ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Cap. lxxiv.

An Act for supplying with Water the Inhabitants of *Clay Cross*, and the Neighbourhood, in the County of *Derby*. [7th *July* 1856.]

WHEREAS the Inhabitants of *Clay Cross* in the Parish of *Northwingfield* in the County of *Derby*, and the Neighbourhood thereof, have for many Years past enjoyed the Use of the Water of the *Press Brook* and *Woferley's Water* in the Parish of *Ashover* in the same County, and of the Water of other Streams and Brooks in connexion with the said *Press Brook* and *Woferley's Water* situate in the said Parish of *Northwingfield*, for domestic and other Use, but the Supply derived by them by the Means of Transport now used is precarious, inconvenient, and expensive: And whereas the Construction of Works for effectually supplying with Water *Clay Cross* and the Neighbourhood thereof (including the Villages or Places called *Egstow*, *Coney Green*, and *Danesmoor*,) in the respective Parishes of *Northwingfield* and *Morton* in the said County of *Derby* would be of local and public Benefit: And whereas the Parties herein-after named and others are willing to carry such Undertaking into execution, but the same 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; (that is to say,)

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

I. 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 so far as the same are expressly altered by this Act) be incorporated with this Act.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Clay Cross* Waterworks Act, 1856."

Limits of Act.

III. The Limits of this Act for the Supply of Water shall comprise and include the Village and District Parish of *Clay Cross* in the Parish of *Northwingfield* and the Neighbourhood thereof, (including the Villages or Places called *Egstow*, *Coney Green*, and *Danesmoor*,) in the respective Parishes of *Northwingfield* and *Morton*, all in the County of *Derby*.

Incorporation of Company.

IV. *Charles Binns*, *William Howe*, *Richard Wilson*, *Thomas Wilkinson*, *Benjamin Turner*, *George Parker*, *Joseph Stoppard*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the Limits of this Act, and for making Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions of the incorporated Acts and of this Act, and for other Purposes herein and in the said Acts contained, by and under the Name of "The *Clay Cross* 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 Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Amount of Capital.

V. The Share Capital of the Company shall be Six thousand Pounds.

Shares.

VI. The Number of Shares into which the said Capital shall be divided shall be Three thousand, and the Amount of each Share shall be Two Pounds.

VII. Ten

Calls.

VII. Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders; and Three Months at the least shall intervene between the making of any Two successive Calls.

Power to borrow on Mortgage.

VIII. When the whole of the said Capital or Sum of Six thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, the Company may borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of One thousand Pounds.

Application of Moneys.

IX. All Moneys raised by Shares or borrowing under the Powers of this Act shall be applicable only to the Purposes of the Undertaking by this Act authorized, and to no other Purposes.

Number and Qualification of Directors.

X. Subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors shall be Seven; and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares at least in the Undertaking.

Power to reduce the Number of Directors.

XI. The Company may from Time to Time reduce the Number of Directors, but the whole Number of Directors after any such Reduction as aforesaid shall not be less than Four.

First Directors.

XII. *Charles Binns*, *William Howe*, *Richard Wilson*, *Thomas Wilkinson*, *Benjamin Turner*, *George Parker*, and *Joseph Stoppard* shall be the First Directors of the Company.

Quorum of Directors.

XIII. The Quorum of a Meeting of Directors shall be Four, and if the whole Number of Directors shall at any Time be reduced below the Number of Seven as herein provided, then the Quorum of a Meeting of Directors shall be Three.

Power to make Waterworks according to deposited Plans.

XIV. And whereas Plans and Sections showing the Lines and Levels of the Waterworks, 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 are required for the Purposes of the Company, have been deposited with the Clerk of the Peace for the County of *Derby*: Therefore it shall be lawful for the Company, with the Powers but subject to the Provisions and Restrictions in this Act and the said incorporated Acts contained, to make and maintain the said Waterworks in the Lines and Situations, on the Levels, and upon the Lands delineated on the said Plans and Sections and described in the said Book of Reference, and to enter upon, take, and use such of the

the Lands delineated on the said Plans and described in the said Book of Reference as shall be necessary for that Purpose, and to take from the *Press Brook* and *Woferley's Water*, and from any other Springs and Streams delineated on the said Plans and described in the said Book of Reference, such Water as the Company may require for the Purposes of the Undertaking.

Limiting Quantity of Water to be taken by the Company.

XV. Provided always, That the Company shall not in any One Day appropriate for the Purposes of this Act from the *Press Brook* and *Woferly's Water*, or any of the Feeders thereof, any greater Quantity of Water than Eighty thousand Gallons.

Gauge to be provided.

XVI. The Company, before they supply any Water for the Purpose of this Act, shall erect and for ever thereafter maintain a proper Guage or Guages for regulating and testing the daily Quantity of Water appropriated by the Company from the Sources aforesaid.

