CHAPTER clxv.

An Act for incorporating the Todmorden Waterworks Company and for conferring powers on that Company; and for other purposes. A.D. 1882. [24th July 1882.]

WHEREAS the parishes townships and places of Todmorden partly in the township of Todmorden and Walsden in the parish of Rochdale in the county palatine of Lancaster and partly in the townships of Stansfield and Langfield in the parish of Halifax in the West Riding of the county of York Walsden in the said township of Todmorden and Walsden Portsmouth in the township of Cliviger in the parish of Whalley in the said county palatine of Lancaster and Eastwood in the said township of Stansfield are imperfectly supplied with water:

And whereas by the Rochdale Waterworks Act 1847 the Rochdale Waterworks Company were authorised to supply water within the limits defined by that Act (herein-after referred to as the Corporation's water limits) which limits included the district of Hundersfield which comprised the said township of Todmorden and Walsden but no part of the said township of Todmorden and Walsden has been supplied with water under the powers given by that Act nor have any pipes been laid or works erected in the said township of Todmorden and Walsden under the powers given by that Act or by any other Act amending the same and it is expedient that that township should be included within the limits of supply defined by this Act: 10 & 11 Vict. c. xxvi.

And whereas the persons herein-after in that behalf named with others are willing to provide a better supply of water to those places if incorporated into a company with the necessary powers for that purpose and it is expedient that they be incorporated accordingly and be empowered to make and maintain the works herein-after described:

And whereas plans and sections of the works by this Act authorised showing the lines and levels thereof and books of reference to those plans containing the names of the owners or

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reputed owners lessees or reputed lessees and of the occupiers of the lands in the line of the proposed works or within the limits of deviation as defined on the plans 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 and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively:

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

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

Short title.

1. This Act may be cited for all purposes as the Todmorden Waterworks Act 1882.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

2. The Companies Clauses Consolidation Act 1845; Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 (as amended by the Companies Clauses Act 1869); the Lands Clauses Consolidation Acts 1845, 1860, and 1869 the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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. The expression "the Company" means the Company incorporated by this Act. The expression "the Local Board" means the Local Board for the urban sanitary district of Todmorden. The expression "the corporation" means the mayor aldermen and burgesses of the borough of Rochdale. The expression "the undertaking" means the undertaking by this Act authorised or any part thereof and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Limits of Act.

4. Subject as herein-after provided the limits of this Act for the supply of water by the Company shall be the township of Todmorden and Walsden in the parish of Rochdale in the said county of Lancaster the townships of Stansfield (except so much thereof as is

now included within the district of the Hebden Bridge Local Board) and Langfield in the parish of Halifax in the West Riding of the county of York and so much of the township of Cliviger in the parish of Whalley in the county of Lancaster as is situate within the limits of the district of the Todmorden Local Board: Provided that the Company shall not directly or indirectly supply water (except to the corporation) within or so as to be conveyed and used by means of conduits or pipes constructed or laid within any part of the water limits of the corporation which does not form part of the limits of this Act.

Company incorporated.

5. James Aspell, Thomas Bland, Walter Lord, Samuel Crossley Farrar, Alfred Muir, Richard Henry Trevor-Roper, John Ashworth, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purpose of supplying with water the inhabitants buildings lands and premises within the limits of this Act and for making and maintaining waterworks for that purpose together with all proper works and conveniences connected therewith and for other the purposes of this Act and for those purposes shall be incorporated by the name of "The Todmorden Waterworks Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make works according to deposited plans.

