



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xx.

An Act to enable the *Heywood Waterworks Company* to extend their Undertaking, and to increase their Capital. [25th May 1855.]

WHEREAS by "The *Heywood Waterworks Act*, 1846," the *Heywood Waterworks Company* were incorporated for the Purpose of supplying with Water the Town of *Heywood* in *Lancashire* and the Neighbourhood thereof, and the Company are now supplying with Water the Inhabitants within the Limits of the said Act, and it will be beneficial to the Public and profitable to the Company if the said Limits are extended: And whereas by the recited Act the Company are authorized to raise a Capital of Twenty-two thousand Pounds by Shares of Ten Pounds each, and to borrow on Mortgage or Bond Seven thousand three hundred and thirty-three Pounds, and they have not only raised the said Capital by Shares and Mortgage, and expended the same upon their Undertaking, but some of the Proprietors of the said Company have also contributed other Monies by way of temporary Loan for the Construction of the said Works, and the Company have expended the annual Profits of their Undertaking applicable to Dividends in aid of the Capital of the Company, and it is expedient

[*Local.*]

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to

The Heywood Waterworks Amendment Act, 1855.

to increase such Capital: And whereas Plans and Sections of the Works intended to be authorized by this Act, and of the Lands in which the same Works are to be constructed, and a Book of Reference to such Plans, containing the Names of the Owners and Lessees, or of the reputed Owners and Lessees, and of the Occupiers of the said Lands, were deposited in the Month of *November* One thousand eight hundred and fifty-four for public Inspection with the Clerk of the Peace for *Lancashire*: And whereas the Provisions of the said recited Act require Alteration, and it will be convenient that the said Act should be repealed, and that the following Provisions should be enacted or re-enacted in the Stead thereof: But inasmuch as these Purposes cannot be effected without the Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act
repealed.

I. On the passing of this Act the said recited Act shall be and the same is hereby repealed. (but subject to the Provisions contained in this Act).

"The Com-
pany."

II. In the Construction of this Act the Expression "the Company" shall mean "the *Heywood Waterworks Company*."

Company to
continue in-
corporated.

III. Notwithstanding the Repeal of the said Act, the Company shall, for the Purposes of this Act, and as from the passing of the said recited Act, and according to the Incorporation of the Company by that Act, remain incorporated by the Name of "The *Heywood Waterworks Company*," and by that Name shall continue to be and shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to use and maintain the Waterworks authorized by the recited Act, and to construct and maintain the Works by this Act authorized, and to purchase, take, hold, and dispose of Lands and other Property for the Purposes and within the Restrictions of this Act, and for otherwise carrying the Purposes of this Act into execution, and shall be liable at Law and in Equity for all Acts, Matters, and Things done or omitted to be done by them under the Act hereby repealed, in the same Manner and to the same Extent as they would have been liable in case the said Act had not been repealed.

Works to-
remain
vested in the
Company.

IV. The Company shall remain and be seised and possessed of and entitled to all Streams of Water, Reservoirs, Aqueducts, Conduits, Pipes, Engines, Tunnels, Arches, Bridges, Roads, and other Works, and all Lands, Easements, Appurtenances, prospective and other

The Heywood Waterworks Amendment Act, 1855.

other Rights, Powers, and Privileges, Real and Personal Estates, and Rights and Interests therein, or relating thereto whatsoever, of or to which the Company or any Person in trust for them, were or was seised, possessed, or entitled at Law or in Equity immediately before the passing of this Act; and all Rates, Rents, and Monies due or accruing to, and all Securities, Books, Accounts, Documents, Choses in Action, Effects, and Property immediately before the passing of this Act vested in the Company, and all other their Privileges, Rights, Titles, Estates, and Interests in the same respectively, shall, from and after the passing of this Act, remain and continue to be held and enjoyed accordingly for the absolute Use and Benefit of the Company for the Purposes of this Act, and for the same Estates, Terms, and other Interests as if the said recited Act had not been repealed, subject nevertheless to the Charges, Interests, and Liabilities (if any) to which, at the Time of the passing of this Act, the same Premises are respectively subject.

V. The Company may, subject to the Provisions of this Act, continue to supply their Waterworks from all and every of the Sources from which they are at present authorized to supply the same, and may apply their now existing Waterworks and the Conveniences thereof to the Purposes of this Act, and may extend from Time to Time, whenever it shall be necessary, their Pipes and Mains, and use the same Waterworks, Pipes, and Mains, for the Supply of Water within the Limits prescribed by this Act.

Existing Waterworks may be maintained and used.

VI. All Purchases, Sales, Conveyances, Grants, Assurances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act done, entered into, executed, or instituted under or by virtue of the recited Act, or with reference to the Purposes thereof respectively, shall be as good, valid, and effectual to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as they would have been if the recited Act had not been repealed, and may be proceeded on and enforced accordingly.

