the same section have effect, as if the altered quantity had been originally prescribed in the said section in place of the several quantities therein required to be caused to pass or flow through or over the said gauge in every second during twelve working hours of the day, and the 51st section of the Act of 1855 shall apply to such altered quantity as though the same had been the quantities prescribed in the said 49th section of the said Act.

Power to acquire additional lands by agreement.

15. In addition to the lands, streams, and waters which the Company are by this Act authorised to purchase compulsorily, they may, for any of the purposes of their undertaking, from time to time, by agreements, purchase in fee, either absolutely or in consideration of any yearly or other rent, any additional quantity of

land, not exceeding in the whole thirty acres, or any easement or right (not being an easement or right of water) in or over such additional lands, which they may from time to time think requisite; provided that, notwithstanding the exception in this section contained, the Company may acquire a right to take the water of any spring in any case in which they would be entitled to the exclusive use of the whole water of the spring on purchasing the land in which the same arises; provided always, that the Company shall not on any such additional lands erect or authorise or permit the erection of any buildings other than buildings necessary for or connected with their waterworks. A.D. 1877.

Power to take easements.

16. Persons empowered by "The Lands Clauses Consolidation Act, 1845," or otherwise enabled to convey or release lands, may, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company for the purposes of this Act any term, estate, easement, interest, right, or privilege (not being an easement of water) in, over, affecting, or belonging to such lands, at a yearly rent or otherwise, and the provisions of those Acts with respect to lands and rentcharges shall, so far as the same are applicable in that behalf, extend and apply to such grants, easements, rights, and privileges.

17. For the protection of the telegraph system of the Postmaster General be it enacted as follows:

Restriction on works affecting Post Office telegraph system.

(1.) The Company shall not by any work or thing done under the powers of this Act interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing under the powers of this Act causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him:

Power of entry for Postmaster-General.

(2.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the

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lands and works of the Company taken or executed under the powers of this Act for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon, provided that no such alteration or removal shall interfere prejudicially with the works of the Company or with the supply of water therefrom:

Compensation by Company to Postmaster General, and penalty.

(3.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them under the powers of this Act, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, on behalf of the Postmaster General as a penalty is recoverable from the Company.

Company may sell by measure.

18. The Company may, if they think fit, supply water by measure to any consumer for other than domestic purposes.

Regulations for preventing the waste, &c. of water.

19. For preventing the waste, misuse, or undue consumption or contamination of the water of the Company, they from time to time may make such rules and regulations as they think necessary to be observed by the persons supplied with the water of the Company, and may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus and receptacles or any of them to be used by such persons respectively for conveying, delivering, and receiving such water, and may thereby interdict any arrangement and the use of any pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus and receptacles which in the judgment of the Company will be likely to occasion any such waste, misuse, undue consumption, or contamination, and the Company shall not be bound to supply or continue to supply water to

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any such person unless such rules and regulations be and continue to be duly observed by him, and the pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus and receptacles used or to be used shall be made of such size, nature, strength, and materials, and shall be so arranged, kept, and repaired, as the Company from time to time so prescribe or otherwise approve, and in case of the neglect or refusal of any such person to observe such rules and regulations or any of them the Company may, after twenty-four hours notice in writing, and by or under the direction of their duly authorised officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle of any person supplied by them, and the expenses of every such repair, replacement, or alteration shall be repaid to the Company by the person to whom or on whose credit the water is supplied, and may be recovered by them as damages for the recovery of which no special provision is made; provided that no such rules or regulations shall have any effect until approved by the Local Government Board.

Power to turn off water in certain cases.

20. If any person supplied with water by the Company wilfully do or cause or knowingly permit to be done anything in contravention of the provisions of this Act or the Acts incorporated therewith with respect to the supply of water, or wilfully neglect to do anything which under these provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Company, or offend against any regulation of the Company made in pursuance of this Act, the Company may cut off the pipe or turn off the water from the premises of such person, and cease to supply water to such person until the act complained of be remedied and any penalty incurred thereby be paid.

Penalty on persons wilfully, &c. turning on taps.

21. Any person who shall wilfully or negligently open or leave open any cock, valve, or tap by reason whereof the water for or supplied by the Company shall be wasted, shall for every such offence be liable to a penalty not exceeding five pounds.

Company may require pipes, &c. to be repaired.

22. The Company may by notice in writing under the hand of their secretary, manager, or other duly authorised officer require any person who shall have suffered any cistern, pipe, cock, or other apparatus to be out of repair forthwith to put the same into a proper state of repair, and if such person shall not within three days after the service of such notice so repair such cistern, cock, pipe, or other apparatus as to prevent any waste of water therefrom the Company may repair the same, and if the expenses of such

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repair be not repaid by the Company on demand the same may be recovered by the Company as damages.

Power for Company to remove water pipes from unoccupied premises.

23. If and whenever any house, building, or premises which shall have been supplied with water by the Company shall be unoccupied, the Company, their agents, servants, or workmen, after giving twenty-four hours previous notice to the owner by serving the notice on him, or sending the same by post addressed to him at his usual place of abode or business, or if the owner or his usual place of abode or business be not known to the Company, by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into such house, building, or premises between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, and remove and carry away any pipe or other works the property of the Company.

Company's power to raise further moneys to cease.

24. After the execution of the deed of conveyance to the said Local Board of the undertaking of the Company provided for in "The Heywood Improvement Act, 1867," all powers vested in the Company for the raising of capital, whether by the creation of shares or by loan or by calls on shares already created, shall cease.

Powers of Company vested in Local Board, who may raise necessary funds.

25. After the execution of the said deed of conveyance, all the powers, authorities, regulations, and provisions contained in the several Acts relating to the Company (other than the power of raising capital), so far as those powers are still capable of taking effect, and all the powers, authorities, regulations, and provisions contained in this Act, may be exercised and put in force by or against the Local Board in the same manner as if the Local Board had been named in the said Acts and this Act instead of the Company, and the 116th section of "The Heywood Improvement Act, 1867," shall be read as though the sum of eighty thousand pounds had been named therein instead of the sum of thirty thousand pounds, and the said sum of eighty thousand pounds shall be applied to the purposes of the waterworks and for carrying into execution the purposes of this Act.

Prvoiding for sinking fund.

26. And whereas by virtue of "The Heywood Improvement Act, 1867," the Local Board have purchased the undertaking of the Heywood Gaslight and Coke Company in consideration of annuities granted by them, and by the 115th section of the same Act the Local Board are authorised to borrow for the purposes of the gasworks any sums not exceeding in the whole thirty thousand pounds on mortgage of the several matters mentioned in the said section, be it enacted as follows: Notwithstanding anything contained in the 115th and 116th sections of the said Act of 1867, the

Local Board shall, on and from the 1st day of July one thousand eight hundred and eighty-two, and thenceforth annually on the same day, set apart out of their gas rates and rents and out of their water rates and rents, and if needful out of the general district rate, as a sinking fund for the payment of moneys borrowed by them under the said Act of 1867 and of this Act, otherwise than by annuity, a sum equal to one-sixtieth part of the principal moneys so borrowed, such sum either to be applied from time to time towards repayment of the said principal moneys or to be accumulated by way of compound interest by investing the same in Exchequer bills or other Government securities until thereby or otherwise the whole of the moneys so borrowed upon mortgage have been fully paid, and the Local Board shall from time to time apply such accumulations in repayment of such principal moneys.

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

27. The clerk of the said Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under 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 applied to the payment of principal moneys or has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the said Local Board have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board.

Expenses Act.

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

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