

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

Cap. clxxv.

An Act for better supplying with Water the Town and Parish of *Sheffield* in the County of *York*; and for amending the Act relating thereto.

[31st *July* 1845.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for better supplying with Water the Town and Parish of* Sheffield *in the County of* York, whereby certain Persons were constituted a Body Politic and Corporate under the Title of "The Company of Proprietors of the *Sheffield* Waterworks:" And whereas the said Company acting under the Authority of the said Act are now supplying the Inhabitants of the said Town and Parish with Water: And whereas since the passing of the said Act the Population of the said Town and Parish has greatly increased, and it is desirable that an additional Supply of Water should be obtained for the Use of the said Town and Parish: And whereas such a Supply might be obtained from a certain Brook called *Wyming Brook*, and the tributary Streams uniting therewith, situate in the Township of *Upper Hallam* in the Parish of *Sheffield* in the County of *York*, if the said Company were authorized to take the whole of the Waters of the

11 G. 4. & 1 W. 4. c. 55.

said Brook, and of its tributary Streams, and to construct Reservoirs and other Works necessary for storing up and for conducting the same into the existing Reservoirs and Works of the said Company: And whereas the said Company are willing and desirous to construct Reservoirs and other Works necessary for the Purposes aforesaid, and also to construct Two Reservoirs for storing up Water for the Use of the Owners, Lessees, and Occupiers of Mills and other Works on the River *Rivelin*, and on the River *Loxley* below its Junction with the River *Rivelin*, as a Compensation to them for the whole of the Waters of the said Brook called *Wyming Brook*, and its tributary Streams, intended to be taken and diverted under the Authority of this Act: And whereas it is expedient that the Provisions of the said recited Act should be amended in some respects: 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 all the Powers, Provisions, Matters, and Things contained in the said recited Act of the Eleventh Year of the Reign of King *George* the Fourth (so far as the same are not expressly altered, repealed, or otherwise provided for by this Act, or by the Lands Clauses Consolidation Act, 1845, herein-after mentioned,) shall extend to this Act, and to the several Works and Things hereby authorized or required to be done, so far as the same shall be applicable thereto, and shall operate and be in force for carrying this Act into execution, as fully and effectually to all Intents and Purposes as if the same and every Part thereof were repeated and re-enacted in this Act in reference to such Purposes and Objects.

Powers of recited Act extended to this Act.

Incorporation of 8 & 9 Vict. c. 18. with this Act.

II. And be it enacted, That the Lands Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act, and the Provisions of the said Lands Clauses Consolidation Act shall be applicable to the Undertaking hereby authorized.

Power to raise 50,000*l.* by creating new Shares.

III. And whereas the estimated Expence of making the said proposed Works is Fifty thousand Pounds; be it therefore enacted, That it shall be lawful for the said Company to raise by Sale of Shares, or by Contribution amongst themselves, or by the Admission of other Parties as Subscribers to the said Undertaking, or in part by each of those Means, in addition to the Sum of One hundred thousand Pounds already raised by Shares under and by virtue of the said recited Act, any Sum of Money not exceeding Fifty thousand Pounds, such Sum to be divided into One thousand Shares of Fifty Pounds each, to be numbered in regular Order of arithmetical Progression; and every Share shall always be distinguished by the Number to be originally applied to the same.

Appropriation of new Shares.

IV. And be it enacted, That such new or additional Shares shall be issued and appropriated to the Proprietors of Shares in the said Undertaking respectively at the Time when the same shall be so issued in the Proportion of One Fifty Pounds Share for every original Share of One hundred Pounds held by them respectively therein;

therein; and in case any of the said Proprietors shall refuse or neglect for One Calendar Month next after Offer of the same by Letter under the Hand of the Clerk of the said Company given to or sent by the Post to him, or left at his usual or last Place of Abode, to accept the Shares so to be appropriated to him, then and in every such Case it shall be lawful for the said Company to sell and dispose of such Shares as shall not be accepted as aforesaid unto any Person who may be willing to become the Purchaser thereof for such Sum of Money as the said Committee of Management may be able to obtain for the same.