Conveyances, &c. to remain in force.

VII. Any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company previously to the passing of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect both in favour of and against the Company, in the same Manner to all Intents and Purposes as if this Act had not passed; and Proceedings for all Offences against the Provisions of the said recited Act committed before the passing of this Act may be commenced and prosecuted, and all Penalties incurred by reason of such Offences may

Actions, &c., not to abate.

The Heywood Waterworks Amendment Act, 1855.

may be sued for, in like Manner in all respects as if the recited Act had not been repealed.

Rates or
Rents now
payable to
continue in
force.

VIII. All Rates, Rents, and Charges whatsoever made, charged, or imposed under the said Act, and which at the Time of the passing of this Act are due, or if this Act had not passed would have accrued due, shall continue in force, and be due and payable to the Company, and may be collected, recovered, and enforced by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges may be collected, recovered, or enforced under this Act.

Debts due to
and by the
Company to
be paid to
and by them.

IX. All Persons who immediately before the passing of this Act owe any Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue due for the same, to the Company, and the same shall be recoverable by the Company; and all Debts and Monies which immediately before the passing of this Act are due or owing by or recoverable from the Company, or for the Payment of which the Company are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Company.

Resolutions,
&c. to remain
in force.

X. All Resolutions, Orders, Notices, and Proceedings of the Company, and the Directors thereof, made and taken before the passing of this Act, and all Books, Accounts, Documents, and Writings whatsoever of or relating to the Company, shall for the Purposes of this Act continue of full Force and Effect as if this Act had not passed.

Certificates
and Trans-
fers to
remain in
force.

XI. All Certificates, Sales, Transfers, and Dispositions before the passing of this Act made or executed under the said Act of or in respect of any Shares in the Company shall remain in full force, and continue and be available in all respects.

Shareholders
to pay Calls.

XII. The several Persons who immediately before the passing of this Act were Shareholders in the Company, their Heirs, Executors, Administrators, Successors, and Assigns respectively, shall pay the Amount subscribed by them respectively, or so much thereof as at the passing of this Act has not been paid, with all Interest (if any) due or to accrue due, to the Company.

Directors to
remain in
Office.

XIII. Subject to the Provisions of this Act, the several Persons who on the passing of this Act are the Directors of the Company shall remain in Office, and shall retire therefrom in the same Rotation and at the same respective Periods as if the recited Act had not been repealed; and such Directors shall be entitled to the same Powers and

The Heywood Waterworks Amendment Act, 1855.

and be subject to the same Duties, Provisions, and Responsibilities as the Directors to be appointed under this Act, and shall be to the same Extent eligible for Re-election.

XIV. All Officers and Persons appointed by virtue of or acting under the Authority of the said recited Act shall continue in their respective Offices and Employments according to their respective Appointments until removed therefrom according to the Provisions of this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and all such Officers and Persons, and their respective Sureties, shall be liable to the same or the like Conditions, Penalties, Obligations, Restrictions, and Regulations, as if such Officers and Servants respectively had been appointed and such Sureties had become bound under this Act.

Present
Officers
continued.

XV. Notwithstanding the Repeal of the said recited Act, all Books and other Documents relating to the Company which, if this Act had not passed, would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Books to be
Evidence.

XVI. "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," except so far as any of the Clauses in any of the said Acts may be expressly varied or excepted by this Act, shall be and the same are hereby incorporated with this Act, and shall be applicable to the Company and their Undertaking as by this Act constituted and authorized.

8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 17. incor-
porated.

XVII. The Two thousand two hundred Shares (representing Twenty-two thousand Pounds, the existing Capital of the Company,) shall remain vested in the several Persons and Corporations respectively who immediately before the passing of this Act were possessed of or entitled to the same, and shall confer on the Holders thereof the same Rights and Interests as they would have enjoyed, and shall be subject to the same Liabilities as to Calls or otherwise in respect thereof, as if this Act had not been passed, save in so far as such Rights or Interests may be expressly altered by this Act.

Shares now
vested in
Company to
continue so.

XVIII. The Certificates of the Shares created under the Powers of the said recited Act, and which shall be existing at the Time of the passing of this Act, shall, until called in, continue to be the Certificates of the said Shares under this Act, and it shall not be necessary for the Company to issue fresh Certificates in respect of such Shares, except under the Provisions of "The Companies Clauses Consolidation Act, 1845," in Cases where such Certificates shall be worn out or damaged or lost or destroyed; but the Company may, if they

Certificates
of old Shares
to apply to
the Shares
created
under this
Act.

The Heywood Waterworks Amendment Act, 1855.

think fit, at any Time call in such Certificates, and grant others in the Stead thereof.

Shares to be held upon the same Trusts.

XIX. All Persons and Corporations in whom any of such Shares are or may be vested as aforesaid shall stand possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, Agreements, Charges, Liens, and Incumbrances, as the said Shares were subject and liable to immediately before the passing of this Act.

