

HASLINGDEN AND RAWTENSTALL WATER WORKS

(Incorporation of Company Construction of Works Supply of Water to the inhabitants of Haslingden Rawtenstall Higher Booths Lower Booths Newchurch Hapton Cowpe Lench New Hall Hey and Hall Carr Tottington Higher End Hen Heads and Dunnockshaw all in the county palatine of Lancaster and the neighbourhoods thereof respectively.)

(PROPOSED)

BILL

For better supplying with Water the Towns and Villages of Haslingden Rawtenstall and Newchurch and the Township0s of Haslingden Higher Booths Lower Booths Newchurch and Hapton in the Parish of Whalley the Townships of Cowpe Lench New Hall Hey and Hall Carr and Tottington Higher End in the Parish of Bury and the Extra Parochial places of Hen Heads and Dunnockshaw all in the County Palatine of Lancaster

16 & 17 VICT SESS 1852-3

Wm HARPER
T WOODCOCK
Solicitors
Bury
Lancashire

MACDOUGALL & NEWALL
Parliamentary Agents
44 Parliament Street

HASLINGDEN AND RAWTENSTALL WATERWORKS

[Incorporation of Company Construction of Works Supply of Water to the inhabitants of Haslingden Rawtenstall Higher Booths Lower Booths Newchurch Hapton Cowpe Lence New Hall Hey and Hall Carr Tottington Higher End Hen-Heads and Dunnockshaaw all in the county palatine of Lancaster and the neighbourhoods thereof respectively]

A

(PROPOSED)

BILL

For better supplying with Water the Towns and Villages of Haslingden Rawtenstall and Newchurch and the Township0s of Haslingden Higher Booths Lower Booths Newchurch and Hapton in the Parish of Whalley the Townships of

Cowpe Lench New Hall Hey and Hall Carr and Tottington Higher End in the Parish of Bury and the Extra Parochial places of Hen Heads and Dunnockshaw all in the County Palatine of Lancaster.

(The words printed in Italics are proposed to be inserted in Committee).

WHEREAS the towns and villages of Haslingden Rawtenstall and Newchurch and the townships of Haslingden Higher Booths Lower Booths Newchurch and Hapton in the parish of Whalley the townships of Cowpe Lench New Hall Hey and Hall Carr and Tottington Higher End in the parish of Bury and the extra-parochial places of Hen Heads and Dunnockshaw all in the county palatine of Lancaster, are not at present sufficiently supplied with water, and the population and trade thereof have of late years greatly increased, and are still increasing, and the construction of water works for effectually supplying the same would be of great public benefit:

And whereas the parties hereinafter named, and others, are willing to carry such undertaking into execution, but the same cannot be effected without the aid 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 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):

I. That the several Acts of Parliament following (that is to say) "The Companies Clauses Consolidation Act 1845." "The Lands Clauses Consolidation Act 1845,;" and 'The Waterworks Clauses Act 1847,' shall (except as herein otherwise provided) be incorporated with, and form part of this Act.

II. That in citing this Act for any purpose whatsoever, it shall be sufficient to use the expression, "*The Haslingden and Rawtenstall Waterworks Act 1853*'.

III. That the limits of this Act shall comprise and include the several townships of Haslingden Higher Booths Lower Booths Newchurch and Hapton in the parish of Whalley the townships of Cowpe Lench New Hall Hey and Hall Carr and Tottington Higher End in the parish of Bury and the extra parochial places of Hen Heads and Dunnockshaw all in the county palatine of Lancaster.

IV. That *Robert Ashworth, Richard Ashworth, Hugh Almond, Richard Bealey, John Cross, Richard Dixon, Lawrence Dobson, Thomas Dixon, Richard Dunderdale, George Duckworth, John Duckworth, Henry Hoyle Hardman, George Edward Hardman, Richard Hoyle Hardman, William Harper, George Maden, Thomas Turner Mercer, James Lawson, James Openshaw, James Pickup, John Stones, Peter Whitehead, Joseph Wood, ----- Whitehead, Thomas Woodcock* and all other persons and corporations who have already subscribed, or shall hereinafter subscribe to the undertaking by this Act authorized, and their executors,

administrators, successors, and assigns respectively, shall be, and they are hereby united into a company for the purpose of supplying water within the limits of this Act, and for making water works for that purpose, together will all proper works and conveniences connected therewith according to the provisions of this Act and the Acts incorporated herewith; and for the purposes aforesaid, such Company shall be incorporated by the name of "*The Haslingden and Rawtenstall Waterworks Company*," and by that name shall be a body corporate, with perpetual succession and a common seal, and shall and may sue and be sued, and shall have power to purchase and hold lands for the purposes of the said undertaking, subject to the restrictions and provisions herein and in the said incorporated Acts contained.