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works shown thereon with all proper works and conveniences connected therewith amongst which are the following namely :—

(1.) A reservoir in the township of Todmorden and Walsden in the parish of Rochdale aforesaid at or near to a farm house and buildings called Furnace in the said township of Todmorden and Walsden with all necessary works connected therewith ;

(2.) An aqueduct conduit drain or cut commencing at a certain stream or brook called Red Clough and passing thence from through or into the said township of Todmorden and Walsden and terminating in the said intended reservoir ;

(3.) An aqueduct conduit pipe pipe-track drain or cut commencing at a certain road called Long Causeway and passing thence from through or into the said township of Todmorden and Walsden and terminating in the said reservoir ;

(4) An aqueduct conduit pipe pipe-track drain or cut from and out of the said reservoir commencing at the said reservoir and

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passing thence from in through or into the said township of Todmorden and Walsden aforesaid the said townships of Langfield and Stansfield and the said township of Cliviger and terminating in the road opposite the Roe Buck Inn Portsmouth in the said township of Cliviger;

(5) An aqueduct conduit pipe pipe-track drain or cut commencing by a junction with the last-named aqueduct at or near to the Town Hall in Todmorden in the said township of Todmorden and Walsden and passing thence from in through or into the said townships of Langfield and Stansfield and terminating at the point where the main road passes over Jumble Hole Clough at or near to a place called Sand Bed in the said township of Stansfield;

(6) An aqueduct conduit pipe pipe-track drain or cut commencing by a junction with the aqueduct conduit or line of pipes thirdly herein-before named at or near the junction of Ramsden Lane with the main road leading from Todmorden to Rochdale thence passing from in through or into the said township of Todmorden and Walsden and terminating at or near the boundary of the said township of Todmorden and Walsden at or near a place called Steanor Bottom;

Together with all necessary and proper embankment sluices gauges lines of pipes drains filters syphons valves cocks hydrants machinery and other works in connexion therewith and they may also enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes of this Act.

For the protection of the Lancashire and Yorkshire Railway Company.

7. In constructing and maintaining the works by this Act authorised affecting the railways works lands and property of the Lancashire and Yorkshire Railway Company (herein-after referred to as "the Railway Company") the Company shall be subject to the following conditions namely:—

All works crossing or affecting the said railways works lands or property or any or either of them shall be executed at the expense of the Company under the superintendence and to the satisfaction of the engineer for the time being of the railway company and according to plans and specifications previously submitted to the said engineer;

If the engineers of the Company and of the railway company differ concerning the said plans or specifications or concerning the execution of the said works every such difference shall be settled by an engineer to be appointed by the two engineers or if they cannot agree upon an umpire then by an engineer to be appointed by the Board of Trade on the application of

either company. The said works shall be constructed and maintained so that the traffic upon the said railways and works shall not be in anywise impeded;

The Company shall acquire only an easement in and upon such of the works lands and property of the railway company as may be necessary for constructing and maintaining the main pipes and other works by this Act authorised to be laid;

If by reason of the construction and maintenance of the works by this Act authorised the railway of the railway company or any of the works connected therewith respectively shall be damaged or injured or the traffic thereon impeded the Company shall compensate the railway company for any loss or expense occasioned thereby. The amount to be paid to the railway company for the acquisition of an easement upon their works land and property as herein-before provided including the compensation (if any) for damage or injury to the said railways and works or impediment to the traffic thereon shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of land otherwise than by agreement but the railway company shall not be entitled to any compensation for easement in respect of the Company laying or maintaining any mains or pipes along or across any road street or highway over which the public may have a right to travel.

Reserving powers of justices to rebuild and repair bridges crossed by Company's pipes.

8. Nothing herein contained shall tend to lessen or control any right power or authority now vested in the justices of the peace for the county palatine of Lancaster for altering or rebuilding any bridge and the lengths of roadway adjacent thereto repairable by the inhabitants of the said county or of any hundred therein which may be crossed or affected by the works of the Company but all such rights powers and authorities shall remain in as full force as if this Act had not passed and the said justices shall not be liable to make any compensation whatever for any damage or injury to the Company by the altering or rebuilding of any such bridge or the lengths of roadway adjacent thereto: Provided that in altering or rebuilding such bridge or lengths of roadway adjacent thereto nothing shall be done to impede or interfere with the works of the Company for any greater length of time or in any other manner than shall be necessary for the execution of the work and before commencing such alteration or rebuilding ten days' notice thereof shall be given to the said Company and the said justices shall afford to the said Company all necessary and reasonable temporary facilities for enabling them to continue the supply of water during such alteration or rebuilding.

