ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. xxxvi.

An Act for better supplying with Water the Borough of *Derby*, and certain Parishes and Places adjacent thereto, in the County of *Derby*.

[30th *June* 1848.]

WHEREAS the Borough of *Derby* and the Neighbourhood thereof is not at present sufficiently supplied with Water, and the making of Waterworks for effectually supplying the same would be of great Benefit: And whereas the Parties hereinafter named 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, 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 be incorporated with and form Part of this Act.

8 & 9 Vict. cc. 16. 18., and 10 & 11 Vict. c. 17. incorporated with this Act.

"Quarter Sessions." II. And be it enacted, That the Expression "Quarter Sessions" in this and the said incorporated Acts shall be construed to mean the Quarter Sessions for the Borough of *Derby*.

"Town Commissioners." III. And be it enacted, That the Expression "Town Commissioners" shall mean the Commissioners under an Act of Parliament passed in the Sixth Year of the Reign of His late Majesty King 6 G. 4. c. 132. *George* the Fourth, intituled *An Act for better paving and otherwise improving the Borough of* Derby, the Board of Highways, or the Surveyors of Highways or other Persons or Parties having the Charge, Control, or Management of the Streets and Roads of the several Parishes and Places respectively within the Limits of this Act.

Short Title. IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Derby* Waterworks Act, 1848."

Limits of this Act. V. And be it enacted, That the Limits of this Act shall comprise and include the several Parishes, Townships, and extra-parochial or other Places of *Saint Alkmund*, *Saint Michael*, *All Saints*, *Saint Werburgh*, and *Saint Peter*, in or near the Borough of *Derby* in the County of *Derby*, and the several Parishes, Townships, extra-parochial or other Places of *Little Chester*, *Darley* otherwise *Darley Abbey*, and *Litchurch*, all in the said County of *Derby*.

Subscribers incorporated. VI. And be it enacted, That *Henry Boden*, *Henry Cox*, *Samuel Walker Cox*, *Henry Darby*, *Joseph Launcelot Davenport*, *Andrew Handyside*, *Robert Forman*, *Douglas Fox*, *Henry Francis Gisborne*, *James Haywood*, *Josiah Lewis*, *John Moss*, *Henry Mozley*, *William Mundy*, *John Sandars*, *Henry Isaac Stevens*, 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 united into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the said Limits, and for making Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts and of this Act contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Derby* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession, 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.

Capital. VII. And be it enacted, That the Capital of the Company shall be Forty thousand Pounds.

Shares. VIII. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be One thousand six hundred; and the Amount of each Share shall be Twenty-five Pounds.

IX. And

Limiting Number of Shares to be held by One Person.

IX. And be it enacted, That no Person shall at any Time hereafter hold more than One hundred Shares in the said Undertaking otherwise than by Bequest, Marriage, or by virtue of the Statute of Distribution of Intestates Effects, or by original Allotment or Subscription: Provided always, that it shall not be lawful for any Person who may by Bequest, Marriage, or by virtue of the Statute of Distribution of Intestates Effects acquire or become possessed of a greater Number of Shares than One Hundred, to continue to hold such greater Number of Shares for a Period exceeding Two Years from the Date of the Registration of such Shares in the Name of such Person; and if any Person shall continue to hold such greater Number of Shares beyond Two Years the Company may, if they think fit, sell such greater Number held by such Person by public Auction, and shall pay the Proceeds, deducting the Expense of such Sale, to such Person whose Shares shall be so sold, upon Demand.

Calls.

X. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and that Six Months at the least shall intervene between the making of any Two successive Calls.

Power to borrow Money on Mortgage.

XI. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of Thirteen thousand Three hundred Pounds, but no Part of such Sum shall be raised until the whole of the said Capital or Sum of Forty thousand Pounds shall have been subscribed for, and Two Thirds thereof shall have been actually paid up.

Number and Qualification of Directors.

