ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxvii.

An Act for supplying the Borough of *Lancaster* in the County Palatine of *Lancaster* and adjacent Places with Water, and for other Purposes.

[17th *June* 1852.]

WHEREAS the Borough of *Lancaster* in the County Palatine of *Lancaster*, and the several adjacent Townships and Places of *Skerton*, *Scotforth*, and *Poulton*, *Bare*, and *Torrisholme*, all in the Parish of *Lancaster* in the said County Palatine, are not at present sufficiently supplied with Water, and the affording of a Supply of pure and wholesome Water to the same would be of great Benefit to the Inhabitants thereof: And whereas more efficient lighting Powers are much needed within the said Borough: And whereas an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for promoting the Public Health*, whereby further and more effectual Provisions were made for improving the sanitary Condition of Towns and populous Places in *England* and *Wales*: And whereas the said recited Act is now in force within the said Borough of *Lancaster*, and the Mayor, Aldermen, and Burgesses of the said

11 & 12 Vict. c. 63.

Borough, by the Council of the said Borough, have been duly constituted the Local Board of Health within and for the District comprised within the said Borough: And whereas the said Local Board of Health are desirous of supplying the said Borough, and the said adjacent Townships and Places of *Skerton*, *Scotforth*, and *Poulton*, *Bare*, and *Torrisholme*, with pure and wholesome Water, and otherwise improving the said Borough; but the same cannot be effected without the Aid and 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,

Interpretation of Terms.

I. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Words "Local Board of Health" shall mean the Local Board of Health for the Borough of *Lancaster* in the County Palatine of *Lancaster*:

The Words "Borough of *Lancaster*" shall mean the Municipal Borough of *Lancaster*.

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 17. incorporated with this Act.

II. That "The Lands Clauses Consolidation Act, 1845," (except Sections numbered respectively 93 and 94 in the Copies printed by the Queen's Printers, with respect to small Portions of intersected Land,) and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act, except so far as the same Acts respectively or either of them, or any Part or Parts thereof respectively, are expressly varied or altered by this Act.

Short Title.

III. That in citing this Act in other Acts of Parliament, in legal Instruments or Proceedings, and in other Documents, it shall be sufficient to use the Expression "The *Lancaster* Waterworks and Gas Act, 1852."

Limits of Act.

IV. That the Limits of this Act for the Supply of Water shall be deemed and taken to extend to and shall comprise the whole of the said Borough of *Lancaster*, and the extra-parochial and other Places within the said Borough.

Power to supply Water.

V. And whereas the Population of the adjacent Townships or Places of *Skerton*, *Scotforth*, and *Poulton*, *Bare*, and *Torrisholme*, or some of them, has of late Years greatly increased, and is likely to continue to increase, and it would be of great Advantage to the Inhabitants of the said

said Townships and Places if the said Local Board of Health were authorized to supply the said Inhabitants with pure and wholesome Water: Be it therefore enacted, That it shall be lawful for the said Local Board of Health, if they shall think fit so to do, to extend their Mains and other Pipes and Works into the said Townships and Places of *Skerton*, *Scotforth*, and *Poulton*, *Bare*, and *Torrisholme*, for supplying the Inhabitants thereof with pure and wholesome Water, or to contract with any Person or Persons on behalf of the said several Townships respectively for supplying Water in Bulk for the Use of such Townships, or any of them, and all and every the Powers and Provisions of this Act and the several Acts incorporated therewith shall be held to apply to such Purposes, and shall and may be exercised and put in force by the said Local Board of Health for such Purpose.

Construction of Waterworks.

