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An Act for empowering the Corporation of Oldham to construct additional Waterworks, and for extending their limits of supply of Water and Gas, and for amending the Oldham Borough Improvement Act, 1865; and for other purposes. [1st August 1870.]

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WHEREAS by the Oldham Borough Improvement Act, 1865 (in this Act called "the Oldham Act of 1865"), powers were continued to or conferred on the Corporation of the borough of Oldham (in this Act called "the Corporation") with respect to the supply of water to the borough and its neighbourhood: 28 & 29 Vict. c. cccxi.

And whereas it is expedient that the Corporation be empowered to construct additional reservoirs and works, and in connexion therewith to divert a portion of the Huddersfield and New Hey turnpike road, and to obtain a further supply of water, and that the limits within which the Corporation may supply water and gas be extended:

And whereas it is expedient that the Corporation be empowered for the purposes of this Act to borrow further sums of money, and that better provision be made respecting the repayment of the principal money borrowed under the Oldham Act of 1865:

And whereas it is expedient that various provisions of the Oldham Act of 1865 relating to the supply of gas and water by the Corporation, and other matters, be amended in divers particulars:

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

And whereas plans and sections describing the lines, situations, and levels of the works by this Act authorised, and plans of the lands to be taken compulsorily under the powers of this Act, and a book of reference to the said plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of

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lands in the line of the proposed works, or within the limits of deviation as defined in the plans or proposed to be taken under the powers of this Act, and describing those lands, have been deposited with the respective clerks of the peace for the county palatine of Lancaster and the west riding of the county of York (which are in this Act referred to as the deposited plans, sections, and book of reference):

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

Short title.

1. This Act may be cited as "The Oldham Corporation Water-works, &c. Act, 1870."

Commencement of Act.

2. This Act shall commence from and immediately after the eighth day of November one thousand eight hundred and seventy.

Provisions of general Acts herein named incorporated.

3. The following Acts and parts of Acts (as far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act; (namely,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The Waterworks Clauses Acts, 1847 and 1863:

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof.

Interpretation of terms.

4. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act, or which have therein special meanings, have in this Act the same respective meanings; and in interpreting in connexion with this Act the provisions herewith incorporated of the Railways Clauses Consolidation Act, 1845, the expression "the railway" shall mean the works by this Act authorised, and each and every of them, and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute, and the term "superior courts" shall include all courts of competent jurisdiction within the meaning of this Act, and subject to the provisions of this section and the other provisions of this Act, this Act shall be read and construed as one Act with the Oldham Act of 1865, and be executed accordingly.

Water and gas limits of Acts.

5. The limits within which the Oldham Act of 1865 and this Act shall be put in force with respect to the supply of water and gas shall include, in addition to the places comprised within the water and gas limits of the Oldham Act of 1865, the hamlet of Cross Bank in the parish of Ashton-under-Lyne in the county palatine of Lancaster, and the Corporation may accordingly exercise within that hamlet the same powers as that Act and this Act would have enabled them to exercise therein, had that hamlet been originally comprised in the water and gas limits of the Oldham Act of 1865.

Power to make works and take lands, &c.

6. Subject to the provisions of this Act, the Corporation 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, diversion of the Huddersfield and New Hey turnpike road, and other works shown on the deposited plans, with all proper approaches, embankments, works, and conveniences connected therewith respectively, and may enter upon, take, and use for any of the purposes of this Act any of the lands, mills, buildings, and hereditaments shown on the deposited plans and described in the deposited books of reference, and may take, use, get, and appropriate for the purposes of their waterworks all brooks, springs, streams, and waters intercepted by the works as shown on the deposited plans, and may stop up all roads and ways within the limits of deviation defined on the deposited plans which are shown thereon as intended to be stopped up, and may appropriate for purposes of this Act the sites of the roads and ways so stopped up.

Power to take easements, &c.

7. The Corporation may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to sell lands, may grant to them any easement, interest, right, or privilege not being an easement, right, or privilege of water in, over, affecting, or belonging to any lands required for the purposes of this Act, at a yearly rent or otherwise; but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Powers for compulsory purchases limited.

8. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of eight years from the commencement of this Act.

Houses of labouring classes.

