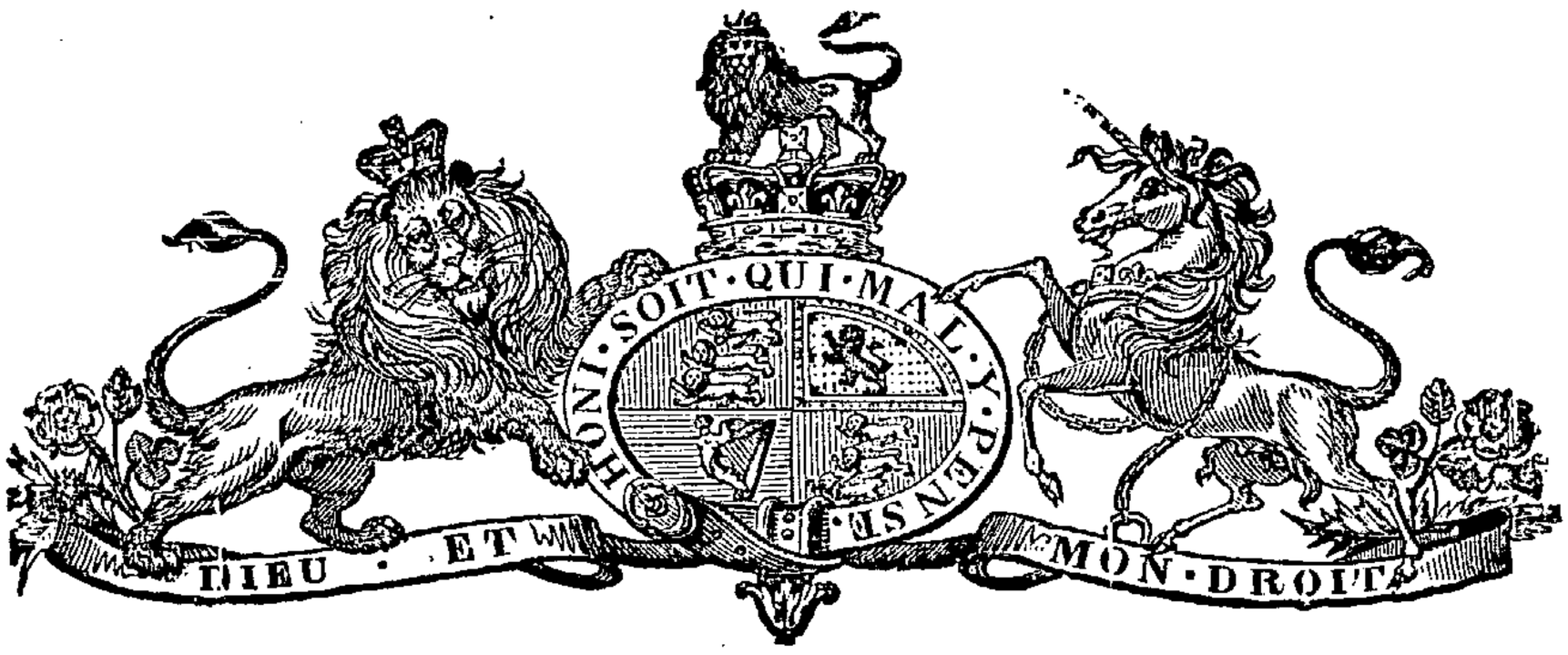



ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

## *Cap.* cxlv.

## An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to construct new Works in connexion with their Waterworks; and for other Purposes.

[29th *June* 1865.]

WHEREAS by "The *Manchester* Corporation Waterworks Act, 1847," the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* (now the Mayor, Aldermen, and Citizens of the City of *Manchester*, and in this Act called "the Corporation,") were empowered to execute the Works in that Act mentioned for the Purpose of supplying Water within the Limits prescribed by that Act: And whereas further Powers in relation to the Supply of Water were granted to the Corporation by "The *Manchester* Corporation Waterworks Act, 1848," "The *Manchester* Corporation Waterworks Act, 1854," "The *Manchester* Corporation Waterworks Act, 1858," "The *Manchester* Corporation Waterworks Act, 1860," and "The *Manchester* Corporation Waterworks Act, 1863:" And whereas it is expedient, for the Purpose of enabling the Corporation more effectually to carry out the Objects of the recited Acts, that they should be empowered to construct and maintain the Reservoirs, Aqueducts, Conduits, and Roads, and to construct, lay down, and maintain the Main Pipes and other

10 & 11 Vict. c. cciii.