Power to raise additional Capital by new Shares.

XX. It shall be lawful for the Company from Time to Time to raise, by the Creation of new Shares of the nominal Value of Ten Pounds each, in addition to the said existing Capital of Twenty-two thousand Pounds, any further Sum or Sums of Money for the Purposes of the Company, not exceeding in the whole the Sum of Twenty-two thousand Pounds, and to attach such Conditions to the said Shares or any of them as may be agreed upon at any Meeting of the Company: Provided always, that no preferential Dividend shall be attached to such new Shares, unless with the Consent of at least Three Fifths of the Votes of the Proprietors of the Company at an Extraordinary General Meeting convened with due Notice of the Matter.

Limitation of Profits on new Capital.

XXI. Provided also, That with respect to the additional Capital of Twenty-two thousand Pounds authorized to be raised by virtue of this Act, it shall not be lawful for the Company to make a Dividend in any Year exceeding the Rate of Seven Pounds and Ten Shillings in the Hundred Pounds on the Sums paid up of such additional Capital, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend on the said Capital which shall have fallen short of the said yearly Rate.

New Shares to be allotted to such Shareholders who have advanced Money.

XXII. The said new Shares shall in the first place be allotted to such of the Shareholders as have, in anticipation of the Increase of the Company's Capital, agreed to accept the same, and advanced Money for the Purposes of the Company on Capital Account.

Shares not appropriated to be disposed of as Company may determine.

XXIII. The Remainder of the new Shares, and such of them as may not be appropriated under the last preceding Provision, shall be disposed of in such Manner in all respects as the Shareholders of the Company may from Time to Time determine at any Extraordinary General Meeting of the Company specially convened for that Purpose.

XXIV. Two Pounds shall be the greatest Amount of any One Call which the Company may make in respect of any new Shares which may be created under this Act, and Three Months at the least shall

The Heywood Waterworks Amendment Act, 1855.

shall intervene between successive Calls, and the aggregate Amount of Calls to be made on any Share in any One Year shall not exceed Three Fifths of the Amount of such Share.

XXV. If the Company at any Time consolidate all or any Part of the then existing Shares in their Capital into One General Capital Stock, any Part of such Stock less than Ten Pounds shall not confer on the Holder thereof any Right of Voting or any Qualification.

Less than 10% of capital Stock not to give a Vote.

XXVI. When and so soon as the whole of the Capital of the Company is subscribed for, and One Half thereof is paid up, it shall be lawful for them to borrow on Mortgage of their Undertaking or on Bond such Sums of Money as may from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, so that the Company do not owe on Mortgage or Bond at any One Time any greater Sum than Fourteen thousand Pounds, or more than One Third of the Capital of the Company at that Time actually subscribed for.

Power to borrow on Mortgage.

XXVII. All Money to be raised under the Provisions of this Act, whether by means of Shares or by the Exercise of the Power of borrowing, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Application of Money.

XXVIII. All Mortgages or Bonds granted by the Company, and in force on the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages and Bonds to be granted under this Act.

Priority for existing Mortgages.

XXIX. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Five thousand Pounds.

Arrears may be enforced by Appointment of a Receiver.

XXX. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act.

First Meeting.

XXXI. The Quorum of all Meetings of Shareholders, whether ordinary or extraordinary, shall be Five Persons holding in the aggregate Two thousand Pounds in the Capital of the Company.

Quorum of General Meetings.

XXXII. The Number of Directors of the Company shall be Nine, and the Qualification of a Director shall be his holding in his own Right not less than Twelve Shares.

Number and Qualification of Directors.

XXXIII. A Person shall not be disqualified as a Director by being a Commissioner under any Act of Parliament for any public Purpose within the Limits of this Act.

Certain Commissioner may be Directors.

XXXIV. The

The Heywood Waterworks Amendment Act, 1855.

Power to
reduce the
Number of
Directors.

XXXIV. The Company from Time to Time may reduce the Number of Directors, but not to less than Six.

Quorum for
Meetings of
Directors.

XXXV. The Quorum of a Meeting of Directors shall be Three Directors.

Receipts on
behalf of in-
capacitated
Persons.

XXXVI. If any Money be payable to any Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Limits of
Supply.

XXXVII. The Limits of this Act for the Supply of Water shall extend to and include the Townships or Places of *Heap* and *Whittle* in the Parish of *Bury*, of *Birtle-cum-Bamford*, *Bamford*, *Hopwood*, *Pilsworth*, and *Middleton* in the Parish of *Middleton*, of *Spotland* and *Castleton* in the Parish of *Rochdale*, and of *Tonge*, *Alkrington*, and *Chadderton* in the Parish of *Prestwich-cum-Oldham*, all of which Places are in *Lancashire*; except, nevertheless, out of such Limits, so much of the said Township of *Spotland* as lies at a Distance of more than One Mile from a certain Brook herein-after mentioned, called *Nayden Brook*, so much of the said Township of *Castleton* as lies beyond a Circle of One Mile Radius from *Saint Luke's Church* in *Heywood*, and such Part of the Township of *Chadderton* as lies on the Easterly Side of the *Rochdale Canal*.

