ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. lv.

An Act for better supplying with Water the Parish of *Matlock* in the County of *Derby*.

[25th *May* 1860.]

WHEREAS the Inhabitants of the Parish of *Matlock* in the County of *Derby* are now inadequately supplied with Water, and it is expedient that a better Supply should be afforded to them: And whereas Plans and Sections of the Aqueducts, Reservoir, and other Works proposed to be made for the Purpose of affording a better Supply of Water, showing the Line and Levels thereof, with a Book of Reference to those Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and the Occupiers of the Lands through and upon which the Works are proposed to be constructed, have been deposited at the Office of the Clerk of the Peace for the County of *Derby:* And whereas the several Persons herein-after named, and others, are willing, at their own Expense, to afford such Supply, and to make and maintain all the necessary Works for the Purpose; but such Objects 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,)

Short Title. I. This Act may be cited for all Purposes as "*Matlock* Waterworks Act, 1860."

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 17. incorporated. II. The several Provisions of "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," are incorporated with this Act.

Subscribers incorporated. III. *William Bratby*, *Samuel Ingall*, *James Jeffries*, *John Knowles*, *John Smedley*, and *Thomas Stevens*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking by this Act authorized, their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of constructing, forming, and laying down a Reservoir and Aqueducts or Main Pipes, and all other Works necessary or convenient for supplying the Inhabitants of the Parish of *Matlock* with Water, by and under the Name of "*Matlock* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions in this Act and in the incorporated Acts contained.

Capital. IV. The Capital of the Company shall be Four thousand Pounds, divided into Eight hundred Shares of Five Pounds each.

Calls. V. One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall intervene between the making of successive Calls.

Rate of Dividend that may be paid on Shares. VI. Five Pounds in the Hundred by the Year on the paid-up Capital of the Company is to be the prescribed Rate of Dividend to be divided amongst the Holders of Shares in the Undertaking.

Power to borrow on Mortgage. VII. The Company may borrow on Mortgage any Sums of Money not exceeding in the whole the Sum of One thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the Capital or Sum of Four thousand Pounds shall have been subscribed for, and One Half thereof paid up, and until they shall prove to the Justice who is to certify, under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

VIII. The

Arrears may be enforced by Appointment of a Receiver.

VIII. The Mortgagees under this Act may enforce Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be One hundred Pounds.

First Ordinary Meeting.

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

Quorum of Meetings.

X. The Quorum of every Meeting of the Company shall be Four Shareholders holding in the aggregate not less than Two hundred Pounds in the Capital of the Company.

Requisitions for Extraordinary Meetings.

XI. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than Ten, and such Shareholders shall hold in the aggregate not less than Five hundred Pounds in the Capital of the Company.

Number and Qualification of Directors.

XII. The Number of Directors of the Company shall be Six, and the Qualification of a Director shall be the Possession by him in his own Right of Twenty Shares at least in the said Undertaking, and *William Bratby*, *Samuel Ingall*, *James Jeffries*, *John Knowles*, *John Smedley*, and *Thomas Stevens* shall be the First Directors of the Company.

Quorum.

XIII. A Quorum of a Meeting of Directors shall be Three.

Power to take Lands shown on deposited Plans.

XIV. Subject to the Provisions in this and in the incorporated Acts contained, the Company may enter upon, take, and use such of the Lands, Springs, Streams, and Water delineated on the deposited Plans, within the Limits of Deviation shown thereon, and described in the Book of Reference, and also any Easement, Privilege, Power, or Authority in or over the same, as shall be necessary for the Purposes of the Works by this Act authorized; and in constructing the Works by this Act authorized to be made the Company may make lateral Deviations from the Line of such Works not exceeding the Limits of Deviation described on the said Plans, and may deviate from the Levels of the Reservoir to any Extent not exceeding Three Feet, and of other Works as delineated on the deposited Sections to any Extent not exceeding Five Feet.

Works which the Company may execute.