11 & 12 Vict. c. ci.
17 & 18 Vict. c. xxxviii.
21 & 22 Vict. c. lxxxvii.
23 & 24 Vict. c. xciii.
26 & 27 Vict. c. lxviii.

other Works in this Act mentioned, and that they should be empowered to abandon certain authorized Works: And whereas Plans of the Works authorized by this Act, and of the Lands which the Corporation may acquire under this Act, and Sections of the said Works, and a Book of Reference to such Plans, have been deposited with the respective Clerks of the Peace for the Counties of *Lancaster*, *Chester*, and *Derby*: And whereas it is expedient that the Corporation should be empowered to raise a further Sum of Money, and that some of the Provisions of the recited Acts should be amended, and that further Powers should be conferred on the Corporation; but such Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

**1.** This Act may be cited for any Purpose as "The *Manchester* Corporation Waterworks Act, 1865."

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

**2.** "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," and "The Waterworks Clauses Act, 1863," shall be incorporated with and form Part of this Act, except so far as the same are expressly varied or otherwise provided for by this Act; and in construing such Acts for the Purposes of this Act the Expressions "the Undertakers" and "the Promoters of the Undertaking" shall mean the Corporation.

Power to take Lands.

**3.** Subject to the Provisions in this Act and the Acts incorporated herewith contained, the Corporation may enter upon, take, or use all or any of the Lands defined on the deposited Plans and described in the deposited Book of Reference, and may also impound, take, and use, for the Purposes of this Act and the recited Acts, all or some of the Waters of the River *Etherow*.

Power to construct Works.

**4.** Subject to the Provisions in this Act and in the Acts incorporated herewith contained, the Corporation may make, construct, lay down, and maintain in the Situation and Line and according to the Levels shown on the deposited Plans and Sections, and in and upon the Lands acquired by the Corporation under this Act, the several Works following; (that is to say,)

A Reservoir on the River *Etherow* at or near *Vale House* Mill, the Embankment of which will be placed across the said River at a Point about Twenty Chains measured in a straight Line Westwards

Westwards from the Junction of the Tail Race of the said *Vale House* Mill with the said River *Etherow*, from whence the Reservoir will extend up the River in an Easterly Direction to or near the Foot of the Embankment of the *Rhodes Wood* Reservoir of the Corporation, which intended Reservoir will be situated partly in the Township of *Padfield* in the Parish of *Glossop* in the County of *Derby*, and partly in the Township of *Tintwistle* in the Parish of *Mottram-en-Longdendale* in the County of *Chester*:

A Reservoir at or near *Bottoms* Mill and immediately below the Reservoir lastly described, the Embankment of which will be placed across the said River *Etherow* at a Point Three Chains or thereabouts below a Bridge over the said River leading to the said *Bottoms* Mill, from whence the Reservoir will extend up the said River in an Easterly Direction to the Embankment of the Reservoir lastly described, which intended Reservoir will be situated partly in the Township of *Padfield* in the Parish of *Glossop* in the County of *Derby*, and partly in the Township of *Tintwistle* in the Parish of *Mottram-en-Longdendale* in the County of *Chester*:

An Aqueduct or Watercourse and Line of Pipes commencing at or in the waste Watercourse of the said *Rhodes Wood* Reservoir at or near the Northerly Corner of the Embankment at such Reservoir, and terminating at or in the River *Etherow* at or near the Embankment of the Reservoir secondly herein described, which Aqueduct will be wholly within the Township of *Tintwistle* in the Parish of *Mottram-en-Longdendale* in the County of *Chester*:

An Aqueduct or Tunnel commencing at or in the *Hollingworth Brook* at or near the Northerly End of *Hollingworth* Reservoir of the Corporation, and terminating at or in the Reservoir secondly herein described at or near the North-westerly Corner thereof, which Aqueduct or Tunnel will be wholly in the said Township of *Tintwistle* in the Parish of *Mottram-en-Longdendale* in the County of *Chester*:

A Conduit or Main Pipe to commence by a Junction with the Conduit or Main Pipe of the Corporation first described in and authorized by "The *Manchester* Corporation Waterworks Act, 1863," at a Point on the *Manchester* and *Saltersbrook* Turnpike Road near *Saint Ann's Wells*, and to terminate in the *Gorton* Upper Reservoir of the Corporation, all within the Township and Parish of *Ashton-under-Lyne* in the County of *Lancaster*:

A Conduit or Main Pipe to commence in the Reservoir of the Corporation now in course of Construction at *Prestwich Hills*, and to terminate in the Watercourse in *Prestwich Clough* One hundred

hundred and ten Yards or thereabouts North-west of the House now in course of Erection by *Thomas Hope Green Berrey*, all in the Township of *Prestwich* and Parish of *Prestwich-cum-Oldham* in the County of *Lancaster*:

A Conduit or Main Pipe to commence by a Junction with the Conduit or Main Pipe of the Corporation first described in and authorized by "The *Manchester* Corporation Waterworks Act, 1863," where it crosses *Great Norbury Street* in the Township of *Hyde* in the Parish of *Stockport* in the County of *Chester*, and to terminate by a Junction with the same Conduit or Main Pipe at a Point in *Two Trees Lane* opposite the *Clarke's Arms* Public House in the Township of *Haughton* in the Parish of *Manchester* in the County of *Lancaster*:

A Road commencing at or near a Place called *Stubbs Farm*, and terminating at the South-west Corner of the intended Reservoir first herein-before described, all within the Township of *Padfield* and Parish of *Glossop* aforesaid:

A Road commencing at the North-west Corner of the intended Reservoir first herein-before described, and terminating at or in the Turnpike Road leading from *Manchester* to *Saltersbrook* at a Point in the Village of *Tintwistle* about Ten Chains measured in a straight Line to the East of the East End of *Tintwistle* Church, which last-mentioned Road will be wholly in *Tintwistle* in the Parish of *Mottram-en-Longdendale* in the County of *Chester*.

Limits of Deviation from Line and Levels.

**5.** Subject to the Provisions of this Act, the Corporation in the Execution of the Works may deviate laterally from the Lines thereof delineated on the deposited Plans to any Extent within the Limits of Deviation defined on those Plans, and may also deviate from the Levels shown on the deposited Sections to any Extent as regards the Reservoirs not exceeding Three Feet, and as regards the other Works not exceeding Five Feet.

Increasing Quantity of Water to be discharged for Mills, &c. on River Etherow.

**6.** From and after the Time that the Reservoir by this Act firstly described and authorized shall be constructed and used for the Storage of Water, and until the Reservoir by this Act secondly described and authorized shall be constructed and used for the Storage of Water, the Corporation shall, in lieu of the Fifty-five Cubic Feet *per* Second for Twelve Hours of every Working Day which they are now required to discharge for the Supply of the Mills and Works on the River *Etherow*, cause a Quantity of Water equal in the whole to Fifty-eight Cubic Feet *per* Second for Twelve Hours of every Working Day to be discharged through or over the Gauge by this Act required to be constructed within Two hundred Yards of the outer Foot of the Embankment of such first-mentioned Reservoir; and from and after the

Time

Time that the Reservoir by this Act secondly named and authorized shall be constructed and used for the Storage of Water, the Corporation shall cause a Quantity of Water equal in the whole to Fifty-nine Cubic Feet *per* Second for Twelve Hours of every Working Day to be discharged through or over the Gauge by this Act required to be constructed within Two hundred Yards of the outer Foot of the Embankment of such lastly-named Reservoir; and from and after the respective Periods at which the Corporation are required to cause the said respective Quantities of Fifty-eight and Fifty-nine Cubic Feet of Water *per* Second to be discharged through or over the said respective Gauges, Sections 51 and 52 of "The *Manchester* Corporation Waterworks Act, 1847," and Section 14 of "The *Manchester* Corporation Waterworks Act, 1860," shall be read as if those Sections had specially related to the Discharge of the said respective Quantities through or over the said respective Gauges respectively referred to in this Section, as well as to any other Quantity of Water which the Corporation may from Time to Time be required to discharge under the Provisions of any of the recited Acts.