Powers to
make new
Waterworks
according to
deposited
Plan.

XXXVIII. It shall be lawful for the Company, subject to the Provisions and Restrictions in this Act contained, to make and maintain the Reservoir, Aqueducts, and other Works herein-after described in the Line and Situation and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and defined on the said Sections so deposited in the Month of *November* One thousand eight hundred and fifty-four, and to enter upon, take, purchase, and use such of the Lands mentioned in the said Plans and Book of Reference as the Company may deem necessary.

Description
of Works.

XXXIX. It shall be lawful for the Company to make and maintain all or any of the following Works shown on the said last-mentioned Plans which the Company shall from Time to Time deem expedient; (that is to say,)

First, a Line of Pipes or Conduit commencing by a Junction with the existing Main Pipes of the Company at or near the Termination of the *Bamford Road* in the Town or Village of *Heywood*, and passing thence through or into the Townships of *Heap*, *Hopwood*, and *Middleton*, and terminating in the said Township of *Middleton* at the intended Reservoir next herein-after described:

Secondly,

The Heywood Waterworks Amendment Act, 1855.

Secondly, a Reservoir, with all proper Works and Conveniences, at or near a Place called *Hebers* in the Township of *Middleton*, and on the Westerly Side of the public Carriage Road leading from *Hebers* to the Town of *Middleton* :

Thirdly, a Line of Pipes or Conduit commencing by a Junction with the said last-mentioned Reservoir in the Township of *Middleton*, and terminating in the Town of *Middleton* at the Junction of *Wood Street* with the Turnpike Road leading from *Rochdale* to *Manchester* :

Fourthly, another Line of Pipes or Conduit commencing by a Junction with the last-named Pipes or Conduit in the said Township of *Middleton* in a certain Field near to a Place called "The Wood," thence passing directly to and terminating in the said Turnpike Road leading from *Rochdale* to *Manchester* at or near to the End of *Cheapside* in the said Town of *Middleton*.

XL. The Company in making the said Reservoir and Aqueducts may, in respect of any Work for which Limits of lateral Deviation are defined upon the said Plans deposited as aforesaid, deviate from the Line or Situation of such Work shown on the said Plans to any Distance within the said Limits of lateral Deviation so defined, and may make such Deviation in the Section of the Aqueducts or Pipes as may be necessary in consequence thereof.

Power to deviate from Line laid down on Plans.

XLI. The Company in constructing the Works may deviate from the Levels of the Works shown on the Sections to any Extent not exceeding Five Feet with respect to Pipes and Aqueducts, and Three Feet with respect to the Reservoir hereby authorized.

Deviations from Sections.

XLII. The Powers of the Company for the compulsory Purchase or taking of Lands and other Property for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing hereof.

Period for compulsory Purchase of Lands limited.

XLIII. The Works hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period all the Powers hereby given to the Company to construct the said Works shall cease to be exercised, except as to so much of the said Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Company from extending their Mains and Pipes from Time to Time whenever it shall be necessary for the Purpose of supplying with Water the Inhabitants and other Persons requiring the same within the Limits of this Act.

Period for Completion of Works.

XLIV. In addition to the Lands belonging to or vested in the Company under the Powers of this Act, or authorized to be purchased
[Local.] 3 N and

Lands for additional Purposes.

The Heywood Waterworks Amendment Act, 1855.

and taken as aforesaid, it shall be lawful for the Company to contract with any Party consenting thereto for the Purchase of any Lands not exceeding in Quantity Twenty-five Acres.

Power to
grant Leases
to the
Company.

XLV. The several Persons empowered under the Provisions contained in "The Lands Clauses Consolidation Act, 1845," to sell and convey Lands, shall respectively have full Power to grant any Lease or Leases in perpetuity of the Lands by this Act authorized to be taken or held by the Company, or any Easement, Liberty, Privilege, Power, or Authority in or over the same, for the Purposes of this Act.

Condition of
Leases.

XLVI. Provided always, That in every Lease granted by a Person under any Disability or Incapacity, and not having Power to lease Lands except under the Provisions of this Act and "The Lands Clauses Consolidation Act, 1845," there shall be reserved the best yearly Rent for or in respect of the Premises thereby demised, and no Fine, Premium, or Foregift shall be paid upon or in respect of the same.

Certain
Clauses of
8 & 9 Vict.
c. 20. ex-
tended to
this Act.