Inspection of Gauge.

XVII. The Owner and Occupier for the Time being of every Mill or Work who, before the passing of this Act, were entitled to use the Waters of *Press Brook* or *Woferly's Water* at any Point below the Point at which the Company shall take their Supply therefrom under the Powers of this Act, and his Servants duly authorized, shall at all reasonable Times have the Right of Access to the said Guage for the Purpose of ascertaining the State of Repair and Efficiency thereof, and of guaging the Quantity of Water from Time to Time passing through or over the same.

Limits of vertical Deviation.

XVIII. In constructing the said Waterworks the Company may deviate vertically from the Levels thereof, as shown on the said Sections, to any Extent not exceeding Three Feet.

Reserving Rights of Fishing, &c.

XIX. It shall be lawful for the Owner for the Time being of the Corn Mill at *Woodthorpe* in the Parish of *Northwingfield*, lately Part of the Estate of Sir *Henry John Joseph Hunloke* Baronet, deceased, and every Person by such Owner duly authorized in that Behalf, at all Times hereafter to exercise and enjoy the exclusive Right to shoot and to fish (otherwise than with Nets) in and over any Reservoir which may at any Time hereafter be constructed by the Company on any Stream by which the said Mill was at the Time of the passing of this Act supplied with Water, and for that Purpose to maintain and keep such Boats or Vessels that may be convenient thereto, he and they doing no Damage to the said Reservoir or the Embankments thereof, or the Works, Water, and Property of the Company.

XX. The

Powers for compulsory Purchases limited.

XX. The Powers of the Company for the compulsory Purchase of Lands and Houses for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period within which Waterworks to be made.

XXI. The Works hereby authorized shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act or the said incorporated Acts granted to the Company for the Construction of those 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 nothing in this Act contained shall extend or be construed to extend to restrain the Company from enlarging and extending their Mains and Pipes and Works from Time to Time, whenever it shall be necessary for the Purpose of supplying Water within the Limits of this Act.

Land for extraordinary Purposes.

XXII. The Company may from Time to Time, by Agreement, purchase or take, for the Purposes of this Act, any Quantity of Land not exceeding Four Acres, in addition to the Land which they are by this Act authorized to take by Compulsion.

Power to make Grants in perpetuity.

XXIII. The Persons empowered by the said Lands Clauses Consolidation Act to convey Lands shall have full Power to grant to the Company, for the Purposes of this Act, any Lands or Streams, or the Right of User thereof, or any Easement, Liberty, Privilege, Power, or Authority in or over the same in perpetuity in consideration of an annual Rent.

Grants by Persons under Disability to be at best Rent.

XXIV. In any such Grant to be made by any Party under any Disability or Incapacity to sell and convey Lands, as defined by "The Lands Clauses Consolidation Act, 1845," there shall be reserved the best or most usual yearly Rent or Remuneration for or in respect of the Premises thereby granted, and no Fine, Premium, or Foregift shall be paid upon or in respect of such Grant, such Rent or Remuneration being not less than shall be determined by Two able practical Surveyors or their Umpire in accordance with the Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement: Provided always, that the Company may at any subsequent Period purchase the Release or Discharge of the Rent or Remuneration, Covenants, and Stipulations reserved by and contained in any such Grants.

Water not necessarily under Pressure.

XXV. The Water to be supplied need not be constantly laid on under a greater Pressure than the Works of the Company will supply.

XXVI. The

Rate at which Water is to be supplied for domestic Purposes.

XXVI. 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 is or shall be laid, or on the Application of any Person who under the Provisions of this Act is 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 Use at Rates not exceeding the yearly Rates herein-after specified; (that is to say,)

Where the annual Rent of the House or Part of a House or Premises supplied shall not exceed Eight Pounds, the yearly Rate of Twenty Shillings:

Where such annual Rent shall exceed Eight Pounds and shall not exceed Ten Pounds Ten Shillings, the yearly Rate of Twenty-five Shillings:

Where such annual Rent shall exceed Ten Pounds Ten Shillings and shall not exceed Fifteen Pounds, the yearly Rate of Thirty Shillings:

Where such annual Rent shall exceed Fifteen Pounds and shall not exceed Twenty Pounds, the yearly Rate of Thirty-five Shillings:

Where such annual Rent shall exceed Twenty Pounds and shall not exceed Twenty-five Pounds, the yearly Rate of Fifty Shillings:

Where such annual Rent shall exceed Twenty-five Pounds and shall not exceed Forty Pounds, the yearly Rate of Sixty Shillings:

Where such annual Rent shall exceed Forty Pounds and shall not exceed Sixty Pounds, the yearly Rate of Eighty Shillings; and

Where such annual Rent shall exceed Sixty Pounds, at a Rate not exceeding Eight Pounds *per Centum* on the Amount of such annual Rent.