VI. And whereas Plans and Sections, showing the Site, Line, and Levels of the proposed Waterworks, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of Lands, Springs, and Streams in or through which the same are intended to be made or to pass, or which are required for the Purposes of the said Waterworks, have been deposited with the Clerk of the Peace for the County Palatine of *Lancaster*: Be it enacted, That it shall be lawful for the Local Board of Health, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to lay down, make, and maintain the said Waterworks, with all necessary Reservoirs and other Works, except as herein-after excepted, in the Line, and upon the Lands, Roads, Highways, Bridges, and Railways delineated upon the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use such of the said Lands, Springs, and Streams delineated upon the said Plans and described in the said Book of Reference as shall be necessary for the Purposes of the Undertaking, and to enter upon, take, and use, and lay down a Main Pipe or Main Pipes and other Apparatus necessary for the Purposes of the said Local Board of Health, upon, along, across, or under such of the Roads, Highways, Bridges, and Railways delineated on the said Plans, or such of the Lands situate on either Side of any such Roads, Highways, or Railways, and comprised within the Limits of Deviation delineated or marked or referred to on the said Plans, as shall be necessary for the Purposes of the Undertaking, or to acquire, compulsorily or by Agreement, any Easement, Liberty, Privilege, Power, or Authority in or over the same, or to agree for a Lease of any such Lands, Springs, and Streams, or a Right of laying down a Main Pipe or Main Pipes upon, across, or under any such Roads, Highways, Bridges, and Railways, as the said Local Board of Health may think fit;

fit; and in constructing such Works the said Local Board of Health shall make due and proper Provision for supplying to and for Use at a certain Bobbin Mili situate at the *Lee* in *Over Wyersdale* in the said County Palatine so much Water at the least as shall be equal to the Quantity so to be taken from Time to Time for the Purposes of this Act: Provided always, that nothing in this Act contained shall authorize or empower the said Local Board of Health to take or use for the Purposes of this Act any of the Lands or Streams belonging or demised to *John Morgan* of *Preston* in the said County of *Lancaster*, and numbered respectively 136, 137, 138, 181, 169, 170, 175, and 178 on the said deposited Plans.

Power to deviate from Plans in certain Cases.

VII. That, subject to the Restrictions in the said incorporated Acts contained, it shall be lawful for the Local Board of Health, in making the Works by this Act authorized, where Limits of Deviation are marked on the said Plans, to deviate from the said Lines delineated on the said Plans so deposited with the said Clerk of the Peace to the Extent of the Limits of Deviation marked on the said Plans.

Provision to be made for securing a Supply of Water to certain Mills.

VIII. And whereas the Most Noble *Alexander* Duke of *Hamilton and Brandon* is or claims to be the Owner of *Dolphinholme Mill*, *Cleveley Mill*, and *Scorton Mill*, and *Robert Garnett* is or claims to be the Owner of *Corless Mill*, and *Thomas Butler Cole* is or claims to be the Owner of *Kirkland Mill*, and *William Bashall* is or claims to be the Owner of *Garstang Mill*, and *George Fishwick* is or claims to be the Lessee of *Scorton Mill* and *Cleveley Mill*, all which Mills are situate on the River *Wyre*: And whereas those Persons have been and are in the Enjoyment, for the Purposes of those Mills, of Water flowing into the *Wyre*, and claim to be entitled to such Enjoyment: And whereas those Persons allege that the Supply of Water to and for Use at those Mills would be interfered with to their Prejudice by the Execution of the Works by this Act authorized, and they require, and it is just, that due Provision be made for securing the Continuance of such Supply: Therefore the Local Board of Health, to the reasonable Satisfaction of the said *Robert Garnett*, his Heirs and Assigns, as the Owner or Owners of Lands to be taken or interfered with for the Purpose, and also to the reasonable Satisfaction of the Owners, Lessees, and Occupiers for the Time being of those Mills, or such of them as for the Time being exist, (and who in this Act are called the Millowners,) shall make and provide at or near *Abbeystead*, in *Over Wyersdale*, and below the Confluence of *Tarn Brook Wyre* and *Marshaw Wyre*, and on a Site mutually agreed on between the Local Board of Health and the Millowners, and of such Water Capacity as at all Times is sufficient to contain such Quantity of Water as by this Act provided, a Compensation Reservoir for securing the Continuance

Continuance of such Supply, and shall provide and furnish the same with proper and sufficient Gauges, Works, and Conveniences, and shall for ever repair, maintain, and keep Water-tight, and in all other respects in good Order and Condition, such Compensation Reservoir, Gauges, Works, and Conveniences, and shall for ever preserve such Compensation Reservoir of such Water Capacity.