XLVII. The Clauses "The Railways Clauses Consolidation Act, 1845," "with respect to the temporary Occupation of Lands near the Railway during the Construction thereof," shall be incorporated with and form Part of this Act, the Expression "the Company" in those Clauses being construed as though the Words "The Heywood Waterworks Company" had been used instead thereof, and the Word "Railway" as though the Words "Waterworks authorized by 'The Heywood Waterworks Amendment Act, 1855,'" had been used instead of the Word "Railway."

Company
required to
maintain
Reservoir for
compensa-
ting Mill-
owners on
Nayden
Brook.

XLVIII. And whereas a Reservoir has been constructed by the Company upon the *Nayden Brook*, in order to compensate for any Diminution in the Supply of Water to the several Mills in part worked by the said Brook and by the Streams diverted and used by the Company for the Purposes of the said Act: Be it enacted, That instead of the Water to be diverted and used for the Purposes of the said Undertaking the Company shall and they are hereby required for ever hereafter to uphold and maintain the said Compensation Reservoir of sufficient Dimensions and Extent to contain Ten Millions of Cubic Feet of Water at the least, with sufficient Embankments, Waste Weirs, Watercourses, Discharge Pipes, and other Works, so that a Supply of Water may be at all Times provided in the Manner hereafter mentioned.

Company to
maintain a
constant
Supply of

XLIX. The Company shall at their own Expense maintain a Gauge below their Supply Reservoir, and shall during each and every Second during the whole of the Twelve ordinary and legal working Hours

The Heywood Waterworks Amendment Act, 1855.

Hours of every Day throughout the Year (*Sunday, Christmas Day, and Good Friday* only excepted,) cause a Supply of Water of not less than the respective Rate and Rates, Quantity and Quantities herein-after mentioned to pass and flow through and over such Gauge, for the Use and Benefit of the said Mills and the Owners thereof; that is to say, in each and every Second of such Twelve Hours during the Months of *January* and *February* the Quantity of Nine Cubic Feet, in each and every Second of such Twelve Hours during the Month of *March* the Quantity of Six Cubic Feet, in each and every Second of such Twelve Hours during the Months of *April* and *May* the Quantity of Three Cubic Feet, in each and every Second of such Twelve Hours during the Months of *June* and *July* the Quantity of Four Cubic Feet and a Half, in each and every Second of such Twelve Hours during the Month of *August* the Quantity of Six Cubic Feet, in each and every Second of such Twelve Hours during the Month of *September* the Quantity of Nine Cubic Feet, and in each and every Second of such Twelve Hours during the Monthsof *October, November, and December* the Quantity of Twelve Cubic Feet: Provided always, that, notwithstanding it shall or may happen at any Time or Times hereafter to be enacted by Authority of Parliament that the Working Hours or Time in any One Day in the said Mills or any of them, or the Trades therein carried on, shall be reduced or lessened to a Time less than the said Number of Twelve in all or any of the said Months, the said Quantity or respective Quantities of Water so to be supplied as aforesaid in any One Working Day aforesaid shall not in anywise be diminished or decreased, but a Quantity of Water equal to the whole Quantity of Water so to be supplied as aforesaid during the said Twelve Hours as aforesaid shall continue to be supplied, and the said Company shall continue to cause such Supply to pass and flow over the said Gauge as aforesaid for the Purposes aforesaid, during the said diminished or decreased Working Hours or Time as aforesaid, anything herein-before contained to the contrary thereof notwithstanding.

Water to
Mill Owners

L. The present Superintendent of the said Gauge shall continue in Office, with full Power from Time to Time to alter, repair, amend, manage, and regulate the same, and to manage and regulate the Discharge and Supply of Water over and through the said Gauge, for the Use of the said Mills and the Owners thereof; and in case of the Death of the Superintendent for the Time being of the said Gauge, or his becoming incapable or refusing or declining to act, the Company shall forthwith apply to any Two Justices of the Peace acting within the Hundred of *Salford*, to appoint a fit and proper Person in the Place of the Superintendent so dying or becoming incapable or refusing or declining to act: Provided that no such Application or Applications as aforesaid shall be made until Notice thereof shall be given

Present Su-
perintendent
of Gauge
continued in
Office, and
providing for
future Ap-
pointment of
Superin-
tendent.

The Heywood Waterworks Amendment Act, 1855.

given to the said Owners of Mills upon or near to the said *Nayden Brook* of the Time and Place of such intended Application.

Compensation for deficient Supply.

