CHAPTER ccxli.

An Act to authorise the Mayor Aldermen and Burgesses of the borough of Todmorden to construct certain reservoirs and other waterworks and for other purposes. [12th August 1898.]

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WHEREAS the borough of Todmorden in the West Riding of the county of York is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") and the Corporation acting by the Council are the urban district council of the borough:

And whereas the Todmorden Waterworks Company under and by virtue of the Todmorden Waterworks Act 1882 and other powers have constructed waterworks and are supplying with water a portion of the borough:

And whereas the Todmorden Waterworks Company have agreed with the mayor aldermen and burgesses of the borough of Rochdale (herein-after called "the Rochdale Corporation") for the sale and transfer of their undertaking to the Rochdale Corporation:

And whereas it is expedient that the water supply of the borough should be under the control of the Corporation and that they should be authorised to make and maintain the reservoirs and waterworks by this Act authorised and to purchase the water mains pipes fittings and apparatus of the Rochdale Corporation (after the transfer to them of the undertaking of the Todmorden Waterworks Company) within the borough and that the Corporation should be empowered to supply the borough and the adjoining parishes of Blackshaw and Erringden with water:

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

And whereas estimates have been prepared by the Corporation for the purchase of the lands for and the execution of the works authorised by this Act and for other the purposes of the water

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undertaking of the Corporation and the amounts of such estimates as regards new works and lands are as follows:—

	£
The Gorpley Reservoir - - -	66400
The Howroyd Reservoir - - -	34500
The aqueduct - - - -	7550

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the Council at a meeting held on the fifteenth day of December one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Todmorden Advertiser a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the borough:

And whereas such resolution was published twice in the said Todmorden Advertiser and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the ninth day of February one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines and levels of the works authorised by this Act 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 or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York and are in this Act respectively 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):— A.D. 1898.

PRELIMINARY.

1. This Act may be cited as the Todmorden Corporation Water Act 1898. Short title.

2. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act namely:— Incorporation of Acts.

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts) but that Act shall be read and have effect as if the words "with the "consent in writing of the owner or reputed owner of any "such house or of the agent of such owner" were omitted from section 44;

The Waterworks Clauses Act 1863; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the reservoirs by this Act authorised and "the centre of the railway" means the boundaries of those reservoirs.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires— Interpretation.

"The Corporation" means the mayor aldermen and burgesses of the borough of Todmorden;

"The borough" means the borough of Todmorden;

"The Council" means the council of the borough;

"The town clerk" "the district fund" and "the general district rate" mean respectively the town clerk district fund and general district rate of the borough;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities) authorised by or under any

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Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation and securities transferable by delivery;

"The Rochdale Corporation" means the mayor aldermen and burgesses of the borough of Rochdale.

Execution of Act.

4. This Act shall be carried into execution by the Corporation acting by the Council.

Limits of Act.

5. The limits of this Act for the supply of water by the Corporation (in this Act referred to as "the water limits") shall be the borough and the parishes of Blackshaw and Erringden all within the West Riding of the county of York.

Power to local authority &c. to supply water in case Corporation fails to supply.

6. If at any time after the expiration of ten years from the commencement of this Act the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the water limits the local authority of such district may provide a supply in the whole or any part of their district within the water limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Corporation as if in either case there were no corporation or company authorised by this Act to supply water therein.

If any difference shall arise between the Corporation and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

LANDS.

Power to acquire lands.

7. Subject to the provisions of this Act the Corporation may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference Provided that they shall not take more than sixteen acres of common or commonable land.

Power to acquire easements only for aqueducts.

8.—(1) The Corporation may in lieu of acquiring any lands for the purpose of the aqueduct authorised by this Act acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing repairing renewing and

enlarging the aqueduct and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

(2) Provided that as regards any lands taken or used by the Corporation for the purpose of such aqueduct where it is laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

(3) Provided also that (except as to land forming part of a street) nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision Provided nevertheless that in regard to the construction of the aqueduct by this Act authorised in the lands known as Inchfield Moor or Pasture the Corporation shall acquire only such easement and right in such lands as they may require for the purpose of making maintaining cleansing repairing renewing and enlarging the aqueduct.