9. The Corporation shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or

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partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and they shall not take any such houses until they have obtained a certificate of a justice that it has been proved to his satisfaction that they have so made known their intention to take the same.

Period for completion of works.

10. If the waterworks authorised by this Act are not completed within eighteen years from the passing of this Act, on the expiration of that time the powers by this Act granted to the Corporation for executing the same, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this section shall restrict the Corporation 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.

Limits of lateral deviation.

11. In the construction of the waterworks authorised by this Act the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon.

Limits of vertical deviation.

12. In the construction of the waterworks authorised by this Act the Corporation may deviate vertically from the levels shown on the deposited sections, in the case of reservoirs to any extent not exceeding three feet upwards or ten feet downwards, and in the case of other works to any extent not exceeding three feet upwards or seven feet downwards.

Temporary occupation of lands.

13. The provisions with respect to the temporary occupation of lands incorporated with this Act shall apply only to the reservoirs authorised by this Act and the works immediately connected therewith, and for the purposes of the Act those provisions shall be read as if reservoirs and works were therein mentioned instead of the railway, and the boundaries of reservoirs and works instead of the centre of the railway.

Diversion of turnpike road.

14. Before the Corporation in any way interfere with the Huddersfield and New Hey turnpike road as by this Act authorised to be diverted, they shall construct the proposed diversion of the said road as shown upon the deposited plans, with all necessary and proper side drains, culverts, retaining walls, and fences thereto. In constructing the proposed road diversion the soil or material excavated therefrom shall be carted or conveyed so as not to impede the traffic on the existing road. The said diverted road when so constructed, together with the drains, culverts, retaining walls, and fences thereof,

shall be maintained by and at the cost of the Corporation for one year from the completion thereof, of which completion a certificate of two justices shall be conclusive evidence, and which certificate two justices shall give on such completion being proved to their satisfaction.

Diverted portion of Huddersfield and New Hey turnpike road vested in Corporation.

15. When and so soon as the diversion of the Huddersfield and New Hey turnpike road by this Act authorised shall have been completed, so much of that road as lies between the commencement and termination of the diversion shall cease to be or be used as a public road, and the site and soil thereof shall be and is hereby absolutely vested in the Corporation freed and discharged from all public and other rights of way, and all other rights, interests, charges, and incumbrances then affecting the same, and the same or any part or parts thereof may be from time to time sold and disposed of or demised by the Corporation to such person or persons for such sums of money, or for such rent or rents, or other consideration, as to the Corporation may seem fit.

Substituted road to be deemed part of Huddersfield and New Hey turnpike road.

16. The road which the Corporation are by this Act authorised to construct by way of diversion of and in substitution for the said portion of the Huddersfield and New Hey turnpike road shall when completed be deemed to be for the purposes of toll and all other purposes part of the turnpike road leading from Huddersfield in the west riding of the county of York to New Hey in the county of Lancaster, and the Huddersfield and New Hey Turnpike Road Act, 1851, shall apply to and be put into execution with respect to the substituted road accordingly.

As to works affecting the London and North-western Railway Company.

17. Any works to be constructed in the exercise of the powers conferred by this Act in any way affecting the railway of the London and North-western Railway Company, or any of the bridges or works thereof, or any lands or property belonging to that company, shall be done under the superintendence and to the reasonable satisfaction of their principal engineer for the time being, and according to plans to be reasonably approved by him before any such works are begun, but in all things at the expense of the Corporation, and so as to cause no injury to or interference with any such railway, bridges, works, lands, or property, or the passage or conduct of traffic over such railway or at any station thereof, and if any such injury or interference shall arise to such railway, bridges, works, lands, or property, or to the passage or conduct of such traffic, the Corporation shall make full satisfaction in respect of such injury or interference.

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Reservation of water rights, &c. on sale.

18. On the sale by the Corporation of any lands they may reserve to themselves all or any part of the water rights or other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale 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.

Corporation not to use waters of certain river and streams until prepared to give compensation water.