V. That the Capital of the Company shall be *twenty-five thousand pounds*

VI. That the number of shares into which the said capital shall be divided, shall be *two thousand five hundred* and the amount of each share shall be *ten pounds*.

VII. That *two pounds* per share shall be the greatest amount of any *one* call which the Company may make upon the shareholders, and that *two* months at the least shall intervene between the making of any *two* successive calls.

VIII That the Company may borrow on mortgage or bond any sums of money, not exceeding in the whole the sum of *eight thousand three hundred and thirty-three pounds*, but no part of such sum shall be raised until the whole of the said capital or sum of *twenty-five thousand pounds* shall have been subscribed for, and *one-half* thereof shall have been actually paid up.

IX. That with respect of the general meetings of the Company, the first general meeting of the shareholders shall be held within *three months* after the passing of this Act.

X. That the shareholders shall possess *one* vote in respect of each share held by them respectively

XI. That the Company shall annually, at some general meeting, elect an Auditor for the purpose of auditing the accounts of the Company; and in case the office of such Auditor shall, before such accounts have been audited by him, be vacant by death or from any other cause, the Company shall from time to time appoint an Auditor to supply such vacancy.

XII. That, subject to the provisions herein contained for increasing or reducing the number of Directors, the number of Directors shall be *six*, and the qualification of a Director shall be the possession, in his own right, of *twenty* shares at least in the undertaking.

XIII. That the Company may from time to time increase the number of Directors, and if increased, may from time to time reduce such number, but the whole number of Directors after any such increase or reduction as aforesaid shall not be greater than *twelve* nor less than *six*.

XIV. That *Peter whitehead, Joseph Wood, -----Whitehead, Henry Hoyle Hardman, Thomas Price the Younger, George Duckworth* and *Richard Ashworth* shall be the first Directors of the Company.

XV. That the quorum of a meeting of Directors shall be *three*.

XVI. And whereas a plan and section, shewing the line and levels of the waterworks proposed to be constructed for the purposes of the Act, and also a book of reference, containing the names of the owners and lessees, or reputed owners and lessees, and occupiers of the lands in or through which the same are intended to be made or to pass, or which may be required for the purposes of the Company, have been deposited with the Clerk of the Peace for the county palatine of Lancaster; Be it Enacted, that it shall be lawful for the company, subject to the provisions and restrictions in this and the said incorporated Acts contained, to make, construct, and maintain the said water works in the line, according to the levels, and upon the lands delineated upon the said plan and section, and described in the said book of reference, and not that purpose to purchase either absolutely, or for a sum in gross, or in consideration of an annual rent charge, or to take on lease at an annual or other rent and to enter upon, take, and use, such of the lands, streams, and waters, delineated upon the said plan, and referred to in the said book of reference, as shall be necessary for that purpose or any easement, liberty, privilege, power or authority, in or over the same.

XVII. Provided always, That in constructing the water works by this Act authorized to be made, it shall be lawful for the Company to make lateral deviation, described on the plan of such works, deposited with the Clerk of the Peace for the county palatine of Lancaster; and also to make deviations from the levels of such works as delineated in the sections thereof, deposited with the said Clerk of the Peace, to any extent not exceeding *ten* feet, or to a greater extent with the consent of the owner of the land in which such deviation is intended to be made.

XVIII. That it shall be lawful for the Company to purchase by agreement, or to rent on lease or otherwise, and to hold any quantity of land not exceeding *thirty* acres, which they may require in addition to the lands hereinbefore authorized to be taken for the purposes of this Act. And also any springs, streams, reservoirs, or places, sources, or issues of water, on such terms and conditions as shall be mutually agreed upon between the parties.

