



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lxi.

An Act for amending and enlarging the Provisions of an Act of the Forty-ninth Year of His present Majesty, for better supplying the Inhabitants of the Town of *Rochdale* and the Neighbourhood with Water. [20th June 1816.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for the better supplying the Inhabitants of the Town of Rochdale and the Neighbourhood thereof with Water*, certain Persons therein named, and their Successors, were incorporated by the Name and Style of *The Company of Proprietors of the Rochdale Water-works*: And whereas the said Company of Proprietors have proceeded to carry the said recited Act into Execution, and have constructed Reservoirs and other Works, with Cuts, Aqueducts, Feeders, Main Pipes, and other Conveniences, under the Provisions of the said Act, and thereby supplied Part of the said Town of *Rochdale* with Water: And whereas, since the passing of the said recited Act, the Population, Buildings, and Manufactories of the said Town, have increased, and the Powers thereby granted to the said Company of Proprietors are now found to be insufficient for supplying the Inhabitants thereof with Water adequate to their Wants, and, in case of Fire, of supplying such a sufficient Body of Water as would be requisite; and it is therefore necessary, for effecting the beneficial Purposes intended by the said recited Act, that the Powers and Provisions thereof should be

[Local.] 15 L amended,

49 G. 3. c. 25.

Company
empowered
to make use
of the sur-
plus Water
of Fanny
Brook.

amended, enlarged, and rendered more effectual: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That it shall be lawful for the said Company of Proprietors, and their Successors, by themselves, their Managers, Servants, Workmen, and Assistants, to take and use the surplus Water of a certain Spring or Stream, called *Fanny Brook* or *Fanny Stream*, at or near a certain Place called *Mundas Bridge*, for the Purpose of supplying the Reservoirs of the said Company with the additional Water, and for that Purpose to cut into the Banks and Sides of the said Spring or Stream, and dam up the same, and divert the surplus Water thereof, and make and construct such Aqueducts, Feeders, Conduits, Mains, and Pipes under Ground, and such other Conveniences above Ground for conveying the surplus Water of the said Spring or Stream, or so much thereof as may be deemed necessary by the said Company to supply the Reservoirs of the said Company, and also to make all such Aqueducts, Feeders, Conduits, Mains, and Pipes, as may be necessary for the Purpose of supplying the Reservoirs of the said Company, and also for the more effectual supplying the said Town and all Parts thereof, and Neighbourhood, with Water, and from Time to Time to cleanse out, scour, and clean all such Aqueducts, Feeders, Conduits, Mains, or Pipes, and to repair, alter, or amend and improve any of such Dams, Works, Aqueducts, Feeders, Conduits, Mains, or Pipes aforesaid, and for that Purpose to take and purchase any Lands, Tenements, or Hereditaments necessary for making the same respectively, or to cut or open such Parts of the Lands through which the said Spring or Stream, Aqueducts, Feeders, Conduits, Mains, and Pipes shall run, or through or upon which any such Works, Dams, Aqueducts, Feeders, Conduits, Pipes, or other necessary Works shall be or be carried under the Provisions of the said Act or this Act, as may be required by the said Company, for the more effectually carrying the same into Execution; and to resort, pass, and repass, and carry and convey Materials and other Things to and from the same from Time to Time as Occasion shall require, doing as little Damage as may be therein, and laying and placing the underground Pipes and Conduits and Feeders Three Feet at least below the Surface of the Ground, and covering the same with Soil, so as to restore the Surface of the Land to its former Situation and Appearance, and making all proper Satisfaction to all Persons injured or interested, in the Manner prescribed by the said recited Act.

Surplus
Water of
Fanny Brook
only to be
taken.

II. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to extend to authorize and empower the said Company of Proprietors or their Successors to take or use, or suffer to be taken or used, any Part of the said Spring or Stream called *Fanny Brook* or *Fanny Stream*, except the Surplus Water thereof, which shall exceed a certain Gauge, to be fixed up and erected (before any Water shall be taken by the said Company of Proprietors or their Successors from the said Spring or Stream in pursuance of this Act) by such Persons and in such Manner as is herein-after mentioned.

