



**CHAPTER cciii.**

An Act to incorporate and confer Powers on the Manufacturers' and Millowners' Mutual Aid Association for facilitating the Cleansing and Preventing the Pollution of Rivers and Streams of Running Water.

A.D. 1881.

[11th August 1881.]

**W**HEREAS it would be of public advantage to provide means for enabling manufacturers millowners and others to carry into effect the provisions of the Acts for the time being in force for the prevention of the pollution of rivers springs and streams of running water and for cleansing the same and preventing the establishment of new sources of pollution :

And whereas the persons in this Act named are willing with others to undertake and assist in carrying the objects aforesaid into effect and it is expedient that they should be incorporated as a Company or Association with such powers and authorities as are by this Act granted and that such provisions for facilitating the objects aforesaid as are herein-after contained should be made but the same cannot be done 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) :

1. This Act may be cited as the *Manufacturers' and Millowners' Mutual Aid Association Act 1881.* Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. of the Companies Clauses Act 1863 relating to cancellation and surrender of shares the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Lands Clauses Consolidation (Scotland) Act 1845 (except the provisions of the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation (Scotland) Act 1845 with respect to the purchase and taking of lands otherwise than by agreement) are.

*Incorporation of general Acts.*  
8 & 9 Vict. c. 16.  
26 & 27 Vict. c. 118.  
8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.  
32 & 33 Vict. c. 18.  
8 & 9 Vict. c. 19.

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A.D. 1881. (except where expressly varied by this Act) incorporated with and  
— form part of this Act.

Interpreta-  
tion.

3. In this Act—

The expression "the incorporated Acts" means the Acts and portions of Acts incorporated with this Act ;

Words and expressions to which meanings are assigned in the incorporated Acts have the same respective meanings ;

The expression "the Association" means the Manufacturers' and Millowners' Mutual Aid Association incorporated by this Act ;

The expression "works" means constructions apparatus and machinery which being fixed upon the land revert to the landowner at the expiration of a lease for years ;

The expression "the Inclosure Commissioners" or "the Commissioners" denotes the Inclosure Commissioners for England and Wales ;

The word "manufacturer" means any person or company or partnership engaged in carrying on any manufacture or work of any description whether on his own account or as trustee or executor and occupying any building or land for that purpose whether as owner or tenant or occupier thereof by lease or under agreement only ;

The word "millowner" means any person or company or partnership occupying a mill whether as owner or tenant or occupier thereof by lease or under agreement only and carrying on any business thereat whether on his own account or as trustee or executor ;

The word "reversioner" means the owner or person entitled in fee-simple or for life whether in his own right or in right of his wife or as trustee or guardian or committee of the estate or tutor or curator or curator bonis of any infant or person of unsound mind of any manufactory or mill subject to the estate or interest therein of any manufacturer or millowner in actual occupation and chargeable with the payment of rent ;

In the incorporated Acts and for the purposes of this Act—

The expression "the Company" or "the promoters of the undertaking" or other like expression means the Association ;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company  
incorporated. 4. Charles Wentworth Fitzwilliam William Needham Henry  
Studdy Jabez Spencer Balfour Charles Gerard Cresswell Baldwin

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Latham 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 are hereby united into a Company for the purpose of preventing the pollution of rivers and streams of running water by manufactories and mills and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Manufacturers' and Millowners' Mutual Aid Association." 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.

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5. The capital of the Association shall be seventy-five thousand pounds in seven thousand five hundred shares of ten pounds each.

Capital.

6. The Association 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.

Shares not to be issued until one-fifth paid.

7. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

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

Receipt clause in case of persons not sui juris.

9. The first ordinary meeting of the Association shall be held within four months after the passing of this Act.

First ordinary meeting.

10. The number of directors shall be not more than six but the Association may from time to time reduce the number provided that the number be not less than three.

Number of directors.

11. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Qualification of directors.

12. The quorum of a meeting of directors shall be three.

Quorum.

13. Charles Wentworth Fitzwilliam Henry Studdy Jabez Spencer Balfour and William Needham and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Association and shall

First directors.

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Election of  
directors.

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 either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first 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 power herein-before contained for reducing 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.

Powers of the  
Association  
as to purification of water  
and prevention of  
pollution.

**14.** The Association may with the consent of and upon such terms and conditions with respect to remuneration or otherwise as may be defined by any agreement with any manufacturer or millowner do any one or more of the following things :

They may enter upon his premises and adopt such means whether mechanical chemical or otherwise as the case may require to prevent as far as practicable the pollution or fouling of water therein whether in the process of the manufacture or the working of the mill or otherwise ;

They may adopt such measures as the case may require to purify separate and cleanse any water that may be polluted or fouled as aforesaid on the premises ;

They may adopt such measures as the case may require for purifying from sewage or other noxious matter flowing from such premises as aforesaid any water polluted thereby and for preventing as far as practicable the future pollution thereof by the same or similar causes ;

They may adopt such measures as the case may require to prevent any water polluted or fouled as aforesaid from passing into any river or stream until it has been purified so far as is reasonably practicable and available under the circumstances of the case.