XIX. That the Company shall cause to be discharged from and out of the reservoir described on the said plan as "The Impounding Reservoir," and other works by this Act authorized to be made, or from the feeders thereof, to and into the course of a certain brook or stream called the Lummy Water or Limy Water, a quantity of water not being less than *one* cubic foot per *second*, during *twelve* hours of every working day, in respect of every *eighteen million* cubic feet of water, which the said reservoir will contain, when filled to the level of the Waste Weir belonging thereto, but nevertheless not exceeding *one-fourth* of a cubic foot

per *second*, during *twelve* hours of every working day, in respect of every *one hundred* acres of water shed draining to such reservoir and in case of any dispute arising between the Company and the owner or occupier of any present or future mill or other work interested in the discharge of such water touching or concerning the quantity of water to be discharged in the manner aforesaid, such dispute shall be referred, at the instance of either party, to the President for the time being of the Institution of Civil Engineers, or to such person as he shall, by writing under his hand, appoint as sole arbitrator, whose decision in writing shall be final and binding on the parties to such dispute, and the costs of such reference shall be paid by such persons, and in such manner as the said arbitrator shall direct; Provided always That the before-mentioned quantity of water shall be furnished in manner aforesaid, before the Company shall be entitled to appropriate to the supply of the district within the limits of this Act, any of the waters of the brooks and streams which they are hereinbefore authorized to take for the purposes of this Act.

XX. That the Company shall erect and construct, and for ever after maintain upon the said brook or stream a suitable measuring gauge over or through which the said quantity of water shall flow or be discharged, and the said gauge shall be open to the inspection and examination of the owners and occupiers of the several, present, and future mills and works interested in the water so to flow or be discharged through or over the same.

XXI. That the persons empowered by the said Lands Clauses Consolidation Act to convey lands, shall have full power to grant leases of any lands for the purposes of this Act, or any easement, power, or authority in or over such lands, and the Company may subsequently purchase the reversion of such lands, or the discharge thereof, from the rents and covenants reserved or contained in any such lease.

XXII. That all leases of land to be taken on lease by virtue of the powers or provisions of this or the said incorporated Acts, may be according to the form in the Schedule to this Act annexed, or as near thereto as the circumstances of the case will admit.

XXIII. That the works hereby authorized to be made shall be completed within *five* years from the passing of this Act, and on the expiration of such period, the powers by this or the said incorporated Acts granted to the Company for executing such works, or otherwise, in relation thereto, shall cease to be exercised, except as to so much of the said works as shall then be completed; Provided always That subject to the restrictions and provisions herein contained, the Company may, from time to time, alter, enlarge, and extend their mains and pipes, in such way and manner as shall be necessary for supplying water within the limits of this Act.

XIV. That 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 on the application of any person who, under the provisions of this Act, or any Act incorporated herewith, shall be entitled to demand a supply of water for

domestic purposes, furnish to such owner or occupier, or other person, a sufficient supply of water for domestic uses, at rates not exceeding the yearly rates herein specified (that is to say):

If there be no water-closet or private bath in, or appurtenant to, the dwelling house, or part of the dwelling house, to be supplied with water at the following rates, according to the annual rack rent or value of such dwelling house or part of a dwelling house:

Where the annual rack rent or value of the premises so supplied with water shall not exceed *twenty pounds*, at a rate per centum per annum not exceeding *seven pounds and ten shillings*;

Where such annual rack rent or value shall exceed *twenty pounds*, and not exceed *forty pounds*, at a rate per centum per annum not exceed *seven pounds*;

Where such annual rack rent or value shall exceed *forty pounds*, and not exceed *sixty pounds*, at a rate per centum per annum not exceeding *six pounds and ten shillings*;

Where such annual rack rent or value shall exceed *sixty pounds*, and not exceed *eighty pounds*, at a rate per centum per annum not exceeding *six pounds*;

Where such annual rack rent or value shall exceed *eighty pounds*, and not exceed *one hundred pounds*, at a rate per centum per annum not exceeding *five pounds and ten shillings*;

Where such annual rack rent or value shall exceed *one hundred pounds* at a rate per centum per annum not exceeding *five pounds*.