19. The Corporation shall not by means of any of the works by this Act authorised use, divert, interfere with, retain, or appropriate for the supply of the inhabitants within the limits of this Act any of the waters which now flow or pass, or which but for the passing of this Act would have flowed or passed into the river Tame, or the Lumb Hole brook, unless and until, in the case of the respective river or stream, the reservoir or reservoirs herein-after mentioned in connexion therewith shall be so far completed and so far filled with water as that water shall be capable of being discharged, and shall be discharged, therefrom into the respective river or stream for supplying to the mills and other works thereon, and to all persons interested in the supply of water below the said reservoir, and to the Manchester, Ashton-under-Lyne, and Oldham canal, as compensation to such persons (including the Manchester, Sheffield, and Lincolnshire Railway Company in respect of such rights as they are entitled to as owners of the last-mentioned canal), the quantities of water herein-after in each case specified; (that is to say,)

As regards the river Tame, from and out of the reservoirs or one or more of the reservoirs delineated on the deposited plans above New Year's bridge, not less than two hundred and twenty-six cubic feet per minute:

As regards Lumb Hole brook, from and out of the reservoirs on Lumb Hole brook and Brimmy Clough brook, or one of those reservoirs, not less than twenty-seven cubic feet per minute.

As to supply of compensation water to river Tame.

20. The quantity of compensation water of two hundred and twenty-six cubic feet per minute by this Act required to be discharged into the river Tame shall be so discharged in a regular, equal, constant, and continuous supply during twelve hours of each of the working days in the year, as defined in the section next immediately following, except Saturdays, and during seven hours of each Saturday of such working days, commencing in each case at five o'clock in the morning.

Definition of working days in last preceding section.

21. The working days in every year which are referred to in the last preceding section shall be those which remain after excluding Sundays, Good Friday, Christmas Day, the Friday and Saturday in

Whitsun week, the first Saturday in each year, and the Friday next before such last-mentioned Saturday.

As to supply of compensation water to Lumb Hole brook.

22. The quantity of compensation water of twenty-seven cubic feet per minute by this Act required to be discharged into the Lumb Hole brook shall be made in a regular, equal, constant, and continuous supply.

For regulating supply of water to Piethorn reservoirs.

23. To the intent that no waters of the river Tame shall, by means of the works by this Act authorised, be allowed at any time hereafter to flow to waste into the Piethorn brook, the Corporation shall place and for ever maintain in the conduit (No. 3) by this Act authorised for carrying water from the Dowry reservoir to the reservoirs (including the Ogden reservoir) of the Corporation on Piethorn brook a valve for regulating the passage of such water, and whenever and so long as the last-mentioned reservoirs shall be completely filled with water, such valve shall be kept closed so as to prevent the passage of water from the said Dowry reservoir through the said conduit.

Corporation not to interfere with waters of Piethorn brook or supplying Ogden mills till certain works are completed.

24. The Corporation shall not, by means of the works by this Act authorized, divert, interfere with, retain, or appropriate any of the waters which now flow or pass, or which but for the passing of this Act or the construction of any of the works by this Act authorized would have flowed or passed, into or down or along the Piethorn brook or to Ogden mill, unless and until the Ogden reservoir shall be completed, nor unless and until they shall have constructed such works as are necessary to collect and retain separately any water which may have been used and fouled by or in any process of manufacture or trade at Kitcliffe mill, so that no water so fouled shall flow into the Ogden reservoir, and the Corporation shall not at any time after the said reservoir is completed permit any of such water so fouled to flow into that reservoir.

Water of Wickinhall brook not to be allowed to flow into the Ogden reservoir except at certain times.

25. The Corporation shall not permit any fouled water to flow from the Wickinhall brook into the Ogden reservoir, excepting at such times as the flow of water down that brook exceeds such quantity of water as will pass through a circular culvert having a minimum diameter of fifteen inches, at which times it shall be lawful for the Corporation to permit the excess of water to pass into the said reservoir.

Compensation water to Ogden mills and mills below on Piethorn brook.