New Shares to be Personal Estate.

V. And be it enacted, That the Shares to be created in pursuance of this Act shall be Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Holders of new Shares to be entitled to same Privileges as Holders of old Shares.

VI. And be it enacted, That all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally hold, take, or purchase One or more of the said Shares, shall, after Payment of such Sums of Money as shall be called for by virtue of this Act, be entitled to, and receive upon such Sums of Money so paid as aforesaid, Part of the Profits or Advantages that shall accrue from the said Undertaking, in the same Proportion and after the same Rate *per Centum* as the Holders of the original One hundred Pound Shares shall be entitled to receive; and such Shares shall be consolidated with and be one and the same Joint Stock Capital with the original Shares raised by the said recited Act; and such Shares shall and may be transferred and assigned from Time to Time, and shall and may be forfeited for Nonpayment of the Calls made thereon, in the same Manner as is provided in and by the said recited Act with regard to the Shares therein mentioned or referred to, and be subject to the same Provisions, Regulations, Directions, and Management in all respects as if the same had been Part of the said original Capital Stock of the said Company; and all such Persons aforesaid shall be thenceforth united to and incorporated with the said Company; and all Regulations, Provisions, and Authorities contained in the said recited Act for enforcing the Calls for the Capital Stock of the said Company, and for the Recovery thereof or of any Arrears thereof, shall be applicable to the Calls which shall be made for the said new Shares hereby authorized to be created as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

Repealing Clause in recited Act limiting the Transfer of Stock to Sums not less than 100*l.*

VII. And be it enacted, That so much of the said recited Act as enacts that no Assignment or Transfer should be made or entered in the Book or Books of the said Company of or concerning any smaller Sum of the Capital Stock of the said Company than One hundred Pounds thereof, and that every such Assignment or Transfer which should or might at any Time or Times thereafter be attempted to be made, and should happen to be so entered, of or concerning any such smaller or less Sum of the said Capital Stock than One hundred Pounds thereof, should be null and void, any thing in the said Act to the contrary notwithstanding, shall be and the same is hereby repealed.

VIII. And

No Transfer of less than One Share of 100*l.* or One Share of 50*l.*

VIII. And be it enacted, That no Assignment or Transfer shall be made or entered in the Books of the said Company of or concerning any smaller Sum or Part of the Capital Stock of the said Company than One whole Share of One hundred Pounds, or One whole Share of Fifty Pounds thereof; and if at any Time hereafter any such Transfer or Assignment shall happen to be so entered of or concerning any such smaller Sum or Part of the said Capital Stock than as aforesaid, every such Entry shall be utterly null and void, any thing in this or in the said recited Act to the contrary notwithstanding.

One Vote for every Two new Shares.

IX. And be it enacted, That every Person who shall become entitled to any of the Shares to be created by virtue of this Act shall have and be entitled to give One Vote in respect of every Two such Shares, either in Person or by Proxy, at the several Meetings of the said Company, in the same Manner and to the same Extent as is prescribed by, and subject to the same Stipulations, Provisions, Restrictions, and Limitations as are mentioned or contained in the said recited Act with respect to the Right of voting by the Proprietors of the original Shares of One hundred Pounds.

Company may borrow an additional Sum of Money.

X. And be it enacted, That it shall be lawful for the said Company, when and so soon as One Half of the total Amount of the Capital of the said Company shall have been actually raised and paid up, from Time to Time to borrow and take up at Interest any Sum of Money not exceeding Twenty thousand Pounds on the Credit of the said Undertaking, in addition to the Sum of Thirty thousand Pounds authorized to be raised by Mortgage by virtue of the said recited Act, and to assign the said Undertaking, or the Rates and Rents to be received by virtue of the said recited Act or this Act, or any of them, or a competent Part thereof, in the Form and Manner mentioned in the said recited Act, as a Security for Repayment of any such Sum of Money so to be borrowed, together with lawful Interest for the same; and all the Directions and Provisions contained in the said recited Act touching the Money thereby authorized to be raised by Mortgage, and the raising, assigning, and transferring the same, and all other Matters and Things thereby provided in relation thereto, shall be equally in force and applicable in respect of all Monies that may be raised by Mortgage under and by virtue of this Act.