Power to  
purchase, &c.  
land.

**15.** Subject to the provisions of this Act the Association may by agreement purchase or hold on lease for a term of years or otherwise any lands which they may require for the purposes of their undertaking and may from time to time sell or demise the

same but they shall not at any one and the same time hold any quantity of land beyond one hundred acres but such restriction shall not operate by way of condition or otherwise so as to prejudice any purchaser or other person claiming under or through the Association. A.D. 1881.

**16.** The Association on any land for the time being belonging to or held by them or which may be demised assigned or appropriated for the purpose by any manufacturer or millowner may erect such buildings and construct such engines machinery apparatus and works and carry on such operations as may be necessary or proper for enabling them to carry the objects of this Act into effect Provided that they shall not construct sewage works or works for the manufacture or conversion of residual products upon any land within three hundred yards of a dwelling-house without the consent of the owners lessees and occupiers thereof first obtained and that nothing in this Act shall be held to exempt the Association from any legal proceedings to which they may be liable for creating or continuing a nuisance. Use of land.

**17.** The Association subject to the terms of any agreement with any manufacturer or millowner shall be entitled to all products resulting evolved or procured in or by means of any of their operations and may manufacture and convert the same into articles of use or commercial value and may sell or otherwise dispose of and make profit thereof. Association to be entitled to products.

**18.** Instead of themselves exercising the powers of this Act or any of them for purifying or preventing the pollution of waters the Association may advance the requisite funds to any manufacturer or millowner either in one sum or by several sums as may be agreed upon to be by him expended under such inspection and subject to such further control of the Association as may be agreed upon in purifying or preventing the pollution of water used by or passing through or by the premises of such manufacturer or millowner provided always that when any manufacturer or millowner has entered into an agreement with the Association for the construction of works machinery and improvements upon any land and premises with the object of enabling him to comply with the provisions of the Rivers Pollution Prevention Act 1876 either of the parties to the agreement may so soon as the proposed works and improvements have been completed make application for a certificate to be granted by an inspector appointed under section twelve of that Act and all the provisions of the Act with respect to certificates under that section shall apply accordingly. Association may advance moneys for purposes of Act.

39 & 40 Vict.  
c. 75.

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Inclosure  
Commissioners to  
make order.

**19.** When the certificate of the inspector appointed under the Rivers Pollution Prevention Act 1876 shall be granted in respect of any such improvements the Inclosure Commissioners shall upon the application of the manufacturer or millowner or the Association after the completion of the works (of which completion such certificate shall be conclusive evidence unless appealed against under section twelve of the Rivers Pollution Prevention Act and notice of such appeal shall have been given to the Commissioners or when appealed against the appeal shall have been disallowed) execute under their hands and seal and deliver to the Association an order in the form in the Schedule (A) to this Act annexed or as near thereto as the circumstances will permit and such order shall be conclusive evidence in all courts and for all purposes of the validity of the charge thereby expressed to be made and no inquiry shall be permitted either into the title or estate of the manufacturer or millowner or into any other matter on which the validity of such charge might depend.

Order not to  
be made  
until notice  
given as pro-  
vided by  
section 17 of  
Improvement  
of Land Act  
1864.  
27 & 28 Vict.  
c. 114.

**20.** The Inclosure Commissioners shall not make such order until notice of the application has been given by advertisement and also by a notice in writing in such manner and to such persons having an estate and interest in the manufactory mill and premises as enacted and provided by section seventeen of the Improvement of Land Act 1864 and for the purposes of this Act the following sections of the said Improvement of Land Act 1864 shall apply and the Commissioners and all parties interested shall have exercise and be subject to all the powers rights duties and obligations under the same sections so far as the same are applicable, viz. :

Section 17. As to advertisement and notices ;

Section 18. As to power of dissent by persons interested and protection of infant children ;

Section 20. As to church lands ;

Section 21. As to dissent and protection of infant children.

Section 22. As to service of notices ;

Section 23. As to costs ;

Section 24. As to representation of persons under disabilities :

Provided that the said sections shall be read for the purposes of this Act as if the terms "manufactory mill or premises" were therein substituted for the terms "land to be improved" and "land to which the application relates" and as if "manufacturer or millowner" as defined in this Act and also when the case requires it "the Association" were therein substituted for "landowner."