26. The Corporation shall, when and so soon as and for ever after the Ogden reservoir is completed, supply as compensation water to Ogden mills and to the mills on Piethorn brook situated lower down the said brook not less than three hundred and five cubic feet of water per minute, that quantity to be held to include the quantity of

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two hundred and nineteen cubic feet per minute which the Corporation are now bound to discharge into the Piethorn brook under the Oldham Corporation Gas and Water Act, 1855, and of the said entire quantity of three hundred and five cubic feet per minute at least seventy cubic feet per minute shall be supplied from the Ogden reservoir, and the entire quantity of three hundred and five cubic feet per minute shall be supplied at a level not lower than the level of the existing Shilling lodge or reservoir at Ogden mills, and the said quantity of three hundred and five cubic feet per minute shall be discharged in a regular, constant, and continuous supply during twelve consecutive hours of each of the working days in the year, as herein-after defined, commencing at six o'clock in the morning of each of such days: Provided always, that until the Corporation shall have, under the powers of this Act, purchased Kitcliffe mill and the Tenter Ground, and other works and appurtenances attached to the same, and all estates and interests therein respectively, nothing herein contained shall extend or be construed to extend to relieve the Corporation from supplying the said compensation water of two hundred and nineteen cubic feet per minute to the said Piethorn brook which they are required to supply by the last-mentioned Act in the manner therein prescribed.

Definition of "working days" in last preceding section.

27. The working days in every year which are referred to in the last preceding section shall be those which remain after excluding Sundays, Good Friday, Christmas Day, the Friday and Saturday in Whitsun week, the Monday after the first Sunday in August, and the day on which the first Monday market of the year is held at Rochdale.

Gauges to be provided by Corporation.

28. The Corporation shall and they are hereby required at their expense to make and construct and for ever thereafter maintain such and so many gauges as may be necessary for the purpose of ascertaining the respective actual quantities of compensation water passing out of the reservoirs or otherwise supplied, as in this Act in that behalf above mentioned.

Compensation for bursting of reservoirs.

29. The Corporation shall and they are hereby required from time to time and at all times hereafter to pay and make good to the owners, lessees, and occupiers of all lands, and of all mills, manufactories, dwelling-houses, cottages, and other buildings now erected, or in course of erection, over, upon, or near to the banks of the said river Tame, Brimmy Clough brook, and Lumb Hole brook, and down to and including Scout mill at Mossley, or which may hereafter be erected in proper and reasonable situations on the banks of the said river and brooks, down to and including Scout mill aforesaid,

all loss, costs, charges, sum and sums of money, damages, and expenses whatsoever, for all injury of what nature and kind soever which such owners, lessees, or occupiers may suffer, incur, pay, expend, or be put unto by reason or in consequence of the failure or giving way of the reservoirs, embankments, watercourses, or other works of the Corporation: Provided that this section shall not prejudice or impair the rights or remedies of the owners, lessees, and occupiers of property below Scout mill by reason or in consequence of the matters aforesaid.

Inspection of gauges on Piethorn brook.

30. The mayor, aldermen, and burgesses of the town and borough of Rochdale, by any one person from time to time duly authorised in writing under the hand of the town clerk for the time being of that town and borough, shall at all times have the right of access to any gauge or gauges which determine the quantity of compensation water discharged into Piethorn brook, for the purpose of ascertaining the state of repair and efficiency thereof, and of gauging, measuring, and ascertaining the quantity of water from time to time passing over or through the same respectively.

Penalty on failure to supply water to Piethorn brook.

31. In case the Corporation shall wilfully or, after written notice, negligently fail to supply or cause to flow over or through the said last-mentioned gauge or gauges the quantity of water which they are required as aforesaid to supply or cause to flow over the same, the Corporation shall for and during every day on which such failure shall occur forfeit and pay by way of penalty to the mayor, aldermen, and burgesses of the town and borough of Rochdale a sum of ten pounds, to be sued for on the information or complaint of or by the town clerk of that town and borough, or other the legal officer of the last-mentioned mayor, aldermen, and burgesses, such penalty to be recovered in the manner in which penalties not otherwise provided for are directed to be recovered by "The Waterworks Clauses Act, 1847."

Inspection of gauges.

32. It shall be lawful for the owners and occupiers of the mills and works situate on the river Tame, down to and including Scout mill at Mossley, and for the corporations of Ashton-under-Lyne and Stalybridge, and the Dukinfield local board of health, by some one person to be nominated in writing by those corporations and that local board, or a majority of them, on their joint behalf, to have access at all times to such of the said gauge or gauges as determine the quantity of any water sent directly or derivatively into the river Tame, for the purpose of measuring and gauging the quantity of water from time to time passing through or over the same, and also to the waste weir from the Ogden reservoir, and also to the valve

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which the Corporation are by this Act required to place and maintain on the conduit (No. 3) between Dowry reservoir and the reservoirs on Piethorn brook.