LI. If at any Time the Quantity of Water passing and flowing through or over the said Gauge shall not be equal to the Quantities or respective Quantities herein-before mentioned, then and in such Case the Company shall be deemed and considered to have permanently abstracted from the Owners and Occupiers of the said Mills such Quantity of Water as shall be so deficient as aforesaid, and the said Parties shall be entitled to Compensation as if for an Interest in Lands taken for and injuriously affected by the Works of the Company, and the Company shall be liable to pay, as such Compensation for the same, a Sum of Money not exceeding the Sum of Fifty Pounds for each and every Working Day during which the Quantity of Water shall be so deficient as aforesaid, and such Sum of Money and Compensation as aforesaid shall be recovered in manner prescribed by "The Lands Clauses Consolidation Act, 1845," with relation to Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the Works of the Company: Provided that upon the settling and determining of such Compensation as aforesaid it shall be lawful for the respective Owners of Mills upon and near to the said *Nayden Brook* and each of them, to appear and state the Nature of their Interest, and the Damage they may have sustained by reason of such Deficiency as aforesaid; and the Sum or Sums of Money to be paid by the Company as aforesaid shall thereupon be divided amongst the said Owners of Mills according to their Interests so affected as aforesaid, and shall be thereupon awarded to them respectively accordingly; and the Determination in the Matter of such Abstraction shall be and be deemed final and complete to all Intents whatsoever: Provided nevertheless, that after such Application for Compensation shall be made and determined, under the Provisions of the said Act, no further or other Application for Compensation shall be made by any Party or Parties whomsoever until the Expiration of Twelve Calendar Months from the Determination of such previous Application.

The Company may draw off the Water, to enable them to repair the Reservoir.

LII. Provided always, That it shall be lawful for the Company, their Agents, Servants, and Workmen, to draw and let off the Water of the said Compensation Reservoir, when and so often as it shall be necessary, for the Purpose of repairing the said Reservoir and the Works appertaining thereto, the Company in drawing off the said Water doing as little Damage thereby as possible, and using all Convenient Speed in making the necessary Repairs.

Power for Justices to order Repair

LIII. In order to provide against Accidents to Life or Property, by the bursting of any Reservoir authorized to be made or maintained under

The Heywood Waterworks Amendment Act, 1855.

under the Provisions of this Act, be it enacted, That whenever it shall be represented to Two Justices by the Owners or Occupiers of any Dwelling House, Mill, or Factory situate below any such Reservoir, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that the Embankment by which the Water is retained in such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if they shall be satisfied that such Embankment is in a dangerous State they shall by Writing under their Hands order and require the Company, within a Time to be specified in such Writing, to put such Embankment into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Company shall not, within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any other Two Justices, have repaired the said Embankment, or constructed the said Works, or in case, upon receiving such Representation as aforesaid, the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands, order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom they may think proper, to enter upon the Premises of the Company, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir as may be necessary to remove the Danger and to keep the Water in such Reservoir at the reduced Level, until the said Embankment shall have been repaired, or such Work as aforesaid shall have been constructed to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices, and which Two Justices shall signify their Satisfaction by Writing superseding such Order, or until such Order shall be superseded upon Appeal, as herein-after mentioned; and such Order may be in the Form or to the Purport and Effect following; that is to say,

of Reser-
voirs, and in
certain Cases
to direct the
Water there-
in to be
lowered.

‘ To A. B.

WE, the undersigned, Two of Her Majesty's Justices of the Peace acting in and for do hereby order and direct
‘ you, and such Person or Persons as you may require to aid and assist
‘ you herein, forthwith to do all such Acts as may be necessary to lower
‘ the Water in the Reservoir constructed by you under the Powers of
‘ the Act by the Space of Feet
‘ or thereabouts, and to keep the same at that Level until you shall be
‘ further instructed by us, or by Two other Justices of the Peace
‘ acting in and for the said , and you shall do as
‘ little Injury as possible to the Property of the Company; and in acting
‘ in obedience to the Premises this shall be your sufficient Warrant.

‘ Given under our Hands this Day of in the Year
‘ of our Lord (Signed) C.D.

‘ E. F.’

3 O

And

The Heywood Waterworks Amendment Act, 1855

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser; and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: Provided always, that, except where the Urgency of the Case will not admit of the Delay, the Justices, before making an Order to repair any such Embankment, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Company, and shall hear and consider any Evidence that may be tendered on behalf of the Company against the making of such Order.

Power to
Company to
appeal.

LIV. Provided also, That if the Company shall consider themselves aggrieved by any such Order they may appeal against the same to any Quarter Sessions, upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal; and the Court of Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices, as they may think proper; but until such Order shall be superseded it shall continue in full Force; and all the Costs, Charges, and Expenses of applying for, obtaining, and enforcing such Order shall be borne by the Company, unless the Justices making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do; and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Court of Quarter Sessions.

Company to
make good
all Damages
to be done by
Reservoirs
bursting, &c.

LV. The Company shall from Time to Time pay and make good all Loss, Damages, and Expenses, and all Injury, as well immediate as consequential, which any Person may incur or suffer by reason of the Failure or giving way of any of the Reservoirs, or any Embankments or Watercourses, Pipes, or other Works constructed by the Company.

Company to
employ a
proper Per-
son for regu-
lating the
Supply of
Water.