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If bridges rebuilt justices may require Company to alter pipes.

9. If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any pipe of the Company is laid be altered or rebuilt by the justices of the said county the justices may require the Company to alter any such pipes in such manner as the circumstances of the case may reasonably require: Provided that in case of any difference between the said justices and the Company as to such alteration the same shall be referred to an arbitrator to be agreed upon between the parties or to be appointed for that purpose by the Board of Trade upon the application of either party.

Saving rights of trustees of Greenwood's estate.

10. Nothing in this Act contained shall be construed to prejudice alter or affect any rights which the trustees of the estate now known as Greenwood's Estate may have within the limits of this Act to supply water from any main belonging to them on or previous to April first one thousand eight hundred and eighty-two and nothing in this Act contained shall be construed (except in so far as is necessary for the due execution and maintenance of the works authorised by this Act) to entitle the Company to interfere with such mains.

Saving rights of the trustees of Crossley's estates.

11. Nothing in this Act contained shall be construed to prejudice alter or affect any rights which the trustees of the estates now known as Crossley's Estates may have within the limits of this Act to supply water from any reservoir or reservoirs mains and pipes belonging to them and nothing in this Act contained shall be construed 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 Company shall before such inteference provide in substitution for the works so interfered with such works as may be necessary.

For protection of Rochdale Canal.

12. (1) All works of the Company across or affecting the Rochdale Canal herein-after called "the Canal" or any towing path thereof or any present or future bridge or other work over or along the same shall be executed at the expense of the Company 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 Company concerning the said plans or concerning the execution of the works every such difference shall be settled at the expense of the Company by an umpire to be appointed (in default of agreement as to such umpire) by the Board of Trade on the application of either party.

Notwithstanding anything in this Act or the Acts incorporated therewith contained the Company 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 and maintaining mains conduits pipes and other works of the Company across any works lands or property of the Canal Company or bridges over the canal.

(2) It shall be lawful for the Canal Company at any time or times after giving the Company three months' notice of their intention so to do to remove alter or renew any bridge or other work over or along the canal across or by the side of which any aqueducts mains conduits pipes or other works of the Company 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 Company for any expense or loss to which the Company may be put in consequence of such removal alteration or renewal and in the event of any such bridge or work over or along the said canal across which any aqueducts mains conduits pipes or other works may be laid as aforesaid being altered or renewed the Company shall at their own expense take up the said aqueducts or other mains conduits pipes or other works and relay the same across such altered or renewed bridge in such manner only and under such regulations as is herein-before provided in relation to works of and to be executed by the Company 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 Company across such altered or renewed bridge or work as the Company may reasonably require any additional expenses caused thereby being borne by the Company. And the Company 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 of the Company which shall cross the canal or the mode of carrying it across the canal: Provided nevertheless that the Canal Company in case of alteration or rebuilding of any of their bridges over or across which any aqueducts mains conduits pipes or other works of the Company shall go shall give to the Company 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 Company without any unnecesssary delay and inconvenience.

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(3) If by reason of the construction laying down relaying or maintenance want of repair failure bursting or leaking of the works of the Company the canal or ary works connected therewith or any other property of the Canal Company or any bridge or other work 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 Company shall compensate the Canal Company for all loss damage or expenses sustained by the Canal Company thereby 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.

(4) The amount to be paid to the Canal Company for the acquisition of any such easement as aforesaid and also the amount of any compensation payable to them for loss damage or expenses as aforesaid shall in case of difference be settled in the manner provided by the Lands Clauses Consolidation Act 1845 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 easement in respect of the Company laying or maintaining any mains or pipes along or across any bridge road street or highway over which the public may have a right to travel.

Saving rights of the Rochdale Canal Company.

13. Except otherwise expressly provided by this Act nothing herein contained shall entitle the Company to interfere with the Rochdale Canal or any of the waters flowing into the same or by which the said canal is directly or derivatively supplied or extinguish abridge interrupt prejudice or affect any of the rights powers privileges or authorities of the Company of Proprietors of the Rochdale Canal under or by virtue of the several Acts of Parliament relating to their navigation or otherwise.