Penalty on failure to supply the stipulated quantity of water.

33. In case the Corporation wilfully or, after written notice, negligently shall either fail to discharge the quantity of water required as aforesaid to be discharged from and out of the said reservoirs into the river Tame or any of its tributaries, or allow any waters of the river Tame to flow to waste into the Piethorn brook, the Corporation shall, for and during every day on which such failure shall occur, forfeit and pay by way of penalty to the occupier or occupiers of any of the mills and works which shall be affected thereby, and the occupier or occupiers of which shall actually have received damage and incurred loss by reason of such failure (such mills or works not being lower down the stream than Scout mill at Mossley), the sum of ten pounds, such penalties to be recovered in the manner in which penalties not otherwise provided for are directed to be recovered by "The Waterworks Clauses Act, 1847."

Incorporation of certain sections of the Oldham Corporation Gas and Water Act, 1855.

34. When the Corporation commence to supply the said compensation water of three hundred and five cubic feet per minute, instead of the said compensation water of two hundred and nineteen cubic feet per minute, as provided by the Oldham Corporation Gas and Water Act, 1855, then and from thenceforth the thirty-fourth, thirty-fifth, and thirty-sixth sections of that Act shall apply to such substituted quantity of compensation water, and to the gauges to be made and maintained by the Corporation under this Act for measuring such compensation water.

Increase of water rents.

35. Section 107 of the Oldham Act of 1865 shall be read and have effect as if the words seven pounds ten shillings had been therein substituted for the words six pounds ten shillings, and as if the words seven shillings and sixpence had been therein substituted for the words six shillings and sixpence.

Compulsory supply of water in certain cases.

36. If on the report of the surveyor it appears to the Corporation that any house (including any school, factory, or other building in which more than twenty persons are employed at one time,) within the borough is without a proper supply of water, and that such a supply of water can be furnished thereto at an expense not exceeding the maximum water rent that would be payable to the Corporation for a supply of water for domestic purposes thereto, the Corporation shall give notice in writing to the owner of the house, requiring him within a time to be specified therein to obtain such supply, and to do all works necessary for that purpose, and if the owner fails to comply with such notice the Corporation may, if they think fit, do

the works and give the supply accordingly, and charge and recover the water rent payable to them for the house as if the owner thereof had demanded a supply of water, and were willing to pay water rent for the same, and the expenses incurred by the Corporation in the execution of this section shall be recoverable from the owner of the house, and shall be a charge thereon in manner provided by sections 269 and 270 of the Oldham Act of 1865, and any provisions of that Act relative to those sections.

Extension of provision against fouling of water.

37. All streams the waters whereof either directly or derivatively flow or proceed into a stream, or any reservoir, aqueduct, or other waterwork belonging to the Corporation, shall be deemed also to belong to the Corporation for the purposes of section 141 of the Oldham Act of 1865.

Reservation of rights of John Taylor.

38. Save only and except as regards the power in this Act contained for the Corporation to purchase and take certain parcels of land and hereditaments in the deposited plans and book of reference shown and described as being owned by John Taylor of Ogden in the township of Butterworth, farmer and innkeeper, nothing in this Act shall in any manner take away, restrict, diminish, or prejudicially affect any rights, powers, privileges, or easements now possessed or enjoyed by the said John Taylor, his heirs or assigns, or his or their lessees or occupiers, of and in any of the waters flowing in, through, or from any of the other lands, mills, public-houses, buildings, and cottages now belonging to him in the said township of Butterworth, but every such owner, lessee, or occupier may continue to use the said water in the streams or drains now flowing through the said lands in the same manner and to the same extent as if this Act had not been passed.

Reservation of rights of Henry Edward Schunck.

39. Nothing in this Act shall in any manner take away, restrict, diminish, or prejudicially affect any rights, powers, privileges, or easements now possessed or enjoyed by Henry Edward Schunck, the owner or reputed owner or occupier of Wickinhall mill and works in the township of Butterworth in the county of Lancaster, his heirs, executors, administrators, or assigns, of and in the stream flowing down Wickinhall Clough, but every such owner or occupier may continue to use the water in the said Wickinhall Clough, and the tributaries thereof, in the same manner and to the same extent as if this Act had not been passed.