XV. The Works which the Company may execute are those described on the deposited Plans as follows: They may construct and form or lay down an Aqueduct or Main Pipe, commencing at or near to a certain Spring called the *Wold Spring*, in a certain Field called the *Knob*, in the Occupation of *Mary Ludlam*, within the Parish of *Matlock*, and terminating

terminating in a Reservoir to be constructed or formed on or near to several Closes of Lands or Fields called the *Barn Croft* and the *Nether Bottoms*, in the Occupation of *John Goodwin*, within the said Parish; a Reservoir on or near to such several Closes of Lands or Fields lastly herein-before described; an Aqueduct or Main Pipe commencing in the said last-mentioned Reservoir, and terminating at or near to a certain Highway leading from the *Chesterfield* Turnpike Road in the said Parish to *Darley* in the said County.

Powers for compulsory Purchases limited.

XVI. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XVII. The Works shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Works as shall then be completed.

Limiting Pressure of Supply of Water.

XVIII. The Water of the Company shall be constantly laid on at a Pressure not greater than the residual Pressure to be afforded through the Pipes of Distribution from the Bottom of the Reservoir of the Company shown on the Plans and Sections.

Company, at the Request of Owners, &c., to supply Water to certain Lands for Cattle.

XIX. At the Request of the Owner or Occupier of any Lands now supplied with Water by or from the Sources authorized to be taken and appropriated for the Purposes of this Act, other than and except the Lands and Property herein-after mentioned claimed to belong to *Thomas Wildgoose* and *John Garton*, the Company shall lay down such Pipes and fix such Troughs or other Vessels as shall be suitable for supplying such Lands with a sufficient Quantity of Water of the Company for the Use of Cattle depastured thereon, and shall supply such Pipes and Troughs with a sufficient Quantity of Water for the Use of such Cattle without making any Charge to the Owner or Occupier for the same.

As to Supply of Water to Properties of Thomas Wildgoose and John Garron.

XX. For the Purpose of supplying *Hurst Farm* and the Farm-house, Cottages, and Buildings belonging thereto, situate in *Matlock*, and claimed to belong to *Thomas Wildgoose*, and the Lands near or adjoining to that Farm, and the Dwelling Houses, Malthouse, Cottages, and Buildings on those Lands claimed to belong to *John Garton*, and situate near to *Matlock Mill* in *Matlock*, with Water for the Use thereof, the Company shall place and fix, and for ever thereafter maintain, upon the *Hurst Farm*, in such Position as shall be agreed on between the Com-

pany

pany and the said *Thomas Wildgoose*, or in case of their Disagreement as shall be settled by Arbitration, a Cistern capable of holding One hundred and fifty Gallons, and shall connect such Cistern with their Reservoir by a One-Inch Leaden Pipe, to be fixed in such Reservoir at the same Level as the Main Pipe of the Company will be fixed therein, and shall place and fix, and for ever thereafter maintain, at or near to the Trough now being at the Back of the Malthouse before mentioned, another Cistern, also capable of holding One hundred and fifty Gallons, and shall connect such Cistern with the before-mentioned One-Inch Pipe by means of a Three Quarters of an Inch Leaden Pipe, and shall also place and fix sufficient Troughs at or near to the Watering Places now being on the existing Watercourse running through the same Farm and Lands, and connect such Troughs with the Three Quarters of an Inch Pipe by Branch Pipes, all of which Cisterns and Troughs are to be provided with proper Balltaps to regulate the Supply of Water to the same, and the Company shall at all Times supply the Cisterns, Pipes, and Troughs with a sufficient Quantity of Water for all Purposes connected with the said Farm and Lands respectively.

Penalty in case of Neglect to supply such Premises with Water.