Period for compulsory purchase of lands.

9. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act.

Persons under disability may grant easements &c.

10. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Power to purchase and hold lands and exercise powers for protection of waters and waterworks.

11.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands (not exceeding one hundred acres in addition to the lands which the Corporation are empowered to take by compulsion) in the area in or over which any streams or waters which the Corporation are authorised to impound or take arise or flow (which area is in this Act referred to as "the drainage area") and may hold such lands so long as they shall deem it necessary or expedient for the purposes aforesaid.

(2) The Corporation may in and upon the lands which they have acquired or may acquire within the drainage area construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted fouled contaminated or discoloured and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within or adjoining the lands in the drainage area subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Power to purchase additional lands by agreement.

12. The Corporation in addition to any other lands which they are by this Act authorised to acquire may by agreement purchase take on lease acquire and hold for the purposes of their water undertaking any lands not exceeding twenty acres and any easements or rights over or in respect of lands which the Corporation may deem necessary for those purposes Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands.

Restriction on taking houses of labouring class.

13.—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others

except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Sale of land and reservation of water rights.

14. The Corporation may sell any lands acquired by them for or in connexion with their water undertaking and not for the time being required for that purpose and on selling any such lands 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 and otherwise as they may think fit.

Agreements with landowners as to drainage.

15. The Corporation may enter into and carry into effect agreements with the owners of and other persons interested in any lands in the drainage area with reference to the draining of such lands or for more effectually collecting conveying and preserving the purity of the water arising or flowing thereon.

Byelaws for securing purity of water.

16.—(1) The Corporation may make byelaws for securing the purity of the water which they are authorised to impound or take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper sanitary conveniences and make provision for the prevention of nuisances and the prevention or regulation of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the drainage area or within such part thereof as may be defined in the byelaws.

(3) Sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural authority) shall apply to all byelaws made by the Corporation under this section.

(4) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section who shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled by two justices in accordance with the provisions of the Lands Clauses Acts as in the case of claims for compensation under section 22 of the Lands Clauses Consolidation Act 1845.

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WORKS.

Power to make waterworks.

17. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated upon the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works herein-after described (that is to say) :—

(1) A reservoir (to be called the Gorpley Reservoir) to be formed by means of a dam across the stream known as Howroyd Clough or Gorpley Clough ;

(2) A reservoir (to be called the Howroyd Reservoir) to be formed by means of a dam across the said stream but higher up and there known as Howroyd Clough ;

(3) An aqueduct or line of pipes commencing in the Gorpley Reservoir and terminating by a junction with the existing main of the Todmorden Waterworks Company in Rochdale Road :

Together with all such cuts channels adits catchwaters aqueducts culverts tunnels drains junctions sluices bywashes weirs gauges wells tanks filter beds filters embankments dams retaining walls bridges roads approaches telegraphic and telephonic apparatus engines pumps machinery buildings and appliances necessary or convenient in connexion with the before-mentioned works or any of them or necessary or convenient for inspecting maintaining repairing cleansing managing working and using the same or required for any of the purposes of the water undertaking of the Corporation :

Provided that no telegraphic or telephonic apparatus made and maintained under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Recoupment to Postmaster-General.

18. The Corporation may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in any rural district in connexion with the works authorised by this Act and any expenses incurred by the Corporation under such undertaking may be defrayed out of any revenue or funds of the Corporation.

Stopping up or diversion of road.

19. The Corporation may stop up the road and divert the footpath within the limits of deviation defined on the deposited plans which are shown or described thereon as intended to be stopped up and diverted respectively and may appropriate for the purposes

of this Act the sites of the road so stopped up and so much of the footpath as is rendered unnecessary by the diversion in all cases in which they acquire the lands on both sides of any such road and footpath.

Power to deviate.