Capital.

14. The capital of the Company shall be forty thousand pounds in four thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

15. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

16. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Representation of the Company in bankruptcy, &c.

17. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement or composition with creditors the secretary of the Company or any person appointed in his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Receipt in case of persons not sui juris.

18. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

19. The Company may from time to time borrow on mortgage any sums not exceeding in the whole ten thousand pounds but no part of the said sum of ten thousand pounds shall be borrowed until the whole of the capital of forty thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845" (before he so certifies) that the whole of the capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

20. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

21. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages 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.

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Debenture stock.

22. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts &c.

23. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on debenture stock created and issued under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on the mortgages and debenture stock nor shall anything herein-before contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

Application of moneys.

24. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

25. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held once in every year in the month of February or March at the principal office of the Company or at such other place as the directors may appoint.

Number of directors.

26. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be never less than three or may increase the number provided the number be never more than seven.

Qualification of directors.

27. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

28. The quorum of a meeting of directors so long as the number of directors shall be seven shall be four and so long as the number shall be more than four and less than seven shall be three but if the number of directors be reduced below four the quorum shall be two.

First directors.

29. James Aspell, Thomas Bland, Walter Lord, William Duckworth and Alfred Muir, shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may subject to the power of reducing the number of directors herein contained either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to fill up the number of directors or to supply the place of those not continued in office the directors appointed by this Act being (if qualified) re-eligible and at any ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the said power of varying the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act and in the event of the Company electing to increase the number of directors they may at any such ordinary meeting above mentioned add one or more directors to those elected at such meeting provided that the number of directors shall never exceed seven.

Election of directors.

Contracts not to disqualify for office of director.

30. Any contract to be made under this Act with any local board or public body shall not disqualify any of the members of such local board or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local board or public body shall vote upon any question with reference to any contract with such local board corporation or public body.

Period for compulsory purchase of lands.

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

Period for completion of works.

32. If the waterworks authorised by this Act and shown on the deposited plans are not completed within seven years from the

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passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing herein contained shall restrict the Company subject to the provisions of this Act from renewing extending altering enlarging or removing any of their engines machinery mains or pipes from time to time as occasion requires for supplying water within the limits of this Act.

Power to take water.

33. The Company may take divert and collect into or by means of their waterworks or some of them and impound appropriate and use all or some of the waters of the streams or brooks called "Foul Clough" "Under Clough" "Red Clough" and "Ramsden Clough" and the several tributaries thereto in the said township of Todmorden and Walsden and all brooks rivulets streams watercourses surface waters and other waters and springs which flow into or form part of the said streams or brooks and all other waters found in upon or under any of the lands for the time being belonging to the Company and impound and store such several waters in their reservoir and works and from such works supply water within their limits of supply.

Power to take easements &c. by agreement.

34. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell or convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement (not being an easement of water) right or privilege in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements right or privileges as aforesaid.

Limits of lateral deviation.

35. Whenever and so far as the line of any works shown upon the deposited plans passes along any road and no limits of lateral deviation are marked thereon the Company may in the construction of such works deviate laterally from the line thereof as laid down on such plans to the extent of the boundaries of such road and elsewhere the Company may in constructing the said works deviate laterally from the lines thereof as laid down on the said plans to the extent of the limits of lateral deviation shown thereon.

Limits of vertical deviation.