LVI. The Company shall from Time to Time, when and so often as it shall be necessary, at their own Expense, employ a proper Person who shall manage and regulate the Discharge of the Water for the Use of the said Mills.

The Owners
to have
access to
Works.

LVII. It shall be lawful for the Owners and Occupiers of the said Mills to have free Access at all Times, by themselves, their Agents or Servants, to the said Gauge, for the Purpose of measuring or testing the

The Heywood Waterworks Amendment Act, 1855.

the Quantity of Water from Time to Time passing through or over the same.

LVIII. If in the working of any Mines, or in the Exercise of the Right of working any Mines, of *James Dearden* Esquire, who is or claims to be Lord of the Manor of *Rochdale*, any Water from such Mines or used in the working of such Mines shall be discharged or flow into any of the Streams, Brooks, or Feeders supplying any of the Reservoirs, Watercourses, or Aqueducts made by the said Company for supplying with Water the Inhabitants within the Limits of this Act, the Company may and they are hereby empowered, at their own Expense, to construct or cause to be constructed upon the Lands of the Company all such Drains, Sewers, and Watercourses as may be requisite and necessary for carrying off or conveying past their Works any foul or offensive Water which may drain or run from any such Mines, or from any of the Lands near or adjoining to the said Reservoirs and Watercourses, or any of the Brooks or Streams supplying the same with Water, for the Conduct, Storage, or Service of the Water to be supplied by the said Company, and which, but for the Existence of such Reservoirs and Watercourses, would have drained and run as heretofore into any of the Streams or Watercourses taken for the Supply of the said Waterworks; and in case the said Company shall not provide such Drains, Sewers, and Watercourses for the Purposes aforesaid, the Parties or Persons allowing such foul or offensive Water to run into any of the said Reservoirs, Brooks, Streams, or Watercourses shall be deemed and taken to be exempt from all such Penalties as are by this Act imposed on Parties offending in this Matter, anything herein-before contained to the contrary thereof in anywise notwithstanding.

Working of
the Mines of
James Dear-
den, Esq.

LIX. The Company shall not be empowered to purchase any Part of the Lands or Grounds of the *Lancashire and Yorkshire* Railway Company; and, except for the Purpose of laying down Pipes, under the Provisions of this and the "Waterworks Clauses Act, 1847," nothing in this Act contained shall extend to authorize the Company to enter upon or use any of the Lands or Grounds now belonging to the *Lancashire and Yorkshire* Railway Company, or to alter, vary, use, or interfere with their Railway, or any of the Bridges or other Works thereof; and the Pipes to be laid down across the Railway of the said *Lancashire and Yorkshire* Railway Company, or any of the Bridges or other Works thereof, shall be so placed as not in any way to obstruct or endanger the Passage of Traffic along the said Railway, or to disturb or interfere with the Masonry of any of the said Bridges, or to lessen or abridge the Headway under the same, and shall be laid down under the Superintendence and to the Satisfaction of the Engineer for the Time being of the said *Lancashire and Yorkshire* Railway Company;

For the Pro-
tection of the
Lancashire
and York-
shire Rail-
way Com-
pany.

The Heywood Waterworks Amendment Act, 1855.

pany ; and in laying down such Pipes under, upon, or across the said Railway, or any of the Bridges or other Works thereof, the Company shall do as little Damage as possible, and shall make full Compensation to the said Railway Company for all Damage sustained by them by reason of the Exercise of any of the Powers of this Act, and in case of Dispute as to the Amount of such Compensation the same shall be settled by Arbitration or the Verdict of a Jury, under the Provisions of "The Lands Clauses Consolidation Act, 1845."

Saving
Rights of the
Lancashire
and York-
shire Rail-
way Com-
pany.

LX. Nothing in this Act contained shall prejudice, diminish, or take away any of the Rights, Privileges, Powers, or Authorities of the *Lancashire and Yorkshire* Railway Company, but all such Rights, Privileges, Powers, and Authorities are hereby expressly saved and reserved, save only as is by this Act expressly authorized, or as shall be necessary for effecting the Purposes aforesaid, subject to the Restrictions herein-before contained,

Power to
supply
Water.

LXI. Subject to the Provisions of this Act, the Company from Time to Time may supply Water within the Limits of this Act, and sell and dispose of the Water as they from Time to Time think fit.

Rates at
which Water
is to be sup-
plied for
domestic
Purposes.

LXII. The Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Company shall be laid, or of any Person who under the Provisions this Act or any Act incorporated herewith shall be entitled to demand a Supply of Water for domestic Purposes, furnish such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses, at the Rates *per Annum* herein-after specified ; (that is to say,)

If there be no Watercloset or private Bath in the Dwelling House or Part of the Dwelling House to be supplied with Water, at the following Rates :

Where the annual Rackrent or Value of such House shall not exceed Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings :

Where the annual Rackrent or Value of such Dwelling House shall exceed Twenty Pounds but shall not exceed Forty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds :

Where such annual Rackrent or Value shall exceed Forty Pounds but shall not exceed Sixty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings :

Where such annual Rackrent or Value shall exceed Sixty Pounds and not exceed Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds :

Where

The Heywood Waterworks Amendment Act, 1855.