20. In constructing the works by this Act authorised the Corporation may deviate from the lines thereof to any extent not exceeding the limits of 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 may also deviate from the levels shown on the deposited sections to any extent not exceeding four feet upwards and to any extent downwards :

Provided that if it be found necessary or expedient in the construction of the reservoirs by this Act authorised to alter the situation of the dam of either reservoir the Corporation shall not construct such dam of a greater maximum height above the general surface of the ground than three feet above the maximum height thereof shown on the deposited sections :

Provided further that no part of the aqueduct by this Act authorised shall be constructed above the surface of the ground except so far as is shown on the deposited sections.

Power to take waters.

21. Subject to the provisions of this Act the Corporation may for the purpose of their waterworks take collect impound and use all the waters of the stream known as the Howroyd Clough and Gorpley Clough above the dam of the Gorpley Reservoir and all tributary streams and springs above the said dam and all waters found in on or under any of the lands acquired by the Corporation under the powers of this Act.

Compensation water.

22. With respect to the compensation water to be afforded by the Corporation the following provisions shall have effect (that is to say) :—

(1) As full compensation to all persons for taking collecting impounding and using the waters of the Howroyd Clough Gorpley Clough and their tributaries which are authorised to be taken by this Act the Corporation shall so long as they impound and take the said waters by means of the reservoirs by this Act authorised or either of them cause to be discharged or permit to flow through or over the gauge to be provided as herein-after mentioned into the Howroyd Clough or Gorpley Clough the respective quantities of water herein-after mentioned (that is to say) :—

(*a*) If and so long as the Gorpley Reservoir only shall be constructed and used two hundred and ninety-three thousand gallons of water per day ;

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(*b*) If and so long as the Howroyd Reservoir only shall be constructed and used one hundred and eighteen thousand gallons of water per day; and

(*c*) If and so long as both the said reservoirs are constructed and used three hundred and eleven thousand gallons of water per day:

And such compensation water shall be given in a regular and continuous flow throughout the twenty-four hours of each day:

(2) The Corporation shall construct and for ever after maintain within two hundred yards of the foot of the embankment of the Gorpley Reservoir if and so long as it is constructed and used and from the embankment of the Howroyd Reservoir if and so long as that reservoir only is constructed and used a sufficient gauge for measuring the quantity of water to be discharged or to flow as aforesaid and such gauge shall be open to the inspection and examination of the several persons for the time being interested in the water so to be discharged or to flow through or over the same:

(3) In case the Corporation omit or fail to discharge or cause to flow the quantity of water by this Act required to be discharged or to flow over or through the said gauge the Corporation shall for every day on which such omission or failure shall occur pay a penalty not exceeding five pounds to the occupiers of any mills or works on the course of the Howroyd Clough or Gorpley Clough who may have sustained loss by any such omission or failure.

Period for completion of works.

23. The periods within which the works by this Act authorised shall be constructed shall be as follows As regards the reservoir which shall be first commenced and the aqueduct ten years from the passing of this Act and as regards the other reservoir fifteen years from the passing of this Act and if the said works are not completed within the said respective periods then on the expiration of those periods the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as are or is then completed.

Application of provisions of Public Health Acts as to water-works.

24.—(1) The Corporation may for the purposes of their water undertaking construct lay down erect and maintain such conduits mains pipes culverts sluices wells tanks cisterns engines machinery buildings works and conveniences as they may from time to time deem necessary.

(2) The Corporation shall in carrying out the provisions of subsection (1) of this section have the powers of a local authority

under section 54 of the Public Health Act 1875 in respect to the carrying of water mains within and without their district and for the purposes of that section the limits within which the Corporation are authorised to supply water shall be deemed to be the district of the Corporation.

(3) In the exercise of the powers of this section the Corporation shall be subject to the provisions so far as they are applicable of the Public Health Acts in the same manner and to the same extent as if such powers were conferred by those Acts.

(4) Nothing in this section shall authorise the Corporation to lay down or place any water main across the Rochdale Canal except by means of a public bridge over the canal and in such manner as not to reduce or limit the available headway for the canal under such bridge Provided that in case of any bridge for which the company of proprietors of the Rochdale Canal are responsible any such main shall only be laid in the roadway of such bridge and so as not to interfere with the structure thereof.

Rochdale Corporation to continue to supply borough for a limited period.