36. In constructing the works authorised by this Act the Company may deviate vertically from the level thereof as shown on the deposited sections to any extent not exceeding in the case of the reservoir herein-before described five feet upwards or ten feet downwards and also in the case of other works five feet upwards and

ten feet downwards: Provided that the Company may erect any water tower stand pipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Act: Provided always that if it be found necessary or expedient in the construction of the reservoir herein-before described to alter the situation of the embankment the Company may in the construction thereof and in the works connected therewith deviate vertically from the levels shown on such sections of such embankment reservoir and works to any extent within the limits of lateral deviation: Provided further that the Company shall not in the exercise of the powers of lateral and vertical deviation by this section conferred upon them construct the embankment of the reservoir by this Act authorised of a greater maximum height above the surface of the ground than five feet above the like height thereof shown on the deposited sections and that if the embankment be constructed of any greater height than shown on the deposited sections its thickness shall also be proportionately increased beyond that shown on such sections.

Compensation to Ramsden Clough stream &c.

37. If by the construction of the reservoir and other works by this Act authorised the Company shall take and appropriate the waters of not more than four hundred statute acres of the watershed of such reservoir and other works the Company shall cause to be discharged daily from and out of the said reservoir or from the feeders thereof as a regular and continuous supply a quantity of water not being less than one hundred and fifty gallons per minute and in case the Company shall at any time take and appropriate the waters of more than four hundred statute acres of the said watershed then the Company shall cause to be discharged daily from the said reservoir or from the feeders thereof in manner above mentioned an additional quantity of water after the rate of thirty-five gallons per minute in respect of every one hundred acres of the additional watershed the waters of which are so taken and appropriated and so in proportion for any greater or less quantity than one hundred acres of such additional watershed: Provided always that the water by this section required to be discharged shall be furnished in manner aforesaid before the Company shall be entitled to appropriate to the supply of the district within the limits of this Act any of the waters brooks or streams which they are herein-before authorised to take for the purposes of this Act.

Water supplied as aforesaid to be taken as full compensation.

38. If the Company shall commence and continue to discharge from and out of their said reservoir and works the due quantity of water in manner aforesaid the same shall be accepted and taken by the parties interested as full compensation for the water intended to be diverted and appropriated for the purposes of this Act.

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Gauge to be erected.

39. The Company shall erect and construct and for ever after maintain upon the Ramsden Brook a suitable measuring gauge or gauges through or over which the said quantity of water shall flow or be discharged and the said gauge or gauges shall be open to the inspection and examination of the Company of Proprietors of the Calder and Hebble Navigation or (if that navigation shall be let on lease) of their lessees and of the undertakers of the navigation of the rivers of Aire and Calder and also of the owners and occupiers of the several present and future mills and works interested in the water so to flow or be discharged through or over the same.

Penalty on failure to supply the stipulated quantity of water.

40. In case of any failure neglect or default by or in consequence of which the quantity of water required by this Act to flow or be discharged through or over the said gauge or gauges herein-before mentioned as aforesaid shall not so flow or be discharged in the manner required by this Act the Company shall for and during every day on which such failure neglect or default shall occur forfeit and pay by way of liquidated damages to the Company of Proprietors of the Calder and Hebble Navigation or (if that navigation shall be let on lease) to their lessees and to the undertakers of the navigation of the rivers of Aire and Calder the sum of five pounds and also to such of the occupiers of each of the said mills and works affected thereby who shall have actually received damage or incurred any loss by reason of such failure neglect or default as aforesaid who may sue for and recover the same the sum of five pounds and every such sum may be recovered in any court of competent jurisdiction.

Company to sell their undertaking on requisition of local board.

41. If the local board shall within twelve months after the completion of the works by writing under their common seal addressed and sent to the secretary or delivered at the principal office of the Company require the Company to sell with the sanction of the Local Government Board the Company shall thereupon sell to the local board and the local board shall purchase from the Company all their undertaking property rights powers and privileges as the same exist at the time of the delivery of such notice for such price including a sum for compulsory sale as shall be mutually agreed upon and if any difference shall arise in carrying into effect the provisions of this section the same shall be settled by arbitration in accordance with the provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 provided that such price shall not be less than the actual sum expended by the Company: Provided always that at any time after the completion of such purchase and transfer the local board shall when so required by any other sanitary authority authorised to supply water within their district sell to such sanitary authority all water pipes fittings and other water

works apparatus belonging to the local board (other than such pipes fittings and other apparatus as may be required for the supply of any other portion of the local board's limits of supply and other than any of the waterworks herein-before described and by this Act authorised to be constructed) which shall at such time be laid or lie in the district of such sanitary authority at such price and upon and subject to such terms and conditions as may be settled by agreement between the local board and such sanitary authority or failing agreement as may be determined by an arbitrator to be appointed by the Local Government Board on the application of either party and after such sale the powers of the local board to distribute water within the district of such sanitary authority shall cease and all moneys received by the local board in respect of any such sale shall be applied in repayment of the moneys borrowed by them under this Act.