XXI. In case of any Neglect or Default by or in consequence of which the Quantity of Water for the Use of *Hurst Farm*, Lands, Dwelling Houses, Malthouse, and Premises so claimed to belong to the said *Thomas Wildgoose* and *John Garton* as aforesaid shall not be duly supplied with Water as aforesaid, the Company shall for every Day on which such Neglect or Default shall occur forfeit and pay by way of Penalty to the Occupiers of the said Farm, Lands, Dwelling Houses, Malthouse, and Premises, who may sue for the same in the County Court of the District in which the same are situate, the Sum of Forty Shillings, but such Penalty shall not be incurred if the Want of such Supply shall arise from unavoidable Cause or Accident or necessary Repairs; and the Company shall make good, repair, and restore the Works with all convenient Speed.

Farmhouses and Buildings belonging to T. W. Evans, Esq., and T. Ludlam to be supplied with Water.

XXII. The Owners and Occupiers for the Time being of the Farmhouse and Buildings belonging to the *Wolds Farm*, claimed to belong to *Thomas William Evans* Esquire, and of the Farmhouse and Buildings adjoining to *Wolds Farm*, claimed to belong to the Trustees of *Thomas Ludlam* deceased, may, by Pipes of a reasonable Bore, to be fixed and placed by such Owners and Occupiers, convey Water from the nearest Troughs or other Vessels fixed by the Company under any of the Provisions of this Act to those Farmhouses and Buildings, for domestic and other ordinary Uses, and also to the Troughs now standing in any of the Fields belonging to the *Wolds Farm*.

Water not to be wasted.

XXIII. The Owner or Occupier of any Farmhouse, Land, Dwelling House, Malthouse, Cottage, or Building supplied with Water under any of the Provisions of this Act shall not waste or permit any Water so supplied to be wasted, or to be used for any other than the Purposes for which the same is so supplied; and the Company may at all reasonable Times enter into and upon the Farmhouses, Lands, Dwelling Houses, Malthouses, Cottages, and Buildings, to ascertain the Use of the Water, and to lay down, fix, examine, and repair such Pipes, Cisterns, and Troughs.

Public Watering Places to be supplied as heretofore.

XXIV. The Company shall (by the ordinary Channels now existing) supply all existing public Watering Places in or upon the Roads or Highways, which are now supplied by or from the Sources authorized to be taken or appropriated for the Purposes of this Act, with a sufficient Quantity of Water of the Company to answer the Purpose for which the Public have heretofore used Water from those public Watering Places.

Reserving Rights of Fishing.

XXV. The Owner for the Time being of the *Wolds Farm*, and every Person authorized by him, may fish, otherwise than with Nets, in any open Reservoir belonging to the Company in or upon the *Wolds Farm*, and shoot over such open Reservoir, and for such Purposes may enter into and upon such open Reservoir and the Embankments thereof, doing no Damage to the Water in the Reservoir, Embankments, or other Works of the Company.

For preventing Accidents from Reservoir.

XXVI. In order to provide against Accidents to Life or Property by the bursting of the Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That when any Person interested complains to Two Justices that such Reservoir is in a dangerous State, the Justices shall forthwith make Inquiries into the Truth of the Complaint: Provided always, that any Two Justices, on their own View, and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them.

Order of Justices for immediate Repair.

XXVII. If on any such Inquiry the Justices be satisfied that the Complaint is well founded; and that the Reservoir as aforesaid is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they may, if they think fit, order such Persons as they think fit to enter on the Property of the Company, and to lower the Water in the Reservoir, and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

XXVIII. If

Order of Justices after Summons on Company to repair Reservoir.

XXVIII. If on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such imminently dangerous Condition as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Company to answer the Complaint, and upon hearing the Parties, or upon Default of Appearance of the Company then in their Absence, the Justices may, by Order in Writing under their Hands, order the Company, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the Reservoir, and do such Works and Things as they think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Company to obey Orders.