XII. And be it enacted, That (subject to the Provisions herein contained for increasing or reducing the Number of Directors) the Number of Directors shall be Fifteen, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary the Number of Directors.

XIII. And be it enacted, That it shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors of the Company; but the whole Number of Directors after such an Increase or Reduction as aforesaid shall not be greater than Twenty-one nor less than Twelve.

First Directors.

XIV. And be it enacted, That *Henry Boden*, *Henry Cox*, *Samuel Walker Cox*, *Henry Darby*, *Joseph Launcelot Davenport*, *Andrew Handyside*, *Robert Forman*, *Douglas Fox*, *Henry Francis Gisborne*, *James Haywood*, *Josiah Lewis*, *John Moss*, *Henry Mozley*, *John Sandars*, and *Henry Isaac Stevens*, shall be the first Directors of the Company.

Quorum of Directors.

XV. And be it enacted, That a Quorum of a Meeting of Directors shall be Five.

Committees of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than

than Three nor more than Seven, and the Quorum of such Committee shall be Three.

Quorum of Meetings.

XVII. And be it enacted, That the Quorum for every Meeting of the Company shall be Ten Shareholders, holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Shareholders may convene Extraordinary Meetings.

XVIII. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting shall be required shall not be less than Five, and such Shareholders shall hold in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Scale of Voting.

XIX. And be it enacted, That the Scale according to which the Shareholders may vote in respect to their Shares shall be as follows; (that is to say,) for One Share or more but not exceeding Twenty, One Vote in respect of each Share; and for more than Twenty Shares, an additional Vote for every Five Shares.

Newspapers for Insertion of Advertisements.

XX. And be it enacted, That the Newspaper or Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper or Newspapers circulated within the said Borough.

Power to make Waterworks according to deposited Plans.

XXI. And whereas Plans and Sections showing the Line and Levels of the Waterworks, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands and Streams in or through which the same are intended to be made or to pass, or which are required for the Purposes of the said Company, have been deposited with the Clerk of the Peace for the County of *Derby*; 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 and maintain the said Waterworks in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the Lands, Streams, and Waters mentioned in the said Plans and Book of Reference as shall be necessary for that Purpose, or to agree for a Lease of such Lands and Streams, and to take therefrom such Water as the Company may require for the Purposes of this and the said incorporated Acts.

In case of Parties under Disability, Lands, &c. to be let at best yearly Rent.

XXII. And be it enacted, That in every Lease of any Lands and Streams 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 for or in respect of such Lands and Streams, and that no Fine, Premium, or Foregift shall be paid upon or in respect of such Lease.

Owners may grant Leases.

XXIII. And be it enacted, That the Persons empowered by the said Lands Clauses Consolidation Act to convey Lands shall have full

full Power to grant Leases of any Lands and Streams for the Purposes of this Act, or any Easement, Power, or Authority in or over such Lands or Streams.

Period within which Works are to be completed.

XXIV. And be it enacted, That the Waterworks 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 Waterworks as shall then be completed.

Power to purchase Lands, &c. of the Proprietors of the Derby Waterworks.

XXV. And be it enacted, That it shall be lawful for the Company to purchase and take all the Lands and Hereditaments, Plant, Machinery, Pipes, Mains, and other Works vested in or belonging to certain Parties, including in such Parties the Commissioners appointed under an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, for better paving and otherwise improving the Borough of *Derby*, who are carrying on Business under the Name and Style of "The *Derby* Waterworks otherwise the *Derby* Waterworks Proprietors," and that upon the Completion of the said Purchase all such Lands and Hereditaments, Plant, Machinery, Pipes, Mains, and other Works, shall be absolutely vested in the said Company, either to continue the same for the Purposes of this Act, or to sell or convey the same Lands and Hereditaments, and all their Estate and Interest therein, in the Manner provided with respect to other Lands not wanted for the Purposes of this Act, and to take, up, alter, or remove, sell, and dispose of the said Plant, Machinery, Pipes, Mains, and other Works, as to the said Company shall seem proper and expedient.