Local Board to give Notice of daily Quantity required.

IX. That within Four Months after the passing of this Act the Local Board of Health shall give Notice in Writing to the Millowners stating the utmost daily Quantity of Water which the Local Board of Health wish to have the Power of drawing off, or permitting to be drawn off from *Grizedale River* otherwise *Grizedale Brook*, and the several Streams and Springs flowing into the same, for all the Purposes of this Act, exclusive of the Supply to the Compensation Reservoir, and such utmost daily Quantity shall be such a Quantity, not less than Three hundred thousand Gallons nor more than Five hundred thousand Gallons, as the Local Board of Health think fit.

Capacity of Compensation Reservoir.

X. That the Compensation Reservoir shall be constructed and for ever maintained by the Local Board of Health of a Water Capacity sufficient to contain, and to admit of being drawn off therefrom, Ninety-five Times the Amount of the utmost daily Quantity so stated by the Local Board of Health: Provided always, that if the Local Board of Health fail so to state within such Four Months such utmost daily Quantity, then such Water Capacity shall be sufficient to contain Forty-seven millions five hundred thousand Gallons.

Limiting the daily Quantity to be drawn off.

XI. That the Local Board of Health shall not at any Time draw off or permit to be drawn off in any consecutive Twenty-four Hours, reckoned from Midnight, from *Grizedale River* otherwise *Grizedale Brook*, and the several Streams and Springs flowing into the same, or any of them, for all or any of the Purposes of this Act, exclusive of the Supply of Water to the Compensation Reservoir, any Quantity of Water exceeding One Ninety-fifth Part of the Quantity which the Water Capacity for the Time being of the Compensation Reservoir is sufficient to contain and to admit of being drawn off therefrom.

Right of Inspection of Millowners.

XII. That the Local Board of Health shall at all Times afford to the Millowners or such of them as from Time to Time require the same, and to their respective Agents in that Behalf, the full and free Use of all such Gauges, Works, and Conveniences as are proper and sufficient for ascertaining and showing the Quantity of Water from Time to Time so drawn off by or by the Permission of the Local Board of Health, with all proper and sufficient Facilities in that Behalf.

Except as herein provided, Local Board to regulate the Flow from the Compensation Reservoir.

XIII. That, except as by this Act otherwise provided, the Local Board of Health shall at all Times regulate the Flow of Water from the Compensation Reservoir towards the Mills to the reasonable Satisfaction of the Millowners; and they and every of them may at all Times ascertain the Quantity of Water flowing into and out of and remaining in the same, and for such Purposes shall have the full and free Use of the Gauges, and other Apparatus and Conveniences of and connected with the Compensation Reservoir, and the Local Board of Health shall, whenever so required, afford to them respectively all proper and sufficient Facilities in that Behalf: Provided always, that the Local Board of Health may from Time to Time by Agreement with the Millowners delegate to them the Regulation of such Flow of Water for such Time and on such Terms and Conditions as are mutually agreed on, and may for that Purpose confer on or delegate to them such Powers and Authorities as may be requisite.

Confirming Agreement of 12th May 1852.

XIV. And whereas an Agreement, dated the Twelfth Day of *May* One thousand eight hundred and fifty-two, hath been entered into between the Local Board of Health and the Millowners with respect to the Site, Construction, Capacity, and Maintenance of the Compensation Reservoir and the Supply of Water to the Mills: Therefore that Agreement is hereby confirmed, and shall be carried into effect.

Settling Compensation to be granted to Mr. R. Garnett.