Where such annual Rackrent or Value shall exceed Eighty Pounds and not exceed One hundred Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds Ten Shillings:

And where such annual Rackrent or Value shall exceed One hundred Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds:

Provided nevertheless, that the Company shall not be entitled to receive from such Owner or Occupier more than the Sum of Ten Pounds in any One Year for such Supply, nor shall the Company be obliged to furnish such Supply to any Owner or Occupier for any less Sum than Ten Shillings in any One Year.

LXIII. If there be a Watercloset or Waterclosets or a private Bath or Baths in such Dwelling House, then, in addition to the Rates above specified, the following Rates shall be payable; (that is to say,) If there be a Water-closet or private Bath.

Where the annual Rackrent or Value of such Dwelling House does not exceed Ten Pounds, the Sum of Four Shillings *per Annum* for One Watercloset or Bath:

Where the annual Rackrent or Value of such Dwelling House shall exceed Ten Pounds but shall not exceed Twenty Pounds, a Rate not exceeding Five Shillings *per Annum* for One Watercloset or Bath:

Where the annual Rackrent or Value of such Dwelling House shall exceed Twenty Pounds but shall not exceed Fifty Pounds, the Sum of Six Shillings *per Annum* for One Watercloset or Bath:

Where the annual Rackrent or Value of such Dwelling House shall exceed Fifty Pounds and shall not exceed One hundred Pounds, the Sum of Seven Shillings and Sixpence *per Annum* for One Watercloset or Bath:

Where the annual Rackrent or Value of such Dwelling House shall exceed One hundred Pounds, the Sum of Ten Shillings *per Annum* for One Watercloset or Bath:

And for each additional Watercloset or private Bath, if more than One, in any of the aforesaid Cases, the Sum of Four Shillings *per Annum*.

LXIV. Provided always, That the Company shall not be compelled to supply Water to any Watercloset or Bath, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste and undue Consumption of the Water of the Company, and the Return of foul Air and other noisome and impure Matter into the Mains or other Pipes of the Company. Water-closets and private Baths to be properly constructed.

The Heywood Waterworks Amendment Act, 1855.

What shall
not be
domestic
Purposes.

LXV. A Supply of Water for domestic Purposes shall not include a Supply of Water for Railways, Cattle, Horses kept for Hire, or for washing Carriages kept for Hire, or for any Trade or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

Water for
other than
domestic
Purposes
may be sup-
plied by
Agreement.

LXVI. It shall be lawful for the Company to supply any Person or Company with Water for other than domestic Purposes for such Remuneration and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply.

Supply of
Water may
be stopped
in certain
Cases.

LXVII. If any Person supplied with Water by the Company shall wilfully do or cause to be done any Act, Matter, or Thing in contravention of the Provisions of this Act or of any Act incorporated herewith, or shall wilfully omit or neglect to do any Matter or Thing which under such Provisions ought to be done, for the Prevention of the Waste, Misuse, or undue Consumption or the Contamination of the Water of the Company, it shall be lawful for the Company to cut off the Pipe or Pipes by or through which Water is supplied by them to such Person, and to cease to supply such Person with Water, and also to recover from such Person, by Action or Suit in any Court of competent Jurisdiction, the Amount of any Loss, Damage, or Injury which the Company may sustain by reason of or in consequence of any such Act, Matter, or Thing as aforesaid, or of any such wilful Omission or Neglect as aforesaid.

Regulations
may be made
by the Com-
pany for pre-
venting
Waste of
Water.

LXVIII. It shall be lawful for the Company or the Directors thereof from Time to Time to make such Regulations as shall be necessary or expedient for the Purpose of preventing the Waste or Misuse of Water used therein; amongst other things, to prescribe the Size, Nature, and Strength of the Pipes, Cocks, Cisterns, and other Apparatus to be used, and to interdict any Arrangements, and the Use of any Pipes, Cocks, Cisterns, or other Apparatus, which may tend to such Waste or Misuse as aforesaid.

Water Rates
under 20l.
may be re-
covered in
County
Court.

LXIX. 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, under or by virtue of the Provisions of the recited Act or of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Fourteen Days after Demand thereof by the Company, their Agent or Collector, it shall be lawful for the Company to sue for the same by Plaint in the County Court, although the Sum due shall not amount to Twenty Pounds.

LXX. All

The Heywood Waterworks Amendment Act, 1855.

LXX. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company. Expenses of Act.

LXXI. In citing this Act for any Purpose it shall be sufficient to describe it as "The *Heywood Waterworks Amendment Act, 1855.*" Short Title.

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