Power to Proprietors to accept Shares in the Company in lieu of Compensation.

XXVI. And be it enacted, That every Person or Corporation, including therein the said Commissioners under the said Act for better paving and otherwise improving the Borough of *Derby*, who shall at the Time of such Purchase be a Proprietor in the said *Derby* Waterworks, may agree with the said Company to accept and take in lieu of his, her, or their Share, a Proportion of the Money paid or awarded as Compensation in respect of the said Lands and Hereditaments, Plant, Machinery, Pipes, Mains, and other Works, a proportionate Amount of Shares in the Capital or Joint Stock of the Company hereby incorporated, and which last-mentioned Shares shall be deemed Preference Shares; and every Person or Corporation who shall have so agreed as aforesaid shall thereupon be deemed to be the Proprietor of the Preference Shares so taken or accepted by him, her, or them, and every such Preference Share is hereby allotted to and vested in such Person and Corporation accordingly; and every Person and Corporation in whom any such Preference Shares are hereby vested shall stand and be possessed of the same upon the same Trusts and for the same Purposes, and under and subject to the same Powers and Provisions respectively, subject nevertheless to the Provisions of this Act, as the Estate or Interest in the said Lands and Hereditaments, Plant, Machinery, Pipes, Mains, and Works so to be purchased as aforesaid, in lieu of which the said Preference Shares may be so taken as aforesaid, were at the Time of the Substitution

thereof subject or liable to, and so as to give effect to and not to revoke any Will or other testamentary Disposition previously made.

Shares allotted to the Commissioners to be invested in the Name of their Treasurer.

XXVII. And be it enacted, That the said Shares so to be allotted to the said Commissioners shall be and they are hereby directed to be invested in the Name of the Treasurer of the said Commissioners for the Time being, and the Dividends, Interest, and Produce thereof shall form Part of the public Funds of the said Commissioners, and that the said Commissioners shall at any Time, at any Special Meeting to be held under the Powers and Provisions of the said recited Act, be at liberty from Time to Time to direct all or any Portion of such Shares to be sold and disposed of, and the Purchase Money shall be applicable for the like Purposes as the Income of the said Commissioners is applied, and be accounted for accordingly.

Treasurer or Clerk may represent Commissioners at Meetings of Shareholders.

XXVIII. And be it enacted, That at any Meeting of the Shareholders of the said Company the Treasurer or Clerk of the said Commissioners for the Time being shall be and is hereby authorized to attend and to represent the said Commissioners to the Extent of the Number of Shares held by them, and act at such Meeting in every respect as any other Shareholder in the Company is authorized.

Shares so taken deemed to be paid up in full.

XXIX. And be it enacted, That the full Sum or Amount of Twenty-five Pounds shall be deemed to have been paid up on every Preference Share in the Capital or Joint Stock of the Company hereby incorporated, which shall be allotted to any Person or Corporation in lieu of any Share held by him, her, or them in the said Lands and Hereditaments, Plant, Machinery, Pipes, Mains, and other Works, and such Person or Corporation shall not be liable to the Payment of any Money in respect of any such Preference Share, nor shall such Preference Share be subject to any of the Provisions of this Act in reference to the Payment of Calls upon Shares, or the Forfeiture of Shares upon Nonpayment of Calls.

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

XXX. And be it enacted, 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 of any Person who under the Provisions of this Act, or any Act incorporated therewith, 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 their domestic Uses at the Rates herein-after specified; (that is to say,)

Where no Watercloset.

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

Where the annual Value of such House shall not amount to Ten Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds:

Where the annual Value of such Dwelling House shall be Ten Pounds and under Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings:

Where such annual Value shall be Twenty Pounds and under Forty

Forty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds:

Where such annual Value shall be Forty Pounds and under Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds Ten Shillings:

Where such Value shall be Eighty Pounds and upwards *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds:

If there be a Watercloset.