Further Provision as to Weirs, Gauges, &c.

**7.** So soon as the Reservoir by this Act firstly named and authorized shall be constructed and used for the Storage of Water, the Corporation shall, in lieu of the Weir, Gauges, and other Works by the 13th Section of "The *Manchester* Corporation Waterworks Act, 1848," required to be constructed, construct, and, until the secondly-named Reservoir also by this Act authorized shall be constructed and used for the Storage of Water, shall maintain in repair, proper and sufficient Weirs, Gauges, and other sufficient and necessary Works within Two hundred Yards of the outer Foot of the Embankment of the said firstly-named Reservoir, and Sections 47, 48, and 49 of "The *Manchester* Corporation Waterworks Acts, 1847," and Section 14 of "The *Manchester* Corporation Waterworks Act, 1860," shall be considered to form a Part of this Act, but shall be construed as if the Weirs, Gauges, and other Works by this Section required to be constructed by the Corporation were therein specifically named and referred to; and so soon as the secondly-named Reservoir shall be constructed and used for the Storage of Water, the Corporation shall, in lieu of the Weirs, Gauges, and other Works lastly herein-before mentioned, construct and for ever thereafter maintain in repair proper and sufficient Weirs, Gauges, and other sufficient and necessary Works within Two hundred Yards of the outer Foot of the Embankment of the said secondly-named Reservoir, and thereafter Sections 44, 47, 48, and 49 of "The *Manchester* Corporation Waterworks Act, 1847," and Section 14 of "The *Manchester* Corporation Waterworks Act, 1860," shall be considered to form a Part of this Act, but shall be read and construed as if the Weirs, Gauges, and Works lastly

herein-before named, and by this Section required to be constructed, were therein specifically named and referred to.

Amending and explaining Section 16 of 11 & 12 Vict. c. ci.

**8.** The 16th Section of "The *Manchester* Corporation Waterworks Act, 1848," shall be read and construed as if, in lieu of the Words "the Supply of Water herein-before stipulated for," the Words "the Supply of Water which the Corporation under the Provisions of this Act and of any other Act of Parliament is required to send down," were inserted in such Section.

Access to Gauges by Mill Owners.

**9.** The Occupiers of each of the several Mills and Works situate on the River *Etherow* above the Junction of the River *Goyt* shall at all Times hereafter have Access by themselves, their Agents and Servants, to the Weirs and Gauges for the Time being existing, for the Purpose of measuring and gauging the Quantity of Water from Time to Time passing through or over the same.

Access to Gauges by Corporation of Stockport.

**10.** The Mayor for the Time being of the Borough of *Stockport*, or any Engineer, Surveyor, Officer, or other Person to be by him from Time to Time appointed in Writing for that Purpose, shall have Access at all Times to the said Gauges and Works for the Purpose of measuring and gauging the Quantity of Water from Time to Time passing through or over the same.

Penalty to Public Officer in case of Default in Discharge of Water.

**11.** In case the Corporation shall wilfully or after written Notice negligently fail to discharge the Quantity of Water by the said recited Acts or this Act, or any of them, to be discharged through or over the said Gauge or Gauges, the Corporation shall, for and during every Day on which such Failure shall occur, forfeit and pay by way of Penalty the Sum of Ten Pounds, to be sued for on the Information or Complaint of or by the Town Clerk or other legal Officer of the Borough of *Stockport*, such Penalty to be recovered and applied in the Manner in which Penalties not otherwise provided for are directed to be recovered and applied by the Waterworks Clauses Act, 1847.

Powers for compulsory Purchases limited.

**12.** The Powers of the Corporation for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Abandonment of certain authorized Works.