When waterworks are vested in local board powers of Company to be executed by local board.

42. Immediately upon the undertaking becoming vested in the local board under the provisions herein-before contained all the powers authorities regulations and provisions contained in this Act shall be extended to and vested in the local board and be exercised and put in force by or against the local board in the same manner as if they had throughout this Act been named instead of the Company: Provided that the powers of the Company by this Act vested in the local board shall not comprise any of their powers with respect to general meetings or with respect to directors or with respect to the management of the internal affairs of the Company or with respect to the raising of money by shares or by borrowing or with respect to the amount of profit to be received by the undertakers when the works are carried on for their benefit.

Power to local board to borrow.

38 & 39 Vict. c. 55.

43. The local board may for the purposes of this Act exercise all the powers of borrowing which they possess under the Public Health Act 1875 as if the purposes of this Act were purposes under the Public Health Act 1875 and all provisions for repayment of money formation of sinking fund and audit shall apply as if it were a case of expenditure by the local board under that Act.

Regulations for preventing waste of water.

44. The Company may from time to time make regulations for the purpose of preventing the waste or misuse or contamination of water and amongst other things may prescribe (with or without reference to models patterns or samples) the size nature materials workmanship and strength of the pipes cocks ferrules valves soil pans water-closets baths cisterns and other apparatus or receptacles whatsoever to be used and may forbid any arrangements and the use of the several things before mentioned or any or either of them

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which may lead to such waste or misuse or contamination but no such regulations shall be of any force except in such part of the district in which the Company is bound to afford a constant supply nor unless and until they have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to allow alter or disallow the same as it may think proper and the provisions of the Public Health Acts relating to bye-laws shall apply to any regulations which the Company are authorised to make under this section.

Confirmation of regulations.

45. No such regulations shall be confirmed by the Local Government Board until the expiration of ten days after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to the local authorities (as defined by the Public Health Act 1875) within the limits of this Act who may within the said period of ten days make such representations with reference thereto to the Local Government Board as such authorities shall think expedient.

Publication of regulations.

46. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company which copy shall be open to the inspection of all persons at reasonable times without payment and the Company shall also furnish a printed copy of all such regulations to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

47. A printed copy of any such regulations purporting to be made and to have been confirmed by the Local Government Board as aforesaid shall be evidence (until the contrary is proved) in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Power for Company to refuse supply where regulations not complied with.

48. In the event of any such regulations not being observed by any person having or requiring a supply of water the Company may refuse to supply water or cut off the water supplied by them to him unless and until the regulations be complied with and if and whenever any difference arises as to whether the regulations have been complied with by any person whose supply of water is so cut off the difference may be referred by either party to and shall be settled by two justices.

Supply of water to tenements in a row.

49. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Company to any other such tenement unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Act for a supply of water and every person so taking or using water or allowing the

same to be used contrary to the provisions of this Act shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds. A.D. 1882.

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

50. The Company 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 Company 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 (which term "domestic purposes" shall include a supply of water to one water-closet) 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;

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

Rates for water-closets and private baths.

In addition to the rates computed as above specified the Company may charge for a supply of water to every water-closet beyond the first 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.

Penalty for using water other than for domestic purposes.

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

As to supply of water by measure.