25.—(1) The Rochdale Corporation shall as from the transfer to them of the undertaking of the Todmorden Waterworks Company continue to supply the borough with water subject to and in accordance with the provisions of the Todmorden Waterworks Act 1882 but their power and obligation to supply water within the limits of the said company shall cease upon the Corporation giving to the Rochdale Corporation notice that they are in a position to supply the borough with water from works authorised by this Act and requesting the Rochdale Corporation to discontinue their supply at the end of three months from the service of that notice And the power of the Rochdale Corporation under the Rochdale Waterworks Act 1847 or any other Act relating to their existing water undertaking to supply water within any part of the water limits shall also cease.

(2) The Corporation shall forthwith after the giving of the notice herein-before referred to purchase from the Rochdale Corporation and that corporation shall sell to the Corporation all the water mains pipes fittings and apparatus of the Rochdale Corporation laid in the borough and parish of Blackshaw (except any mains pipes fittings and apparatus necessary to supply with water any other part of the limits of supply of the Rochdale Corporation) upon such terms and conditions as shall be agreed on between the Corporation and the Rochdale Corporation or as failing agreement shall be settled by arbitration:

Provided that if the purchase shall not have been completed at the expiration of the said notice the Corporation shall nevertheless

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be at liberty to make a junction between the aqueduct by this Act authorised and any water mains of the Corporation in Dules Gate or Rochdale Road and to use the water mains pipes fittings and apparatus (the subject matter of such purchase) for the distribution and supply of water within the water limits but the Corporation shall pay to the Rochdale Corporation interest at the rate of four per cent. per annum on the amount of the purchase money from the expiration of the said notice to the completion of the purchase.

(3) Provided that if the Corporation shall not have commenced the construction of one of the reservoirs authorised by this Act within the period of three years from the passing of this Act or if having commenced the construction of either of such reservoirs within the period aforesaid they shall not have completed the same so as to be in a position to supply the borough with water within seven years from the passing of this Act the power of the Corporation to construct any of the works by this Act authorised shall cease and the Rochdale Corporation shall continue to be entitled to supply and shall supply water within the borough subject to and in accordance with the provisions of the Todmorden Waterworks Act 1882 Provided that if the Corporation do not commence or complete such works within the periods in that behalf respectively provided the Corporation shall not oppose any application to Parliament by the Rochdale Corporation for powers to construct waterworks and to take water from the Howroyd Clough and Gorpley Clough and their tributaries except for the purpose of obtaining clauses and amendments (if any) as may be necessary to protect their rights powers and property.

Sale of portion of plant to other local authorities.

26. If at any time after the Corporation shall have commenced to supply the borough with water any local authority whose district or any part thereof is within the water limits of the Corporation but beyond the borough shall give not less than six months' notice in writing to the Corporation of their desire to purchase such portion of the water mains and plant of the Corporation as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the said water mains and plant of the Corporation (except the aqueducts mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the water limits of the Corporation) and to supply water within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the

Corporation shall sell and such local authority shall purchase the portion of the water mains and plant of the Corporation (except as aforesaid) within the district of such local authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purchase under the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament The Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Corporation to supply water within the district of the purchasing authority shall cease and determine.

Compensation water for Rochdale Canal.

27.—(1) The Corporation shall for a period of fifteen years from and after the time when they commence to impound and take any of the waters of the Howroyd Clough or the Gorpley Clough or their tributaries by means of any of the reservoirs and works by this Act authorised supply from the water main which they shall lay in the public road crossing the Rochdale Canal at Gauxholme for the use of the company of proprietors of the Rochdale Canal (herein-after called "the canal company") one million five hundred thousand gallons of water during the months of July August September and October in each year at such times and in such quantities as the canal company shall require Provided that not more than seven hundred and fifty thousand gallons shall be required to be delivered in any one month.

(2) For the purpose of such supply the canal company shall be at liberty to lay down and maintain from their canal or property at Gauxholme and connect with the said main of the Corporation at such point as the canal company shall select but under the supervision of the engineer of the Corporation a pipe not exceeding four inches in diameter and shall fix and maintain a proper meter for measuring the water supplied and the Corporation shall have the right to inspect and control the management of such meter.