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),

Where the annual Value of such Dwelling House shall not amount to Ten Pounds *per Annum*, the Sum of Six Shillings for each such Watercloset, and Six Shillings for each such Bath:

Where the annual Value of such Dwelling House shall be Ten Pounds and under Twenty Pounds, the Sum of Eight Shillings for each such Watercloset, and Eight Shillings for each such Bath:

Where the annual Value of such Dwelling House shall be Twenty Pounds and under Forty Pounds, the Sum of Ten Shillings for each such Watercloset, and Ten Shillings for each such Bath:

Where the annual Value of such Dwelling House shall be Forty Pounds and under Eighty Pounds, the Sum of Twelve Shillings for each such Watercloset, and Twelve Shillings for each such Bath:

Where the annual Value of such Dwelling House shall be Eighty Pounds and upwards, the Sum of Fourteen Shillings for each such Watercloset, and Fourteen Shillings for each such Bath:

Provided always, that the Company shall not be compelled to supply any Watercloset or Bath hereafter erected, or the Apparatus or Pipes connected therewith, unless the same shall 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 and other noisome or impure Matter into the Mains or other Pipes of the Company.

What shall not be deemed domestic Purposes.

XXXI. And be it enacted, That a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths, Waterclosets, Horses, Cattle, or for washing Carriages, or for any Trade or Business whatsoever, nor for watering Gardens, nor for Fountains, nor for any ornamental Purposes whatsoever.

Company to affix Fireplugs.

XXXII. And be it enacted, That the Company shall and they are hereby required to fix, at their own Expense, not fewer than Three hundred proper Fireplugs in the Streets of the said Borough where Pipes shall be laid down for the Supply of Water for the Inhabitants thereof, and at such convenient Distances from each other, and at such Places as may be considered most proper and necessary for the Supply of Water for extinguishing Fire.

Power to Company to sell or lease Reservoirs, &c. to Commissioners

XXXIII. And be it enacted, That it shall be lawful for any public Body of Commissioners for the Improvement of the said Borough (consistently with any Powers they may have, hold, or enjoy), and for the Company hereby incorporated, to treat and agree for, and to complete the Lease, Sale, Purchase, and Transfer of all and singular the

for improving the Borough.

the Reservoirs and Aqueducts, Works, Pipes, Lands, Tenements, and Hereditaments hereby authorized to be made, constructed, or purchased by the said Company, with the Rights and Interests, and the Rates, Rents, and Remunerations belonging to the said Company in respect thereof, either for a Term or Terms of Years, or absolutely and in fee, upon such Terms and Agreements, and subject to such Conditions and Limitations, and for such Considerations as the Company hereby incorporated and such public Body of Commissioners as aforesaid shall, by Agreement under their respective Common Seals, or otherwise legally executed, mutually agree and determine upon.

Power to lease the Water Rates.

XXXIV. And it enacted, That it shall be lawful for the Company to lease the whole or any of the Water Rates or Rents payable to the Company by virtue of this Act, or otherwise, to any Person or Persons other than such public Body of Commissioners as aforesaid, for any Term not exceeding Three Years, and upon such Rents, Covenants, and Conditions as the Company shall think fit: Provided always, that no such Lease shall defeat or abridge the Power by the said Waterworks Clauses Act given to the Court of Quarter Sessions of directing the Reduction of the Rates, and the Company shall reduce the Rates in the same Manner as they would have done in case no Lease had been granted.

Constant Pressure to be afforded from Reservoir.

XXXV. And with respect to the Supply of Water in pursuance of the Thirty-fifth Section of the Waterworks Clauses Act, 1847, be it enacted, That the Water so to be supplied need not be constantly laid on under a Pressure greater than that to be afforded from the Service Reservoir by this Act authorized to be constructed in the Parish of *Breadsall* in the said County of *Derby*, in or near a certain Field called the *Pease Hill*, now or late in the Occupation of *George Wingfield*.

Water for other than domestic Purposes to be supplied by Agreement.