Reservation of rights of John Skelton.

40. Until the Corporation shall have purchased Kitcliffe mill and the Tenter Ground, and other works and appurtenances attached to the same, and the rights and interest of John Skelton, Esquire, in the said Piethorn brook, nothing in this Act contained shall

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extend or be construed to extend to prevent the said John Skelton, his heirs and assigns, and his and their lessees, tenants, and occupiers of Kitcliffe mill aforesaid, from using the said Piethorn brook and the waters thereof in the same manner as he or they might have used the same if this Act had not been passed.

Penalty for alteration of meter, &c.

41. Section 136 of the Oldham Act of 1865 shall extend and apply to the alteration or removal of any meter or instrument used for measuring the quantity of gas or water supplied or consumed as if such meter or instrument had been originally mentioned in that section, and that section had originally referred to gas as well as to water.

Amending section 140 of the Act of 1865.

42. Section 140 of the Oldham Act of 1865 shall be read and have effect as if at the end of that section the words had been added, "without prejudice to the right of the Corporation to recover from "him the value of the water wasted."

Penalty for using water for other than domestic purposes.

43. In addition to and without prejudice to the provisions in the Act of 1865 contained with regard to the misuse of water supplied by the Corporation, no person supplied with water for domestic purposes shall use such water or suffer the same to be used for the purpose of affording power, or in connexion with any machinery or apparatus whatsoever; and every person offending against this section shall forfeit and pay to the Corporation a penalty of not exceeding five pounds.

Provision as to ascertaining misuse of water.

44. Any officer or person duly appointed in that behalf by the Corporation may from time to time enter upon any building or premises to or in or upon which water is supplied by the Corporation, in order to inspect the same and examine whether any water of the Corporation is being or has been misused by the owner or occupier of the premises, or by any other person or persons; and if any such owner or occupier, or the servant of either of them, refuses to allow such inspection or examination, then any person appointed by the Corporation may, by warrant under the hand of a justice (which warrant any justice is hereby authorised to grant), enter into and upon the building or premises and make such inspection and examination.

For preventing obstructions to streams, &c.

45. If any person shall after the passing of this Act place, cast, or suffer, or permit to fall, flow, or be washed or carried into any drain, sewer, watercourse, stream, or river within the borough any matter, substance, or thing whatsoever which may impede or tend to impede the free flow of the water down or in the same, he shall for every such offence be liable to a penalty of not exceeding twenty

pounds, and to a further penalty of not exceeding forty shillings for every day during which the offence shall continue.

Indemnity to Corporation in respect of removal of gas and water pipes, &c.

46. Where any local board of health, local board, district board, highway board, surveyors of highways, sewer authority, nuisance authority, commissioners, or other local authority, or other body or persons are authorised and desire to raise, sink, or otherwise alter the situation of any gas or water main pipe, plug, gaswork, or waterwork belonging to the Corporation, and laid or being in or under any street or road within the district of such board, surveyors, authority, commissioners, body, or persons, or are authorised and desire to raise, lower, or alter the level of any street or road whereby the depth of covering over any such pipe or work shall be altered, then and in every such case, before proceeding to effect such raising, sinking, lowering, or other alteration, such board, surveyors, authority, commissioners, body, or persons shall give notice in writing to the Corporation requiring the Corporation to raise, sink, or otherwise alter the situation of such main pipe, plug, gaswork, or waterwork, in a manner and within a reasonable time to be specified in the notice, and the expenses attendant on or connected with any such work, and full compensation for all damage caused thereby, shall be paid to the Corporation by the board, surveyors, authority, commissioners, body, or persons requiring the same, out of the rates or fund subject to their respective control and properly applicable in that behalf; and if in any such case the Corporation fail to comply with the notice, then the board, surveyors, authority, commissioners, body, or persons giving the notice may effect the raising, sinking, or other alteration of situation; provided that in no such case shall any alteration be required or made that would permanently injure any such main, pipe, plug, or work, or prevent gas or water from passing or flowing as freely and conveniently as usually before.