(3) If the Corporation at any time fail to supply any water which the canal company are entitled to demand under this section the Corporation shall pay to the canal company a sum of thirty shillings for each seventy-five thousand gallons which they so fail to supply.

(4) The provisions of this section shall be in full satisfaction to the canal company for any diversion of water from the Howroyd Clough and the Gorpley Clough by the works authorised by this Act.

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For protection of Rochdale Canal Company.

28. The following provisions shall unless otherwise agreed between the Corporation and the company of proprietors of the Rochdale Canal (herein-after called "the canal company") apply and have effect (that is to say):—

(1) All works of the Corporation across or affecting the Rochdale Canal (herein-after called "the canal") or any towing path thereof or any present or future bridge belonging to or repairable by the canal company or any land or property of the canal company shall be executed at the expense of the Corporation and under the superintendence and to the reasonable satisfaction of the engineer of the canal company and according to plans previously submitted to and approved by such engineer and in case of difference between such engineer and the canal company concerning the said plans or concerning the execution of the works every such difference shall be settled by a referee to be appointed in default of agreement by the Board of Trade on the application of either party:

(2) Notwithstanding anything in this Act or the Acts incorporated therewith contained the Corporation shall acquire an easement only in and upon such of the works lands or property of the canal company as may be necessary for constructing or laying down renewing and maintaining mains conduits pipes and other works of the Corporation across any works lands or property of the canal company or bridges over the canal belonging to or repairable by the canal company:

(3) It shall be lawful for the canal company at any time after giving the Corporation three months' notice of their intention so to do to remove alter or renew any bridge or other work across or by the side of which any aqueducts mains conduits pipes or other works of the Corporation shall be laid in the same manner as they might have removed altered or renewed such bridges or works if this Act had not been passed and the said aqueducts mains conduits pipes or other works as the case may be had not been constructed or laid across or by the side of such bridges or works without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such removal alteration or renewal and in the event of any such bridge or work being altered or renewed the Corporation shall at their own expense take up the said aqueducts or other mains conduits pipes or works and relay the same across such altered or renewed bridge or work in such manner and under such regulations

as is herein-before provided in relation to works of and to be executed by the Corporation across or affecting the canal and the canal company shall in altering or renewing any such bridge or work make such provision for laying the said aqueducts mains conduits pipes and other works of the Corporation across such altered or renewed bridge or work as the Corporation may reasonably require any additional expenses caused thereby being borne by the Corporation And the Corporation shall also if required at any time by the canal company in the interests of their navigation alter at their own expense and without compensation as aforesaid the position or elevation of any main or work of the Corporation which shall cross the canal or the mode of carrying it across the canal Provided nevertheless that the canal company in case of the alteration or rebuilding of any of their bridges or works over or across which any aqueducts mains conduits pipes or other works of the Corporation shall be laid shall give to the Corporation every reasonable facility for continuing their water supply in a temporary manner and for relaying and reinstating the said aqueducts mains conduits pipes or other works of the Corporation without any unnecessary delay and inconvenience:

(4) If by reason of the construction laying down relaying or maintenance want of repair failure bursting or leaking of the works of the Corporation the canal or any works connected therewith or any other property of the canal company or any bridge or property which the canal company are or shall hereafter become liable to maintain or repair either wholly or partially shall be damaged or injured or the traffic upon the canal interrupted or impeded or any loss of water shall be occasioned to the canal the Corporation shall compensate the canal company for all loss damage or expenses sustained by the canal company thereby the amount thereof to be settled in case of dispute by arbitration and shall free and relieve and indemnify them from any indictments claims demands damages costs and expenses which may be made against or be recovered from them in consequence thereof:

(5) The amount to be paid to the canal company for the acquisition of any such easement as aforesaid shall in case of difference be settled in the manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement but the canal company shall not be entitled to any compensation for easements in respect of the

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Corporation laying or maintaining any mains or pipes along or across any bridge road street or highway over which the public have a right to travel:

(6) The aqueducts conduits mains pipes or other works of the Corporation shall for the purposes of this section include any mains and plant of the Todmorden Waterworks Company to be acquired by the Corporation:

(7) Nothing in this section shall restrict the manner in which the Corporation shall be entitled to lay down any aqueduct conduit main pipe or other work across any bridge over the canal where such bridge does not belong to or is not repairable by the canal company except that the Corporation shall not by reason of their works reduce or limit the available headway of the canal under any such bridge.