Provided always, That the Company shall not be compellable to afford a supply of water for domestic purposes to any such owner or occupier for any less sum than *six shillings and sixpence* in any *one year*

That if there be a water closet or private bath in such dwelling house or part of such dwelling house, or appurtenant thereto, then in addition to the rates computed as above specified the following rates shall be paid (that is to say):

When the annual rack rent or value shall not exceed *ten pounds*, the sum of *four shillings* per annum for each such bath and water closet;

When the annual rack rent or value shall exceed *ten pounds* but not exceed *twenty pounds*, the sum of *six shillings* per annum for each such bath and water closet;

When the annual rack rent or value shall exceed *twenty pounds* but not exceed *forty pounds*, the sum of *eight shillings* per annum for each such bath and water closet;

When the annual rack rent or value shall exceed *forty pounds* but not exceed *eighty pounds*, the sum of *ten shillings* per annum for each such bath and water closet;

When the annual rack rent or value shall exceed *eighty pounds*, the sum of *twelve shillings* per annum for each such bath and water closet;

Provided always that the Company shall not be compellable to supply with water any water-closet or private bath, or the apparatus or pipes connected therewith, unless the same shall be also constructed and used as to prevent the waste, misuse, or undue consumption of the water of the Company and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Company or into any pipes connected as to contain, when filled for use, more than *fifty gallons* of water.

XXV. That a supply of water for domestic purposes shall not include a supply of water for horses, cattle or washing carriages, or for any trade, manufacture, or business whatsoever, or for watering gardens, or for fountains, or for any ornamental purpose whatsoever.

XXVI That is 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 turn or cut off the water 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 means or in consequence of any such act, matter, or thing as aforesaid, or of any such wilful omission or neglect as aforesaid.

XXVII That is shall be lawful for the Company 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, and therein amongst other things, to prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus whatsoever to be used, and to interdict any arrangements, and the use of any pipes, cocks, cisterns, and other apparatus which may tend to such waste or misuse as aforesaid.

XXVIII. That the water to be supplied from any pipe of the Company need not be constantly laid on under a pressure greater than that to be afforded from the reservoir whereby such pipe is supplied.

XXIX. That the Company may supply any person with water for any purpose in respect of which no special rates are by this act granted for such remuneration, and upon such terms and conditions as shall be agreed upon between the said Company and the person desiring such supply.

XXX. Provided always, That any person supplied with water under this Act, who shall wilfully waste such water, or who shall use or apply such water for any other purpose than the purpose agreed upon, or who shall permit or suffer any other person to use, take or waste any such water, shall for every such offence forfeit and pay a sum not exceeding *five pounds*, and shall, in addition to such penalty, make full compensation to the Company, for or in respect of the water so used, taken, wasted, or misapplied, and any Justice authorized to impose such penalty as hereinafter mentioned, is hereby empowered and required to determine and certify the amount of such compensation, which amount the Company may recover in like manner as charges for water supplied by them may be recovered.

XXXI. Provided always, That any person who shall, without the knowledge and consent of the Company, extend or enlarge any pipe, or use other means or device for the purpose of supplying any other person, or any tenement with water from the works of the Company, shall forfeit and pay a sum not exceeding *five pounds*, and a further sum not exceeding *forty shillings* for every day during which such offence shall be continued.

XXXII That 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 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 any Justice having jurisdiction where such person shall then reside or where such water shall have been supplied, to issue his summons to such person requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid, and if on the appearance of such person or in default of appearance after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause shall be shown to the contrary, it shall be lawful for any Justice to issue his warrant of distress for the seizure and sale of the goods and chattels of such person for recovery of the amount which may be proved before such Justice to be due from such person, together with such costs as to such Justice shall seem just and reasonable.

XXXIII That the Company may recover any sum of money not amounting to *fifty pounds* which shall be due to them for water rates, or rents, damages, costs, or expenses by action or proceeding in any County Court to be holden within the limits of this Act.

XXXIV That all costs, charges, and expenses incident to the applying for and passing of this Act shall be paid by the Company.

THE SCHEDULE TO WHICH THE FOREGOING ACT REFERS

FORM OF LEASE

I of in consideration of the rent hereinafter reserved and made payable by the Haslingden and Rawtenstall Waterworks Company, do hereby demise to the said Company, their successors and assigns; All, (*describing the process to be demised*) , together with all ways, rights, and appurtenances thereunto belonging; to hold the premises to the said Company, their successors, and assigns, for the term of years from the day of the date hereof Yielding and paying there for yearly, and every year during the said term the sum of pounds free from land tax, sewers rates, and all other taxes and outgoings (property and income-tax excepted), by two equal half-yearly payments in the year; the first payment to be made on the day of according to the true intent and meaning of the Act of Parliament, incorporating the said Company; IN WITNESS whereof, I have hereto set my hand and seal, and the said Company have hereunto affixed their Common Seal, the day of One thousand eight hundred and .

(Lancashire Record Office DDX 118/158/6)