XXXVI. And be it enacted, That it shall be lawful for the Company to supply any Person with Water for other than domestic Purposes, and Waterclosets and private Baths, at such Rent and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water.

For Protection of the Derby Gaslight and Coke Company.

XXXVII. And be it enacted, That if in carrying into execution any of the Powers by this Act granted, any Injury or Damage shall be done or committed to any of the Pipes, Branches, Apparatus, Materials, or Things already or hereafter to be laid down by the *Derby* Gaslight and Coke Company, for the Purpose of supplying with Gas the said Borough of *Derby* and the Neighbourhood thereof, or any Part thereof, either by removing or disturbing the Ground in, upon, or near to which the same is or are placed, or by the Compression or subsequent settling or lowering of the same at any Time afterwards, or otherwise the said Waterworks Company shall, at their own Expense, Cost, and Charges, within Twenty-four Hours next after Notice in Writing given to them by the said Gaslight and Coke Company, or their Clerk, cause such Pipes, Branches, Apparatus, Materials, and Things to be well and effectually repaired and amended,

amended, and shall pay the said Gaslight and Coke Company the Amount of all Damage or Loss which may accrue from the Escape of Gas by reason of any such Injury or Damage; and in default or neglect thereof it shall be lawful for the said Gaslight and Coke Company, and they are hereby authorized and empowered, to cause such Pipes, Branches, Apparatus, Materials, and Things so injured or damaged as aforesaid, to be effectually repaired, amended, and made good, and the reasonable Costs and Charges attending the same, together with the Amount of all Damage or Loss which may accrue to the said Gaslight and Coke Company from such Escape of Gas as aforesaid, shall be defrayed and paid by the said Waterworks Company, or their Treasurer, to the said Gaslight and Coke Company, the same having been ascertained and settled, in case of Dispute concerning the same, by some Justice not being a Proprietor of any Share in either of the said Companies, which Determination shall be final and conclusive; and the Amount of such Expenses, Damages, and Loss, together with such Costs and Charges as shall be by such Justice allowed, shall be levied and recovered by Warrant of Distress under his Hand and Seal.

Road to be made across Coxbench Reservoir.

XXXVIII. And be it enacted, That if for the Purposes of the said Works the Company shall make and construct the *Coxbench* Reservoir delineated upon the said Plans, the Company shall be and are hereby required to make and maintain a Carriage Road or Way across the upper End or Head of the said Reservoir, at or near a Place where a Pier or Embankment already exists, running in a Direction to cross the Head of such Reservoir, for the Use of *Edward Degge Sitwell* Esquire, his Heirs and Assigns, and his and their Tenants, who shall at all Times have a free Right of Way on or over the same.

Road to be made across Dam of Horsley Carr Reservoir.

XXXIX. And be it enacted, That if for the Purposes of the said Works the Company shall make and construct the *Horsley Carr* Reservoir, delineated upon the said Plans, the Company shall be and are hereby required to make and maintain a Carriage Road or Way across the Dam or Embankment forming the Western Boundary of the said Reservoir, for the Use of *Edward Degge Sitwell* Esquire, his Heirs and Assigns, and his and their Tenants, who shall at all Times have a free Right of Way on or over the same.

Supply of Water to the Inhabitants of Breadsall.

XL. And be it enacted, That in case the said Company shall, in the Execution of any of the Works by this Act authorized to be made, interfere with or in any way affect any of the Streams, Brooks, Wells, or Springs of Water by which the Inhabitants of the Parish of *Breadsall* in the County of *Derby* are supplied with Water, the said Company shall at their own Expense secure, and from Time to Time keep and maintain to the said Inhabitants of *Breadsall* such an ample Supply of Water for all domestic Purposes, and for the watering of Cattle as has been hitherto enjoyed by the Owners and Occupiers of the several Messuages, Farms, and Lands there, and that in giving such Supply regard shall be had to the most convenient Situations for the same; and that in case of any Difference of Opinion between the Engineer for the Time being of the Company and a Person competent and experienced in such Matters, who shall be appointed by

the Lord of the Manor of *Breadsall* for the Time being, as to the Mode of carrying into effect this Enactment, the same shall be decided by a competent Engineer to be nominated by the said Engineer of the Company and by the said Person appointed by the said Lord of the Manor, whose Decision and Direction shall be conclusive.