For protection of Lancashire and Yorkshire Railway Company.

29. The following provisions for the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the company and the Corporation have full force and effect and be binding upon the Corporation:—

(1) In constructing or laying the aqueduct or line of pipes by this Act authorised where the same is to be laid in or under or adjacent to the Gauxholme Viaduct on the company's main line of railway as also in effecting the maintenance repairs and renewals of such aqueduct or line of pipes the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and according to plans to be submitted to and reasonably approved by him before any such works are commenced and all such works shall be executed by and in all things at the expense of the Corporation and so as not to cause any injury to such railway or viaduct or interruption to the passage or conduct of the traffic over such railway provided that the engineer of the company shall approve or disapprove such plans within one month from the submission thereof otherwise such plans shall be deemed to have been approved by him:

(2) The Corporation shall repay to the company the expense of any temporary works or watching which the company may think reasonably necessary to provide for the protection of their railway or the traffic thereon during the carrying out of the works under the railway and adjacent thereto:

(3) If in the execution of the works any injury shall arise to such railway or interruption to such traffic the Corporation shall make full compensation to the company in respect of

such injury or interruption the amount of such compensation to be recoverable from the Corporation by the company by all and the same means as any simple contract debt is recoverable:

(4) The Corporation in constructing or laying down the said aqueduct or line of pipes in under or adjacent to the said Gauxholme Viaduct shall not without the consent in writing of such engineer (which consent shall not be unreasonably withheld) deviate laterally or vertically from the lines and levels thereof as shown on the deposited plans and sections:

(5) If any difference arise between the engineer of the Corporation and the engineer of the company with respect to any of the aforesaid matters in which the engineer of the company is expressed to be concerned such difference shall be referred to the arbitration of an engineer to be appointed by the two engineers or if they cannot agree by the President of the Institution of Civil Engineers on the application of the Corporation or the company.

SUPPLY.

Limit of pressure.

30. The water supplied by the Corporation need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is given.

Rate at which water is to be supplied for domestic purposes.

31. The Corporation shall at the request of any owner or any occupier of any dwelling-house or part of a dwelling-house in any street in which any pipe of the Corporation shall be laid or on the application of any person who under the provisions of this Act 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 domestic purposes at rates not exceeding the rates herein-after specified (that is to say):—

Where the gross estimated rental of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding twopence per week;

Where such gross estimated rental shall exceed seven pounds and shall not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds ten shillings;

Where such gross estimated rental shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding seven pounds;

Where such gross estimated rental shall exceed forty pounds and shall not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ten shillings;

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Where such gross estimated rental shall exceed eighty pounds at a rate per centum per annum not exceeding six pounds:

Provided that the Corporation shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale:

In addition to the rates computed as above specified the Corporation may charge for a supply of water to every water-closet beyond the first (for which no extra charge shall be made) the sum of five shillings per annum and to every bath the sum of ten shillings per annum:

The gross estimated rental shall for the purposes of this section be ascertained by the valuation list for the time being in force or if there is none by the rate for the relief of the poor made next before the demand for the water rate under this Act.

Rates payable by owners of small houses.

32. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Supply of water by measure.

33. The Corporation may agree with any person to supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as rates due to the Corporation for water Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Supply by meter in certain cases.

34.—(1) The Corporation shall not be required to supply with water otherwise than by measure any building used partly as a dwelling house and partly as a warehouse or for any trade or manufacturing purpose for which water is required or any workhouse hospital or other large public institution.

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(2) Where the Corporation refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the same with sufficient water for domestic purposes at a rate not exceeding one shilling and sixpence for every thousand gallons and the moneys payable to the Corporation under this section shall be recoverable in the same manner as rates due to the Corporation for water Provided that the Corporation shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one quarter of a year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure.