III. And

III. And be it further enacted, That, on or before the Twenty-ninth Day of September next, One Engineer shall be appointed by *John Entwistle* of *Foxholes* in the said Parish of *Rochdale*, Esquire, or the Owner or Owners for the Time being of a certain Fulling Mill called *Law Mill*, (situate on a certain Stream called *Hey Brook*), by Writing under his or their Hand or Hands, and another Engineer shall be appointed by Writing under the Common Seal of the said Company of Proprietors; and that the Engineers so to be appointed shall and they are hereby required to ascertain and determine (when the Water runs over the Top of the Waste Weir at *Law Mill* aforesaid, and when the said Mill is at full Work, and not otherwise) where a Gauge shall be placed upon the said Spring or Stream called *Fanny Brook* or *Fanny Stream*, and the Nature, Construction, Dimensions, and Level of such Gauge, in order that the said Mill shall have the full Supply of the same Spring or Stream, and so as to prevent the said Company of Proprietors from taking or using any Part of *Fanny Brook* or *Fanny Stream*, except the surplus Water thereof as aforesaid; and also to ascertain and determine the Means of guarding and protecting such Gauge, provided that the same shall be so placed as that the Water will be above the Level of any Reservoir intended to be supplied with the surplus Water aforesaid.

Engineers to fix a Gauge at Fanny Brook.

IV. And be it further enacted, That the said Two Engineers, after they shall be appointed in Manner herein-before mentioned, shall in the first Place, by Writing under their respective Hands, nominate and appoint some other Engineer, to whom all Matters in Difference that may arise between the said Two Engineers shall be referred; and such other Engineer so to be by them appointed shall and he is hereby required to settle and determine the same within the Space of Three Calendar Months after the same shall have been submitted to him, and the Determination of such Third Engineer shall be final and conclusive upon all Parties; and all and every the Costs and Expences, as well attending the Erection of the said Gauge, and keeping the same thereafter in good and substantial Repair, as of the several Persons so to be appointed as Engineers and Umpire as aforesaid; shall be paid and defrayed by the said Company of Proprietors and their Successors.

A Third Engineer to be appointed by the other Two.

V. Provided always; and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors, or their Successors, or any of their Managers, Servants, Workmen, or Assistants, to take or use any of the Water of the said Spring or Stream called *Fanny Brook* or *Fanny Stream*, except such surplus Water as is herein-after mentioned.

Company not to take more than the surplus Water of Fanny Brook.

VI. And be it further enacted, That such surplus Water shall be ascertained by Three Engineers to be appointed as herein-after mentioned; that is to say, one Engineer to be appointed by and on behalf of the Owner or Owners of certain Lands or Estate called *Ringloes*; one other of such Engineers by or on behalf of the said Company of Proprietors; and the other of such Engineers to be appointed by such Two first-mentioned Engineers; and such Three Engineers shall and they are hereby empowered and required to agree and determine upon the Form, Dimensions, and Situations of a Gauge and Side Weir to be fixed, erected, or placed in or upon the said Brook or Stream, to such Height or Level of the Water of the said Brook or Stream, as they in their Judgment shall determine and award

Manner of taking the Water of Fanny Brook.

award to be necessary for the securing at all Times to the Owners and Occupiers of the said Lands and Tenements the full and fair average Flow of Water of the said Spring or Stream; and the Water which shall run over such Gauge and Side Weir shall, for the Purposes of this Act, be considered as surplus Water, and such Gauge and Side Weir shall be so constructed, set up, and finished, before the said Company of Proprietors shall be permitted to take or use any of the Water of the said Brook or Stream, and that all the Costs and Expences of the said Engineers, and of the making and erecting the said Gauge and Side Weir, shall be borne and paid by the said Company of Proprietors and their Successors; and the said Gauge and Side Weir when erected shall at all Times thereafter, so long as the said Company of Proprietors shall take the said surplus Water, be supported and kept in good Repair by and at the Expence of the said Company of Proprietors and their Successors.

Map or Plan
deposited
with the
Clerk of the
Peace.

VII. And whereas a Map or Plan describing the Line of the said intended Aqueducts, Feeders, or Conduits, Mains and Pipes, and the Lands through which the same are intended to be carried, and the Situation of the same, and a Book of Reference, containing a List of the Names of the Owners, or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore further enacted, that the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy; and all Persons shall at any seasonable Time have Liberty to inspect and peruse the same, and have a Copy thereof, or such Part thereof as such Person or Persons shall require; such Copy or Copies to be made by the said Clerk of the Peace, or his Deputy, on being paid the Sum of Five Shillings for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies; and that the said Company of Proprietors, their Successors and Assigns, shall not, in laying and making such Aqueducts, Feeders, or Conduits, deviate more than One hundred Feet from the Line or Course so described, nor make any Wells, Cisterns, or Reservoirs, or any other Aqueducts, Feeders, or Conduits, in any other Spot or Spots, or in any other Lands, Grounds, or Situations than so described, without the Consent in Writing of the Owner or Owners of the Lands or Grounds in which they shall so deviate, or make such other Wells, Cisterns, or Reservoirs, Aqueducts, Feeders, or Conduits.