What shall not be deemed domestic Purposes.

XXVII. A Supply of Water for domestic Purposes shall include a Supply for One Watercloset, but not for Baths, or for Cattle, or for Horses, or washing Carriages where such Horses or Carriages are kept for Hire, or by common Carriers, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Rates for Waterclosets and Baths.

XXVIII. In addition to the Rates for the Supply for domestic Purposes the Company may demand and receive for every additional Watercloset, beyond the first in any House, and for every Bath, any yearly Sum not exceeding Five Shillings.

XXIX. Pro-

For preventing fouling Water.

XXIX. Provided always, That the Company shall not be compellable to supply with Water any Watercloset or any private Bath, or the Apparatus or Pipes connected therewith respectively, unless the same be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air or noisome and impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Company.

Water supplied by Agreement.

XXX. The Company from Time to Time may supply any Person with Water for any Purposes for which no specific Rates are by this Act limited for such Remuneration, and upon such Terms and Conditions, as shall be agreed on between the Company and the Person desirous of having the Supply.

Penalty for using Water for other than domestic Purposes without Agreement.

XXXI. Every Person using for other than domestic Purposes any Water supplied by the Company, and not having previously agreed with the Company for a Supply for such other Purposes, and every Person having agreed with the Company for a Supply of Water for any other than domestic Purposes, and using for any Purposes other than the Purposes so agreed on the Water so supplied by the Company, shall respectively for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Recovery of Sums not exceeding Fifty Pounds.

XXXII. Whenever any Person neglects to pay any Rate or Sum due to the Company, and such Rate or Sum do not exceed Fifty Pounds, the Company may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies for the Recovery of such Rate or Sum.

Undisputed Rates, &c. may be recovered by Distress.

XXXIII. All Water Rates or Rents due to the Company, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount whereof shall not be disputed, may be levied by Distress, and any Justice, on Application, may issue his Warrant accordingly.

Several Names in One Warrant.

XXXIV. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Costs of Distress.

XXXV. Any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Rate or Sum shall be paid by the Person liable to pay such Rate or Sum, and such Costs shall be ascertained by the Justice, and shall be included

included in the Warrant of Distress for the Recovery of such Rate or Sum.

Power for Justices to order Repair of Reservoirs, and in certain Cases to direct the Water therein to be lowered.

XXXVI. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir of the Company, be it enacted, That whenever it shall be represented to Two Justices of the Peace met and acting together for the County in which any such Reservoir is situate by the Owners or Occupiers of any Dwelling House, Mill, Factory, or other Works situate below such Reservoir as aforesaid, 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 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 Reservoir 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 Reservoir into a proper State of Repair, or construct such Works as may be necessary to remove or abate 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 Two Justices of the Peace for such County met and acting together, have repaired the said Reservoir 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 and to such a Level as may be necessary to remove or abate the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Reservoir shall have been repaired, or such Works as aforesaid shall have been constructed, to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices of the Peace for the said County met and acting together, and who shall signify their Satisfaction by Writing superseding such Order, or until such Order shall be superseded upon Appeal as hereafter mentioned, and such Order may be in the Form, or to the Purport and Effect following; (that is to say,)

‘ To *A.B.*

‘ WE, the undersigned, Two of Her Majesty's Justices of the Peace
‘ acting in and for the County of Derby, 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 a certain Reservoir known as
‘ the Reservoir by the Space of Feet

‘ or

‘ 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 County, and you shall do as little Injury ‘ as possible to the Property of the Clay Cross Waterworks Com- ‘ pany, and in acting in obedience to the Premises this shall be your ‘ sufficient Warrant.

‘ Given under our Hands this Day of One ‘ thousand eight hundred and

‘Signed *C.D.*
‘*E.F.*’

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 when the Urgency of the Case will not admit of the Delay, the Justices before making an Order to repair any such Reservoir or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Secretary of the Company, and shall hear and consider any Evidence that may be tendered on behalf of the Company against the making of such Order: Provided also, that if the Company shall consider themselves aggrieved by any such Order they may appeal against the same to the General or Quarter Sessions of the Peace for the County of *Derby*, 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 not to be liable for Consequences of such Orders.

XXXVII. Provided always, That the Company shall not be liable to pay to any Persons any Damages, Penalties, Costs, Charges, or Expenses for or in respect of or be answerable or accountable to any Persons for any Diminution or Cessation of the Supply of Water or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under this Act which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in this Act or the Acts incorporated herewith, or either of them, to the contrary notwithstanding.

Expenses of Act.

XXXVIII. All the Costs, Charges, and Expenses of and incident to the Application for and passing of this Act shall be paid by the Company.

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