**13.** The Corporation may abandon the Construction of that Portion of the Conduit or Main Pipe first described in and authorized by "The *Manchester* Corporation Waterworks Act, 1863," which would be situated between *Great Norbury Street* in the Township of *Hyde* in the Parish of *Stockport* and a Point in *Two Trees Lane* opposite

opposite the *Clarke's Arms* Public House in the Township and Parish of *Manchester*.

Power to borrow on Mortgage.

**14.** In addition to the Sums which the Corporation are empowered under the recited Acts or any of them to borrow, the Corporation may from Time to Time borrow for Purposes connected with their Waterworks Undertaking any Sums not exceeding in the whole One hundred thousand Pounds, and the Sections One hundred and forty-four to One hundred and sixty, both inclusive, of "The *Manchester* Corporation Waterworks Act, 1847," and the Sections Nineteen to Twenty-four, both inclusive, of "The *Manchester* Corporation Waterworks Act, 1854," are extended to this Act with reference to the Monies to be borrowed under this Act as if the same had been expressly repeated and re-enacted in this Act with reference thereto.

Power to re-borrow.

**15.** For the Purpose of paying off any Money from Time to Time due under this Act the Corporation may from Time to Time re-borrow at Interest such Sums as they think fit, but the Corporation shall not borrow any Money in lieu of Money paid off by means of their Sinking Fund.

Security for Monies borrowed or re-borrowed.

**16.** All Money from Time to Time borrowed and re-borrowed by the Corporation under this Act may be secured by them by Mortgage on all or such Part as they from Time to Time think fit of the Security by "The *Manchester* Corporation Waterworks Act, 1847," provided for the Monies thereby authorized to be borrowed.

Securities under this Act to be charged on City Rate.

**17.** All Grants of Annuities, Mortgages, Bonds, and other Charges and Securities from Time to Time made and given by the Corporation under this Act, and the Annuities, Principal Sums, and Interest thereby respectively secured, shall be Charges upon and be payable out of the City Rate, and the Property of the Corporation, and the Rates and Rents to be levied, raised, and paid under the recited Acts and this Act or otherwise, in like Manner as by the recited Acts or any of them provided concerning the Monies thereby authorized to be raised on Mortgage or by Annuities.

Saving Priorities of existing Mortgages, &c.

**18.** All Annuities, Mortgages, Bonds, Charges, and Securities granted or made under the Authority of the recited Acts, or any of them, shall during the Continuance thereof have Priority over all Annuities, Mortgages, Bonds, Charges, and Securities which may be granted or made under the Authority of this Act.

For Protection of Manchester, Sheffield,

**19.** With respect to such of the Provisions of this Act and of the Works authorized by this Act as may affect the Rights and Interests and the Railways or Canals or other Property of the *Manchester*, *Sheffield*,

and Lincolnshire Railway Company.

*Sheffield, and Lincolnshire* Railway Company (herein called "the Company"), the Corporation shall in all things be subject to so much of the Second Section of the Twelfth Clause of "The *Manchester* Corporation Waterworks Act, 1863," as relates to giving the Corporation any Right of Property otherwise than as an Easement only in any Part of the Company's Land which may be used by the Corporation for the Purpose of any Works contemplated by this Act, and also to the whole of the 3rd, 4th, 5th, 6th, 7th, and 8th Sections of the same Clause respectively, as if such several Sections and Part of a Section had been incorporated in and formed Part of this Act, and such several Sections and Part of a Section respectively shall be taken and considered as if the same had been incorporated in and formed Part of this Act.

Correcting incorrect Reference in Act of 1860 to certain Sections in Act of 1847.

**20.** The 2nd Section in "The *Manchester* Corporation Waterworks Act, 1860," shall be read and construed as if the Sections 121 and 122 instead of Sections 122 and 123 of "The *Manchester* Corporation Waterworks Act, 1847," had been in such first-named Section mentioned and referred to.

Saving Rights of Corporation of Salford.

**21.** Nothing in this Act shall take away, lessen, alter, prejudice, or affect any of the Estates, Property, Jurisdictions, Rights, Powers, Privileges, Exemptions, Immunities, or Authorities of the Mayor, Aldermen, and Burgesses of the Borough of *Salford*.

Expenses of Act.

**22.** The Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Corporation.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.