XV. That the Compensation to be made to the said *Robert Garnett* as Owner for so much of the Piece of Land on *Grisedale Brook* numbered 79 on the deposited Plan, not exceeding One Quarter of an Acre of that Land, as the Local Board of Health take for the Purposes of this Act, and for the Right of laying down in his Lands, according to the deposited Plans and Sections, a Main Pipe, and for the Right of Entry on his Lands for repairing and maintaining that Main Pipe, and for the Water of *Grisedale Brook* and Springs and all other his Springs taken by the Local Board of Health for any of the Purposes of this Act, and for the Diversion at the Point marked K upon the deposited Plans of such Portion of the Water of *Tarnhook* as the Local Board of Health take for any of the Purposes of this Act, shall be a Grant by the Local Board of Health to the said *Robert Garnett*, his Heirs and Assigns, of the exclusive Right of fishing in the intended Compensation Reservoir at *Abbeystead*, and a perpetual yearly Sum of Thirty Pounds to be paid by the Local Board of Health to the said *Robert Garnett*, his Heirs and Assigns, as or in the Nature of a Fee-farm Rent issuing out of the Land so taken; and the Local Board of Health shall pay that perpetual yearly Sum to him and them out of the Rates and other Sums from Time to Time raised by the Local Board of Health under this Act, and by equal half-

half-yearly Payments on the First Day of *January* and the First Day of *July* in every Year, the first half-yearly Payment, or a proportionate Part thereof, to be made on whichever of those Days happens next after the Day on which the Local Board of Health take possession of that Land; and that perpetual yearly Sum shall be recoverable by him and them by Distress and Sale of the Monies, Goods, and Chattels whatsoever of the Local Board of Health, and by Action, Plaint, or other Proceeding in any Court of competent Jurisdiction: Provided always, that the Local Board of Health shall not take more than One Quarter of an Acre of that Land numbered 79, and the Lands so taken shall be used only for the Purposes of this Act, and any Building thereon shall not at any Time be made for or used as a Residence without the previous Consent in Writing of the said *Robert Garnett*, his Heirs or Assigns.

Saving to Messrs. Morgan and Lowe.

XVI. Provided always, That the Local Board of Health shall not interfere with the ordinary Flow of Water over the Millwheel of Messieurs *Morgan* and *Lowe* now enjoyed by them.

Period within which Works are to be completed.

XVII. That the said Main Pipes, Reservoirs, and other Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the said Local Board of Health for laying down such Main Pipes and Reservoirs, and executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Main Pipes, Reservoirs, and other Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend so as to restrain the Local Board of Health from extending their Mains and Pipes from Time to Time whenever it shall be necessary for the Purpose of supplying the Inhabitants within the Limits of this Act with Water, or for the Purpose of supplying Water, by Contract or otherwise, for Use in the said adjacent Townships or Places of *Skerton*, *Scotforth*, and *Poulton*, *Bare*, and *Torrisholme*.

Rates at which Water is to be supplied.

XVIII. That the said Local Board of Health shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the said Local Board of Health shall be laid, or of any Person who under the Provisions of this Act or any Act incorporated therewith shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses at the annual Rates herein-after specified; (that is to say,)

Where the annual Value of such House shall not amount to Ten Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings upon the annual Value thereof:

Where

Where the annual Value of such Dwelling House shall be Ten Pounds and under Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds upon the annual Value thereof:

Where the annual Value of such Dwelling House shall be Twenty Pounds and under Forty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings upon the annual Value thereof:

Where the annual Value of such Dwelling House shall be Forty Pounds and upwards, at a Rate *per Centum per Annum* not exceeding Six Pounds upon the annual Value thereof:

If there be a Watercloset or Waterclosets, or a private Bath or private Baths, in such Dwelling House, then, in addition to the Rates above specified, the following Rates shall be payable annually; (that is to say,)

Where the annual Value of such Dwelling House shall not amount to Ten Pounds *per Annum*, the Sum of Four Shillings for each such Watercloset, and Four Shillings for each such Bath:

Where the annual Value of such Dwelling House shall be Ten Pounds and under Twenty Pounds, the Sum of Six Shillings for One Watercloset, and for a Second Watercloset the Sum of Five Shillings, and for every additional Watercloset the Sum of Four Shillings:

Where the annual Value of such Dwelling House shall be Twenty Pounds and under Forty Pounds, the Sum of Eight Shillings for One Watercloset, and for a Second Watercloset the Sum of Six Shillings, and for each additional Watercloset the Sum of Four Shillings:

Where the annual Value of such Dwelling House shall be Forty Pounds and upwards, the Sum of Ten Shillings for One Watercloset, and for a Second Watercloset the Sum of Seven Shillings, and for each additional Watercloset the Sum of Five Shillings:

If there be a Bath or Baths in such Dwelling House, then the said Local Board of Health shall be bound, if required, to supply the same with Water at Rates not exceeding those which the said Local Board of Health shall be entitled to demand and receive with respect to a Watercloset or Waterclosets:

Provided always, that the said Local Board of Health shall not be compelled to supply any Watercloset or Bath, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste or undue Consumption of the Water of the said Local Board of Health, and the Return of foul Air and other noisome or impure Matter into the Mains or other Pipes belonging to or connected with the Mains or any Pipes of the said Local Board of Health.

XIX. That

What shall be deemed domestic Purposes.

XIX. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Railway Purposes or for public Baths, washing for Hire or public Purposes, or for any Steam Engine, Water Wheel, Water Engine, Hoist or other Machinery driven by Water under Pressure, Brewery or Warehouse, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever, nor shall it include a Supply of Water for Horses or Cattle or for washing Carriages, except where the Rental of the House amounts to Fifty Pounds.

Water for other than domestic Purposes.

XX. That it shall be lawful for the said Local Board of Health to supply any Person with Water for other than domestic Purposes for such Remuneration and upon such Terms and Conditions as shall be agreed upon between the said Local Board of Health and the Persons desirous of having such Supply of Water.

Power to Local Board of Health to contract for Supply of Gas.

XXI. That it shall be lawful for the Local Board of Health to contract with the *Lancaster* Gaslight Company for the Supply of Gas for lighting with Gas the Streets and public Buildings within the Limits of this Act, and the *Lancaster* Gaslight Company shall furnish such Supply accordingly: Provided always, that if the said Local Board of Health and the *Lancaster* Gaslight Company shall not agree as to the Price at which such Supply is to be furnished, such Price shall be settled by Arbitration in the Manner provided by "The Public Health Act, 1848," for the Settlement of Disputes by Arbitration, and the Price or Sum so to be paid shall be paid accordingly out of the General District Rate authorized to be levied, at the Periods which may be specified for that Purpose.

Power to Local Board of Health to purchase Land for additional Purposes.

XXII. That in addition to the Lands herein-before authorized to be purchased, it shall be lawful for the Local Board of Health to contract with any Party willing to sell or lease the same for the Purchase of any Lands, other than what they are herein-before authorized to purchase or take, not exceeding in Quantity Twenty Acres, which shall be deemed proper or expedient for the Purposes of this Act; and it shall be lawful for all Parties who, under the Provisions herein-before or in the said incorporated Acts contained, would be enabled to sell or convey Lands required for the Purposes of this Act, to sell and convey Lands required for any such additional Purposes as aforesaid.

Power for Local Board to borrow Money.

XXIII. That it shall be lawful for the said Local Board of Health, with the Sanction of the General Board of Health, from Time to Time to borrow at Interest, on Mortgage or Assignment of all or any of the Rates authorized to be made and levied by this Act, or by "The Public Health Act, 1848," or any of the Acts incorporated herewith,

herewith, any Sum or Sums of Money, not exceeding the Sum of Twenty thousand Pounds, which may be necessary for the Purposes of this Act or any of them; and all the Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act; and such Clauses shall be construed as if the Expression "The Local Board of Health" had been inserted therein instead of the Word "Commissioners," or where any Act is required or authorized to be done by or to a certain Number of Commissioners, as if the Words "Local Board of Health" had been inserted therein instead of such Number of "Commissioners."

Reserving the Powers of the Local Board of Health.

XXIV. That nothing herein contained shall take away, lessen, or abridge the Powers of the said Local Board of Health under "The Public Health Act, 1848," except so far as the same are inconsistent with the Provisions of this Act or any of them, or are expressly varied or altered by this Act.

Saving Rights of the Lancaster and Carlisle Railway Company.

XXV. That nothing in this Act contained shall extend to prejudice, diminish, alter, vary, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *Lancaster and Carlisle* Railway Company.

Expenses of Act.

XXVI. That the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and preparatory and incident thereto, shall be paid by the Local Board of Health.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.