XXIX. If in any such Case the Company do not, within such Period as the Justices specify in that Behalf in the Order, lower the Water in the Reservoir, and do the Works and Things thereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Company, may, if they think fit, order such Persons as such Justices think fit to enter on the Property of the Company, and to lower the Water in the Reservoir, and do all such Works and Things specified in the Order, and not done by the Company, and all such other Works and Things, if any, as the Justices think requisite and proper, for removing the Cause of Complaint.

Form of Order.

XXX. Any such Order of Justices may be in the Form or to the Effect following:

'To *A. B.* of

'WE, the undersigned, Two of Her Majesty's Justices of the Peace 'acting for do hereby order and 'direct you (and such Person or Persons as you may require to aid and 'assist you therein) forthwith to lower the Water in the [*here specify the 'Reservoir*], and do all such Works and Things as are requisite to 'repair and make good [*here specify the Reservoir to be repaired and 'made good*], (and you shall do as little Injury as possible to the 'Property of the *Matlock* Waterworks Company,) and in acting in 'obedience to the Premises this shall be your sufficient Warrant. 'Given under our Hands, this Day of in 'the Year of our Lord One thousand eight hundred and .'

Persons acting under Order of Justices not deemed Trespassers.

XXXI. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do, or instigate or suffer to be done, anything in contravention of the

the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Justices may impose Penalty on Company for disobeying Order.

XXXII. If the Justices so think fit, they may by any such Order under this Act impose on the Company, for not carrying the Order into effect, any Penalty not exceeding Ten Pounds for every Day's Default which the Justices may think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Persons to remove the Cause of Complaint.

Order of Justices on Company for Payment of Costs.

XXXIII. The Justices may order all or such Part as they think fit of the Costs of and incident to the applying for and obtaining of any such Order on the Company, and also all or such Part as the Justices think fit of the Expenses of the Works and Things done in pursuance of any such Order by any Person other than the Company, to be paid by the Company, and every Amount so to be paid shall be paid by the Company to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Appeal by Company.

XXXIV. Provided always, That if the Company feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices on any such Complaint, the Company shall have the like Power of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that pending any such Appeal, and except only so far, if at all, as on the Appeal it be quashed or altered, the Order appealed against shall be in force.

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

XXXV. The Company shall, at the Request of the Owner or Occupier of any private Dwelling House or Part of a private Dwelling House, and of every Person entitled to demand a Supply of Water in any Street or Place within the Parish of *Matlock*, and adjoining or near to which any Pipe of the Company shall be laid, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for domestic Use, at Rates not exceeding the yearly Rates following; (that is to say,)

Where the annual Value of the House or Part of a House shall not exceed Eight Pounds, the yearly Rate of Sixteen Shillings:

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

Where such annual Value shall exceed Ten Pounds and shall not exceed Fifteen Pounds, the yearly Rate of Twenty-four Shillings:

Where such annual Value shall exceed Fifteen Pounds and shall not exceed Twenty Pounds, the yearly Rate of Twenty-eight Shillings:

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

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

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

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

What shall not be deemed domestic Purposes.

XXXVI. A Supply of Water for domestic Purposes shall include a Supply for One Watercloset, but not for a Bath, 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.

Limiting Amount for Charge of Water-closets.

XXXVII. The Company may charge in any One Year in respect of the First Bath the Sum of Ten Shillings, and in respect of every Watercloset beyond the First, and of every Bath beyond the First, in or belonging to any private Dwelling House, the Sum of Five Shillings.

Cisterns, Closets, and Baths to be so constructed as to prevent Waste, or the Reflux of impure Water into the Mains.

XXXVIII. Every Cistern or other Receptacle for Water, and every Watercloset, Soil Pan, and private Bath which shall be supplied with Water by the Company, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, 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 or communicating therewith; and, notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, the Company shall not be bound to supply Water into any Cistern or other Receptacle for Water, or to any Watercloset, Soil Pan, or private Bath, which shall not be so constructed and used.

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

XXXIX. The Company may supply any Person with Water for other than domestic Purposes 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.

Expenses of Act.

XL. The Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Company.

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