Power to apply corporate funds.

47. The Corporation may apply for the purposes of this Act any moneys which by the Oldham Act of 1865 they were authorized to borrow, and which may not be required for the purposes of that Act.

Power for Corporation to borrow.

48. The Corporation may from time to time (in addition to any sums which they are now authorised to borrow) borrow at interest on the security of the estates and property of the Corporation and the borough fund any sum not exceeding in the whole two hundred thousand pounds, and may mortgage their estates and property and the borough fund to secure the repayment thereof with interest accordingly.

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Separate account of money borrowed, &c.

49. All money borrowed by the Corporation under this Act shall form part of the borough fund, and shall be carried to a separate account, and shall be applied for the purposes of this Act for which capital is properly applicable.

Provisions respecting mortgages, &c.

50. The following sections of the Oldham Act of 1865 shall apply to all money borrowed under this Act, namely, sections 292, 317, 319, 321 to 325, both inclusive (except the paragraph numbered (4) of section 323), and 362.

Saving for existing charges.

51. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation and the borough fund and borough rates, or any of them, by way of annuity, mortgage, or otherwise, subsisting at the commencement of this Act, and every annuitant, mortgagee, or incumbrancer, or person for the time being entitled to the benefit of any such charge, shall have the same priority of charge, and all the like rights and remedies in respect of the property subject to his charge, as if this Act had not been passed, and all such charges created before the commencement of this Act shall, during the subsistence thereof, have priority over any mortgage granted under this Act.

Sinking fund.

52. Section 323 of the Oldham Act of 1865 shall be read and have effect as if in the paragraph thereof numbered (4) the words one per centum had been substituted for the words one thirtieth part, and as soon as the principal money borrowed under the Act of 1865 is discharged by means of the sinking fund so provided, or otherwise, then in order to discharge the principal money borrowed under this Act the Corporation shall commence and they shall thenceforth continue to appropriate every year out of the borough fund a sum equal to one per centum of the money borrowed under this Act and remaining unpaid, for a sinking fund to be from time to time accumulated and applied in like manner as in the last-mentioned section provided respecting the sinking fund thereby directed to be created.

Lands for erection of gasworks.

53. The Corporation may upon the lands described in the schedule to this Act, or any part thereof, erect works for the manufacture or storing of gas, but the Corporation shall not under the powers of this Act manufacture or store gas upon any lands other than those described in the said Schedule.

Power to dispose of lands.

54. Sections 289 and 290 of the Oldham Act of 1865 shall extend and apply to all lands purchased or acquired by the Corporation under this Act.

Privileges, &c. under municipal Acts.

55. Section 6 of the Oldham Act of 1865 shall be read and have effect as conferring on the Corporation acting by the council, and on

the council and committees of the council, and the officers, agents, and servants of the Corporation, all rights, powers, privileges, exemptions, and advantages conferred by the Municipal Corporation Acts, and other laws therein referred to, on the Corporation, and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to the matters in the same section mentioned.

Expenses of Act.

56. The costs, charges, and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation.

The SCHEDULE referred to in the foregoing Act.

Lands on which Gasworks may be erected.

The pieces and parcels of land in the township of Failsworth in the parish of Manchester in the county palatine of Lancaster, bounded on or towards the east by the Manchester, Ashton-under-Lyne, and Oldham canal, and on or towards the other sides thereof by an imaginary line starting from a point in the towing-path on the west side of the said canal distant about one hundred and thirty yards from and south of the southerly side of the waste weir of the said canal opposite the existing Hollinwood gasworks of the Corporation, thence running south-west for seventy yards, thence running north-west for one hundred and ninety-seven yards, thence running north-east for one hundred and thirty-five yards, thence running south-east or nearly south-east to the said canal towing-path at or near the waste weir before mentioned opposite the existing gasworks aforesaid of the Corporation, and which lands are bounded on or towards the south-east and south-west by lands belonging or reputed to belong to John Taylor, Esquire, on or towards the north-west by land and buildings belonging or reputed to belong to Mr. Henry Brown, Mr. William Lomas, and others, and on the north-east by land and buildings belonging or reputed to belong Nathaniel Lloyd, Esquire.

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