52. The Company may if they think fit enter into agreements for the supply of water by measure to any consumer for other than

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domestic purposes but at the same rate by measure to all demanding the supply under similar circumstances and the Company may at the request of any consumer supply and repair pipes meters and other conveniences appliances and fittings for the proper distribution and measuring of such water for such remuneration and upon such terms as may be agreed upon between the Company and such consumer: Provided always that the Company shall not be bound to supply water for other than domestic purposes if such supply shall in any way interfere with or unduly diminish the supply of water for domestic purposes as by this Act authorised.

Penalty for injury to and fraudulent use of meters.

53. Every person who shall wilfully fraudulently or by culpable negligence injure or suffer to be injured any meters pipes or fittings belonging to the Company or who shall fraudulently alter the index to any meter or shall knowingly and wilfully prevent any meter from duly and properly registering the quantity of water supplied shall for every such offence forfeit to the Company a sum not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

Meters not to be repaired or altered except under direction or with consent of Company.

54. No meter whether supplied by the Company or the consumer shall be altered or repaired unless under the direction or with the consent of the Company or the surveyor or other officer of the Company and the Company shall be entitled to keep all meters which may be provided by the consumer in repair at the cost of the consumer at such moderate rate of remuneration as may be agreed on between the Company and the consumer or in case of dispute as may be fixed by two justices.

Where part of a dwelling house supplied water rate to be paid for the whole.

55. The Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Penalty for affixing tubes to Company's pipes without consent.

56. It shall not be lawful for the owner or occupier of any house supplied with water by the Company without the consent of the Company to affix or permit or suffer to be affixed to any of the mains or other pipes of the Company or to any service pipe of such owner any gutta percha or other tubes or pipes for any purposes whatever other than those for which water is supplied to such house by the Company.

Company not bound to supply water in certain cases.

57. No person shall be entitled to require nor shall the Company be bound to supply any dwelling house with water (otherwise than by meter or special agreement) where any part of such dwelling house is used for any trade or business purpose for which water is required.

For preventing fouling water.

58. The Company shall not be required to supply with water any water-closet or private bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome or impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company nor if such private bath shall be capable of containing when filled for use more than fifty gallons of water.

Pressure.

59. The water to be supplied from any pipe or main of the Company need not be supplied in any case at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is taken.

Water for other than domestic purposes.

60. The Company may supply any person with water for other than domestic purposes on such terms as may be agreed upon notwithstanding any such agreement no person shall be entitled to such a supply whenever and as long as the Company are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Act. Every such agreement may be by virtue of this Act determined by the Company on one month's notice in writing.

Notice of discontinuance.

61. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it is in writing and is left at the principal office for the time being of the Company at least six days previous to the day on which it is intended to discontinue such supply.

Power to remove pipes and fittings.

62. The Company after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there be no occupier then to the owner or lessee of any buildings or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued may enter such buildings or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry and removal and every such notice shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business in England or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry then by being affixed on some conspicuous part of such buildings or lands.

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Company's officers to enter buildings.

63. The Company's manager or other person duly appointed for the purpose by the Company may between the hours of nine in the forenoon and five in the afternoon enter any building or place supplied with water by the Company and inspect the meters pipes fittings and apparatus for regulating the supply of water and see whether they are in good repair and if such manager or other person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

For preventing frauds and waste of water.

64. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse contamination or undue consumption of water the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

Power for Company to supply materials &c.

65. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks baths soil-pans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Power to let meters for hire

66. The Company may let for hire to any consumer of water supplied by them any meter or instrument for measuring any quantity of water consumed and supplied for such remuneration in money as is agreed upon between the Company and the person to whom the same is so let for hire and such remuneration shall be recoverable in the same manner as water rates or rents are recoverable under this Act and such meters shall not be subject to distress for rent of the premises where the same are used or to be attached or taken in execution under any process of any court of law or equity or under or in pursuance of any adjudication or order in bankruptcy or under or in pursuance of any other legal proceeding against the person or goods of the person in whose possession the same shall be.

Recovery of charges for supply of water.