Sums ad-  
vanced to be  
first charge

**21.** Subject to the provisions of this Act every sum so advanced by the Association shall be a charge on the manufactory mill or

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premises in respect of which it is advanced having priority over all other charges and incumbrances except debts due to Her Majesty her heirs and successors and such other rents feu duties and charges including tithe commutation rentcharges as are expressly excepted and specified by section fifty-nine of the Improvement of Land Act 1864 and shall be repayable with interest at the rate of five per centum per annum by equal half-yearly instalments within a period not exceeding twenty years from the date of each advance and every instalment shall be recoverable as a rentcharge or by the appointment of a receiver and as regards charges on lands in Scotland the same shall be recoverable by the same means and like manner in all respects as any feu duties or other payment out of the same lands would be recoverable. A copy of the order of the Commissioners shall be authenticated by the seal of the Commissioners and shall be kept by them and such copy and any copies thereof authenticated by their seal shall be evidence of the contents and purport of such order.

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—  
on premises  
and recover-  
able within  
limited  
periods.

**22.** The annual charge upon the manufactory mill and premises shall not exceed one half part of the annual rent or value of the premises charged and the application to the Commissioners shall be accompanied by a statutory declaration made by the applicant or on his behalf that such proposed annual charge does not exceed one half of such annual rent or value.

Annual charge on manufactory &c. not to exceed one-half of annual rent or value of premises charged.

**23.** The Association may from time to time borrow money on mortgage of the undertaking and the future calls on the shareholders.

Power to borrow on mortgage or bond.

**24.** The Association may with the approval of the Commissioners to be signified by an indorsement under their hands and seal upon the charges to be effected thereby indicating that such charges respectively had been appropriated as herein-after mentioned appropriate or set apart any charge or charges payable to the Association under this Act as the fund for the payment of a series of mortgage debentures to be founded upon and secured by such appropriated charge or charges and every such appropriation shall be distinguished by a particular number and the charge and charges comprised therein shall be duly registered by the Association and a duplicate copy of such registry shall be delivered to the Commissioners and when any such appropriation has been made the Association may with the approval of the Commissioners issue a series of mortgage debentures founded on each appropriation of charges and according to the form set forth in the Schedule (B) to this Act annexed or as near thereto as circumstances will admit

Association may with approval of the Commissioners set apart certain charges for payment of mortgage debentures &c.

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and every series of mortgage debentures shall be numbered in arithmetical progression beginning with number one and each debenture shall have its proper number written thereon and shall be made payable by the Association on a day and at a place to be stated thereon with interest half-yearly in the meantime after the rate to be specified in such debenture and each series of debentures shall be so divided and arranged that no greater sum shall be payable in any one year in respect of the whole series for principal money and interest together than four fifths of the amount payable by the manufacturer or millowner during the same year in respect of the appropriated charge or charges on which such series of debentures is founded and every sum payable on any mortgage debenture issued by the Association shall be made payable at least fourteen days next before the time at which the charge or charges appropriated to the payment of such debentures are to be paid by the manufacturer or millowner and such debentures may be assigned by indorsement under hand only in the form set forth in the said Schedule (B) or as near thereto as circumstances will admit and every such debenture and assignment shall be subject to the same stamp duty as a mortgage and transfer of a mortgage respectively and as regards the holders shall be deemed to be and shall have the incidents of personal property.

Form and effect of assignments of charges.

**25.** The Association may assign any charge not appropriated for the payment of a series of mortgage debentures issued by deed under the common seal of the Association and under the hands of three of the directors and duly stamped and wherein the consideration is duly stated and such assignment may be according to the form in the Schedule (C) to this Act annexed or to the like effect and all assignments made in such form or as near thereto as the circumstances of the case will admit shall be effectual to vest both at law and in equity the charge thereby assigned and all the powers authorities rights and remedies of the Association with reference to such charge in the assignee his successors executors administrators and assigns respectively.

Register of contracts to be kept and registry of charges in Ireland Middlesex Yorkshire and Scotland.

**26.** The Association shall cause their secretary to keep registers of all contracts made by manufacturers and millowners with the Association specifying the manufactory mill and premises comprised in each contract and of the debentures founded on any charge or series of charges and of assignments by the Association of such charges and such registers respectively may be perused at all reasonable times by any shareholders of the Association or by any debenture holders or by any person interested in the premises charged or in any charge without fee or reward and any such person may take a copy



or extract of so much of such register as relates to the subject matter in which he is interested. And a memorial of every order of the Commissioners whereby a rentcharge is created on any manufactory mill and premises in England and Wales in pursuance of this Act shall be registered at the office of the land registry in England and when the rentcharge is created on any manufactory mill and premises in Ireland a memorial shall be entered in the proper office for the registration of deeds and wills and all grants of rentcharges in Scotland shall be registered in the general or particular register of sasines and all such memorials respectively shall contain the date of the order the name and address of the manufacturer or millowner the particulars of the manufactory mill and premises charged the amount of the rentcharge and the period during which the same shall be payable Provided always that every such rentcharge shall have some such priority as herein-before declared any law or usage to the contrary notwithstanding.