Right of fishing in certain Reservoirs reserved.

XLI. And be it enacted, That the respective Owners of the Lands adjoining to the *Coxbench* Reservoir, and the *Horsley Carr* Reservoir, and the *Boose Moor* Reservoir, and the *Rough Plantation* Reservoir, also respectively delineated on the said Plan, shall have the exclusive Right of fishing, fowling, and sporting, and of using Boats within or upon the same Reservoirs; provided nevertheless, that such Rights shall be so exercised as not to foul or injure the Water of the said Reservoirs, or in anywise interfere with the Right, Power, and Authority of the Company at all Times to draw off the Water from the said Reservoirs respectively, and to do all such other Acts, Matters, and Things whatsoever as may be expedient or necessary for cleansing and repairing the said Reservoirs respectively, and for preventing the Waters therein from being fouled or disturbed.

Regulating Supply of Water to Derby Canal.

XLII. And whereas the *Derby* Canal Company are or claim to be entitled to derive a Supply of Water during Twenty-eight Hours of the Week from the River *Derwent*, and a certain Brook called the *Bottle Brook*: And whereas certain Springs which now flow or proceed into the said Brook are intended to be taken by the Company hereby incorporated, and to be conveyed for the Purposes of this Act in and along a certain Conduit or Aqueduct delineated in the said deposited Plans, and will thereby be diverted from and will no longer be available for the Supply of the Canal of the said *Derby* Canal Company; be it enacted, That the Company hereby incorporated shall and they are hereby required to supply, by their Engines or otherwise, into the *Little Eaton* Branch of the said Canal, once in every Period of Seven Days, not less than One million Gallons of Water: Provided always, that the Company shall not be required to supply such Water into the said Canal in case the united Discharge of the *Bottle Brook* and of a certain Feeder communicating between the said River *Derwent* at or near *Peckwash Weir* and the said *Bottle Brook* shall together supply such Surplus of Water, during the Hours aforesaid, as shall cause a flow or discharge over the Weir erected in the said *Bottle Brook* at or near the Head of the said Branch.

Locked Counters to be attached to Engines, and Canal Company to have Access thereto.

XLIII. And be it enacted, That for the Purpose of enabling the said *Derby* Canal Company from Time to Time to ascertain the Quantity of Water supplied by the said Engines into the said Branch of the said Canal, the Company incorporated by this Act shall, at their own Expense, cause locked Counters to be attached to each of the said Engines, and the said last-mentioned Company shall at all Times thereafter keep the said Counters in good and sufficient Repair; and the Keys of the same shall be delivered to the Clerk of the said *Derby* Canal Company, and the said *Derby* Canal Company shall by their duly appointed Agent have free Access to the said Counters

Counters at all reasonable Hours, in order to examine the same, and to record the Registration of the same.

Saving the Rights of the Crown.

XLIV. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Clerk of Affidavits, &c. may administer Oaths, &c.

XLV. And be it enacted, That where any Oath, Declaration, or Affirmation is by this Act or any Act incorporated herewith directed or authorized to be made or taken before any Master in Ordinary of the High Court of Chancery, it shall be lawful for every Clerk of Affidavits, or Assistant Clerk of Affidavits of the High Court of Chancery, to administer all such Oaths and take all such Declarations and Affirmations; and every Person swearing, declaring, or affirming before any such Clerk of Affidavits or Assistant Clerk of Affidavits shall be liable to all such Penalties, Punishments, and Consequences, for any wilful and corrupt false swearing, declaring, or affirming contained therein, as if the Matter sworn, declared, or affirmed had been sworn, declared, or affirmed before the High Court of Chancery, or any of the Masters in Ordinary thereof.

Public Act.

XLVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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