Houses not
to be taken
without
Consent of
Owners, &c.

VIII. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting under or by their Authority, to take, use, injure, or damage, in the Exercise of any of the Powers herein-before contained, any House, Bridge, or other Building, which was erected or built before the passing of this Act, or any Land or Ground which at or before that Time was set apart and used as or for a private Yard, Garden, Pleasure Ground, planted Walk or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being.

Powers of
former Act
extended to
this.

IX. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, and Privileges, Restrictions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said recited Act, shall extend and be construed to extend to this Act, and to the said Com-

pany and others carrying this Act into Execution, and also to all Persons, Bodies Politic and Corporate, and Corporations Aggregate or Sole, possessed of or interested in any Lands, Tenements, and Hereditaments hereby authorized to be contracted and agreed for or purchased, and also to the Conveyance, Assignment, or Surrender of such Hereditaments to and vesting the same in the said Company, and to all other Matters and Things herein comprized, or having relation thereto, as fully and effectually to all Intents and Purposes whatsoever as if the same were severally and particularly repeated and re-enacted in the Body of this Act, and made Parts thereof; and that the said recited Act and this Act shall, as to all Matters and Things whatsoever, be construed as one Act.

X. And be it further enacted, That all Notices, Summonses, or other legal Proceſs relating to or concerning the said Company or its Lands or Tenements, Goods and Chattels, Real or Personal, shall be served on the Treasurer or Clerk for the Time being of the said Company, and that such Service shall be deemed and taken, to all legal Intents and Purposes whatsoever, to be good Service upon the said Company.

Notices on Company, served on Treasurer, to be deemed good Service.

XI. And be it further enacted, That it shall not be lawful to or for the said Company at any Time hereafter to sell or dispose of any of the Rights, Privileges, Powers, or Authorities vested in them by the said recited Act or this Act, to any other Water Company now existing, or which may be hereafter established, for the supplying of Water, or to any Person or Persons whomsoever, but only to take and receive such Sums as shall be reasonable for the Water supplied under the said recited Act and this Act.

The Power vested in the Company shall not be alienable.

XII. And be it enacted, That in case the Works intended to be carried into Effect under the Authority of this Act shall not have been completed, so as to answer the Objects thereof, within the Space of Eighteen Months from the passing of the same, all the Powers and Authorities by this Act given shall thereupon cease and determine, save only as to so much of the Works as shall have been completed in the said Time.

If the Works not completed within Eighteen Months, Powers given by this Act to cease.

XIII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, upon the carrying into or laying down any Main Pipe in any Street, Passage, or Place, for supplying the same with Water, to fix and place, or cause to be fixed and placed at the Time of laying down such Main Pipe, one or more proper and sufficient Fire Plug or Fire Plugs in every such Street, Passage, or Place, supplied with Water from such Main or Mains, for the Supply of Water for the extinguishing of Fires; and when and as often as any such Fire Plugs shall be finished, the said Company shall deliver immediately a Key or Keys of such Fire Plug or Fire Plugs at each and every House or Place in the Parish or Place in which such Fire Plug or Fire Plugs shall be, wherein any Engine shall be kept for extinguishing Fires.

Requiring Company to make Fire Plugs in every Street.

XIV. And be it further enacted, That in case the several or any of the Companies for the Insurance of Buildings from Fire established in the said Town of *Rochdale*, shall be desirous of and shall apply to the said Company of Proprietors of the *Rochdale* Water-works, for a Key or

Requiring Company to deliver Keys to the Insurance Offices.

[*Local.*]

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Keys

Keys of the Mains, Plugs, or Services belonging to the said Water Works, in order that such Key or Keys may be kept by the said Company or Companies, or by their Fireman, or other their Men, Officers, or Servants, to the End that thereby, in case of Fire, the Supply of Water from the said Works may be more easily and readily obtained, the said Company of Proprietors of the said *Rochdale* Water-works shall be bound and obliged to furnish such Key or Keys to such Company or Companies so applying, in order to their being so kept; and in case the said Company of Proprietors of the *Rochdale* Water-works shall refuse or neglect, within Fourteen Days after Demand made thereof, to deliver such Key or Keys to any Company so applying, they shall forfeit and pay to the Company so applying the Sum of Fifty Pounds *per Annum*; which Penalty may be recovered from Time to Time in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager at Law, or any more than one Imparlance, shall be allowed.

Expences of
Act.

XV. And be it further enacted, That the Charges and Expences of obtaining and passing this Act shall be defrayed by the said Company of Proprietors in preference to all other Payments.

Public Act.

XVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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