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27. So long as any land manufactory mill and premises shall continue charged under this Act with any charge the person for the time being bound to pay the yearly or other periodical payments of such charge shall be bound to uphold the improvements and works on account of which the charge is made and to insure against damage by fire all such improvements (if any) as are susceptible of damage by fire.

Improvements to be maintained.

28. The Association may acquire and work patents not being exclusive for inventions having relation to the purification of rivers or streams of water or to the conversion disposal or use of any substances matters or things causing pollution or which might be otherwise useful in effecting any of the objects of this Act and may hold or grant licenses for the use of any such patented inventions.

Association may acquire patents.

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

Costs of Act.

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SCHEDULE (A).

ORDER.

[Proper heading.]

The Inclosure Commissioners for England and Wales in pursuance of the power and provisions of the Manufacturers' and Millowners' Mutual Aid Association Act 1881 in this behalf do by this order under their hands and seal declare and order that the inheritance or fee of the manufactory mill and premises mentioned in the schedule hereto shall be and is hereby charged with the payment to the Association of the sum of \_\_\_\_\_ pounds being the moneys contracted to be paid for the execution of certain works and improvements mentioned in an agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ between A.B. of &c. &c. and the Association [or such less sum as may be desired] with interest at the rate of five pounds per centum per annum and that the said sum with interest shall be and is hereby charged in the manner following that is to say [here express how the annuity is to be payable].

In witness whereof they have hereunto affixed their hands and seal this day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ (L.S.)

SCHEDULE OF PREMISES CHARGED.

Name &c. of manufactory mill and premises.	Owner.	Occupier.	Parish.	County.

SCHEDULE (B).

FORM OF DEBENTURE.

MORTGAGE DEBENTURE. NO.

Series No. 1 to

£ [the principal sum payable on the debenture.] } This mortgage debenture is No. [ ] in the series of the Improvement Loan Charges Nos. [ ] and bears interest at the rate of \_\_\_\_\_ per centum per annum.

The Manufacturers' and Millowners' Mutual Aid Association in pursuance of the Association's Act 1881 with the approval of the Inclosure Commissioners

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(testified by their hands and seal affixed hereto) do assign and covenant to pay unto [A.B.] his executors administrators or assigns the sum of \_\_\_\_\_ pounds [the principal sum payable on the debenture] to be paid by the said Association at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ with interest in the meantime at the rate of £ \_\_\_\_\_ per centum per annum payable half-yearly on the day of \_\_\_\_\_ in each year the first half-yearly payment of interest to be made on the \_\_\_\_\_ day of \_\_\_\_\_

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Witness the common seal of the Association and the hands of three of the directors thereof.

Seal of the (L.S.) Association.

A.B. }  
C.D. } Directors.  
E.F. }

Approved by the Inclosure Commissioners as the Mortgage Debenture No [ ] of the Improvement Loan Charges Nos. [ ] issued pursuant to the Manufacturers' and Millowners' Mutual Aid Association Act 1881.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ } Seal

FORM OF ASSIGNMENT OF DEBENTURE.

I A.B. of \_\_\_\_\_ &c. hereby assign unto C.D. of \_\_\_\_\_ &c. his executors administrators and assigns the within-written debenture and all my interest therein.

(Signed) A.B.

SCHEDULE (C).

ASSIGNMENT BY THE ASSOCIATION OF A CHARGE.

[Proper heading.]

The Manufacturers' and Millowners' Mutual Aid Association in pursuance of their Act of 1881 hereby in consideration of [state the consideration] assign to A.B. of &c. his executors administrators and assigns the charge of the sum of £ \_\_\_\_\_ and interest at the rate of &c. [or "the charge of" &c. as the case may be] which by virtue of the improvement Loan Charge No. [ ] [or the Mortgage No. [ ] approved by the Inclosure Commissioners dated &c. is a charge on the inheritance of the manufactory mill and premises mentioned in the schedule hereto and all the powers authorities rights and remedies of the Association with reference to such charge [here add such clauses and provisions if any as are agreed on between the Association and A.B.]

As witness the common seal of the Association and the hands of three of the directors thereof this \_\_\_\_\_ day of \_\_\_\_\_

(L.S.)

L.M. }  
N.O. } Three of the Directors  
P.Q. }

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SCHEDULE OF THE PREMISES CHARGED.

Name &c. of manufactory mill and premises.	Owner.	Occupier.	Parish.	County.

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