Provisions where supply is by measure.

35. In cases in which the Corporation supply water by measure the following provisions shall have effect:—

(1) Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and no person shall connect or disconnect any such meter or execute any alterations or repairs thereof except under the superintendence of an officer of or person appointed by the Corporation Any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings:

(2) Every consumer of water of the Corporation shall at all times at his own expense keep all meters used by him whereby any water of the Corporation is registered in proper order for correctly registering such water in default whereof the Corporation may cease to supply water through such meter and the Corporation shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any such meter and the expense of such taking off removal testing inspecting and replacing shall be borne by the Corporation if the meter be found to be in proper order but in other cases such expense shall be borne by the consumer and shall be recoverable from him by the Corporation:

(3) The register of any meter shall be primâ facie evidence of the quantity of water consumed by any customer of the Corporation in respect of which any water rate or rent is charged and sought to be recovered by the Corporation:

Fraudulently injuring meters &c.

36.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other

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instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or fraudulently prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained and the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expenses so incurred by the Corporation shall be repaid to them by the offender.

(2) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been wilfully and fraudulently caused by the consumer using such pipe meter instrument or fittings.

Supply of water in bulk.

37. The Corporation may enter into and carry into effect agreements with any district council parish council or person within or beyond the water limits for the supply by the Corporation to such council or person respectively of water in bulk Provided that it shall not be lawful for the Corporation to supply water under any such agreement as aforesaid beyond those limits and within the limits of supply of any district council or company supplying water under the authority of Parliament without the consent of such council or company nor if and so long as such supply shall interfere with the continuous supply of water for domestic purposes within the water limits.

Corporation not bound to supply several houses by one pipe nor to supply part of a house.

38. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe to each house supplied by them with water nor shall the Corporation be bound to supply water to the occupier of any part of a house unless the water rate is paid for the whole of such house.

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Misuser where supply to several houses by a pipe common to all.

39. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Corporation to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Power to Corporation to supply materials.

40. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter any such pipes valves cocks cisterns baths meters soil-pans water-closets fittings apparatus and receptacles as are required or permitted by the byelaws of the Corporation and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Notice of discontinuance.

41. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the waterworks office for the time being of the Corporation.

Entry into buildings to *inspect* fittings.

42. Any person duly appointed for the purpose by the Corporation and exhibiting his appointment if required to do so may between the hours of nine in the forenoon and five in the afternoon enter any building or place supplied with water or about to be supplied with water by the Corporation and inspect the meters pipes valves ferrules cocks cisterns soil-pans baths water-closets taps fittings and other apparatus and receptacles for conveying delivering and receiving water and the mode of arrangement thereof and see whether they are in good repair and if he shall find there is any waste of water he may take such measures as may be reasonably necessary for preventing such waste and if such person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination or preventing the waste the occupier of such premises shall for every such offence be liable to a penalty not exceeding forty shillings.

Public drinking fountains.

43. The Corporation may put up and continue and remove or discontinue drinking places with proper conveniences for the gratuitous supply of water to the public and to horses and cattle (but for drinking only) in such public places within the borough as the Corporation think fit but not affixed to any private dwelling-house warehouse counting-house or shop except with the consent of

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the owner and occupier thereof or against any public building unless the building shall be the property of the Corporation.

FINANCIAL PROVISIONS.

Power to borrow.

44.—(1) The Corporation may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned (that is to say) :—

(*a*) For the purchase of the lands for and the execution of the works by this Act authorised and for other the purposes of the water undertaking of the Corporation the sum of one hundred and nine thousand pounds ;

(*b*) For the purchase of water mains pipes fittings and apparatus under the provisions of this Act the amount requisite for that purpose ;

(*c*) For paying the costs and expenses of this Act and of the opposition to the Rochdale Corporation Water Bill as herein-after provided the sum requisite for that purpose :

And with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act or otherwise in relation to the water undertaking of the Corporation.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the revenue of their water undertaking and if they think fit as a collateral security the district fund and general district rate.

Certain regulations of Public Health Act as to borrowing not to apply.

45. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

46. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236 Form of mortgage ;
Section 237 Register of mortgages ;
Section 238 Transfer of mortgages.

Periods for discharge of loans.

47. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed period) following (that is to say) :—

As to moneys borrowed for the purposes (A) mentioned in the section of this Act with the marginal note "Power to

borrow" within sixty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (B) in the said section mentioned within thirty years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (C) in the said section mentioned within ten years from the date or dates of the borrowing of the same;

As to money borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

Mode of payment off of money borrowed.

48. The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

49.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

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(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided always that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more

than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

Protection of lender from inquiry.

50. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

51. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment of receiver.

52.—(1) The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint

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a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Power to re-borrow.

53. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual return to Local Government Board.

54.—(1) The treasurer of the borough shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order

mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Proceeds of sale of surplus lands to be treated as capital.

55. The proceeds of the sale of any lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Application of money borrowed.

56. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Application of water revenue.

57. The Corporation shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of their water undertaking;

Secondly In payment of the interest on moneys borrowed by the Corporation under this Act;

Thirdly In providing the requisite instalments or sinking fund payments in respect of moneys borrowed under this Act;

Fourthly In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to ten thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be

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again restored to the sum of ten thousand pounds and so from time to time as often as such reduction happens:

And the Corporation shall carry to the district fund so much of any balance (including the interest on the reserve fund when such fund amounts to ten thousand pounds) remaining in any year as may in the opinion of the Corporation not be required for carrying on their water undertaking and paying the current expenses connected therewith.

As to deficiency in receipts.

58. Any deficiency in the revenue of the Corporation on account of their water undertaking shall be made good out of the general district rate made next or next but one after each such deficiency is ascertained.

For protection of owners of Crossley's estates and their tenants.

59. The following provisions shall have effect for the benefit and protection of Croslegh Dampier Crossley or other the owner or owners for the time being of the estates now known as Crossley's Estates in the borough of Todmorden (herein-after referred to as and respectively included in the expression "the owner") and of each and every of the tenants of any part of the said estates:—

Nothing in this Act shall be construed to prejudice alter or affect any rights which the owner now may have to supply water from any reservoir or reservoirs mains and pipes belonging to the owner within the water limits and nothing in this Act shall be construed to empower the Corporation to interfere (except in so far as is necessary for the due execution of the works by this Act authorised) with such reservoirs mains and pipes and in case any such interference shall be necessary as aforesaid the Corporation shall before such interference provide in substitution for the works so interfered with such works as may be necessary:

Any difference between the owner and the Corporation with reference to the substituted works to be so provided by the Corporation or as to the necessity for or the sufficiency of the same shall be determined in manner provided by the Arbitration Act 1889 and this section shall be deemed to be a submission within the meaning and for the purposes of that Act.

For protection of trustees of Greenwood's Estates.

60. Nothing in this Act contained shall be construed to prejudice alter or affect any rights which the trustees or trustee owners or owner for the time being of Greenwood's Estates or of the reservoirs waterlodges mains pipes and waterworks belonging to them may have within the limits of this Act to supply water from any such mains pipes or works to any property other than property at present

solely and exclusively supplied by the Todmorden Waterworks Company now or formerly parts of the said estates or (except in so far as is necessary for the due execution and maintenance of the works authorised by this Act) to entitle the Corporation to interfere with such mains pipes or works.

Inquiries by Local Government Board.

61.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Audit of accounts.

62. The accounts of receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

Powers of Act cumulative.

63. All powers given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by the Public Health Acts and such other powers may be exercised in the same manner as if this Act had not been passed Provided that no person shall incur more than one penalty for the commission of the same offence.

Judges not disqualified.

64. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or water rate rent or charge payable to the Corporation.

Act not to operate if Rochdale Corporation fail to obtain power to purchase company's undertaking.

65. This Act shall not operate or be of any force or effect if the Rochdale Corporation fail to obtain within the present session of Parliament power to purchase the undertaking of the Todmorden Waterworks Company.

Costs of Act.

66. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act and the costs charges and expenses of and relating to the opposition by the Corporation to the Rochdale Corporation

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Water Bill of the present session of Parliament as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

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