67. In case any person who shall have been supplied with water by the Company or who shall be liable to payment in respect

of a supply of water or in respect of the rent for any meter provided by the Company under or by virtue of the provisions of this Act shall neglect or refuse to pay the amount due in respect of such supply or meter rent for the space of fourteen days after demand thereof by the Company their agent or collector it shall be lawful for the Company to cut off the water supplied to him or for any justice having jurisdiction where such person shall then reside or where such water shall have been supplied or meter rented to issue his summons to such person requiring him to appear before two justices having jurisdiction as aforesaid at a time and place named then and there to show cause why the sum so demanded should not be paid and if on the appearance of such person or in default of appearance after proof of the service of the summons either personally or at the last known place of abode or of business of such person no sufficient cause shall be shown to the contrary it shall be lawful for such two justices to issue their warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justices to be due from such person together with such costs as to such justices shall appear just and reasonable.

Incoming tenants not liable to pay arrears of water rent &c.

68. In case any consumer of the water of the Company shall leave the premises where such water has been supplied to him without paying to the Company the water rent due from him the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Liability to water rent not to disqualify justices &c.

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

Water may be cut off in certain cases.

70. If any person supplied with water by the Company do or cause or permit to be done anything in contravention of any of the provisions of this Act or fail to do anything which under any of those provisions ought to be done for the prevention of the waste misuse undue consumption or contamination of the water of the Company they may cut off any of the pipes by or through which water is supplied by them to him and for his use and may cease to supply him with water so long as the cause of injury remains or is not remedied and may also recover from him the amount of any loss damage or injury sustained by them by or in consequence

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of any such act or failure by action in any court of competent jurisdiction.

Several names in one warrant.

71. Any number of names and sums of money may be included in any warrant of distress or notice obtained or given by the Company for any of the purposes of this Act and may be stated either in the body of the warrant or notice or in a schedule thereto.

Authentication of notices.

72. Any summons warrant demand or notice or other such document to be issued or given for any of the purposes of this Act may be in writing or print or partly in writing or partly in print and if the same require authentication by the Company the signature thereof by the secretary to the Company shall be a sufficient authentication.

Application of penalties.

73. Every penalty imposed by this Act shall (except where otherwise expressly provided and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Penalties not cumulative.

74. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Accounts.

75. Notwithstanding anything in this Act contained or any of the Acts incorporated herewith the date to which the accounts of the Company shall be made up shall be the thirty-first day of December in each year.

Saving rights of Corporation of Rochdale as to supply of water.

76. Nothing in this Act shall take away or alter or (except so far as it confers the power of supplying water in certain places concurrently with the Corporation) shall prejudicially affect the rights powers privileges and authorities of the Corporation for or in relation to the supply of water within their authorised limits of supply for the time being or any other rights powers privileges or authorities of the Corporation.

Act not to come into operation until 21st December 1882: protection of Local Board.

77. Notwithstanding anything herein contained this Act shall not come into operation until the twenty-first day of December one thousand eight hundred and eighty-two and if the Todmorden local board shall introduce a Bill into Parliament and bonâ fide promote the same in the next session of Parliament available for private business for providing an efficient supply of water to the Todmorden urban sanitary district and for empowering and requiring them immediately after the passing of such Bill into law to pay to the Company all reasonable costs charges and expenses properly incurred of and preliminary and incident to the preparing for obtaining and

passing of this Act or otherwise in relation thereto which costs charges and expenses in case of dispute between the Company and the local board shall be ascertained by the taxing master of the House of Commons then all the powers of this Act shall be further suspended during the promotion of such Bill and if such Bill shall pass into law this Act and all powers therein contained shall thereupon cease and determine and the Company shall cease to exist save for the purpose of receiving and paying such costs charges and expenses as aforesaid and suing and being sued in relation thereto.

The promoters of this Act shall not directly or indirectly oppose in Parliament the promotion by the said local board of the said Bill except on the grounds of the insufficiency of the works proposed by the said local board for the efficient supply of water to their district and for otherwise securing the effectual carrying out of the provisions of this clause and the local board shall not promote any Bill for the purposes of water supply otherwise than in accordance with such provisions.

Expenses of Act.

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

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