Company may pay off Money borrowed, and reborrow the same.

XI. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed, the Company shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Mortgage: Provided nevertheless, that the said Company shall not in any event borrow upon Mortgage so that more than the Sum of Fifty thousand Pounds in the whole shall be due and owing at One Time on Mortgage of or as a Charge upon the said Undertaking.

XII. Pro-

Mortgages under former Acts to have Priority.

XII. Provided always, and be it enacted, That all Mortgages granted under the Powers of the said recited Act shall have Priority over any Mortgages granted under the Powers of this Act.

Mortgages, &c. to be stamped.

XIII. Provided always, and be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said recited Act contained to the contrary notwithstanding.

Repeal of Provision in recited Act respecting Notice of General and Special General Meetings.

XIV. And whereas by the said recited Act the Committee of Management are required to give Twenty Days Notice at the least of any General or Special General Meeting of the said Company called by them, and it would be more convenient if the said Committee were authorized to call such Meetings upon giving shorter Notice of the same; be it therefore enacted, That so much of the said recited Act as requires the said Committee of Management to give Twenty Days Notice at the least of any General or Special General Meeting of the said Company called by them shall be and is hereby repealed.

Notice of General or Special General Meetings.

XV. And be it enacted, That it shall be lawful hereafter for the said Committee of Management to call such General or Special General Meeting by giving Notice of the same by Advertisement in One of the Newspapers usually circulated in the Town of *Sheffield*, or by Circular sent to each Proprietor Ten Days at the least previous to such Meeting.

Security to be taken from Officers intrusted with Money.

XVI. And with respect to the Accountability of the Officers of the Company, be it enacted, That before any Person intrusted with the Custody or Control of Monies, whether Treasurer, Collector, or other Officer of the Company, shall enter upon his Office, the Committee of Management shall take sufficient Security from him for the faithful Execution of his Office.

Officers to account and pay over Monies, &c.

XVII. And be it enacted, That every Officer or Person employed by the Company shall from Time to Time, when required by the Committee of Management, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Company; and such Account shall state how, and to whom, and for what Purpose such Monies shall have been disposed of; and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Committee of Management, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary Remedy against Of-

XVIII. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts

ficers failing to account.

Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Directors, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or any Act incorporated therewith, or belonging to the Company, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before Two or more Justices, at a Time and Place to be set forth in such Summons, to answer such Charge; and upon the Appearance of such Officer, or in his Absence upon Proof that such Summons was personally served upon him, or left at his last known Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Company are in the Hands of such Officer, or owing by him to the Company, such Justices may order such Officer to pay the same; and if he fail to pay the Amount, it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months, unless the same be sooner paid.

Officers refusing to deliver up Documents, &c. to be imprisoned.

XIX. And be it enacted, That if any such Officer refuse to make out such Account in Writing, or to produce and deliver to the Justices the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Company, such Justices may lawfully commit such Offender to Gaol, there to remain until he have delivered up all the Vouchers and Receipts (if any) in his Possession or Power relating to such Accounts, and have delivered up all Books, Papers, Writings, Property, Effects, Matters, and Things (if any) in his Possession or Power belonging to the Company.

Where Officer about to abscond, Warrant may be issued in the first instance.

XX. Provided always, and be it enacted, That if any Director or other Person acting on behalf of the Company shall make Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and does believe, that it is the Intention of any such Officer as aforesaid to abscond, it shall be lawful for the Justice before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for bringing such Officer before such Two Justices as aforesaid; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours without bringing him before some Justice; and it shall be lawful for the Justice before whom such Officer may be brought, either to discharge such Officer if he think there is no sufficient Ground for his Detention, or to order such Officer to be detained in Custody so as to be brought before Two Justices at a Time and Place to be named in such Order, unless such Officer give Bail to the Satisfaction of such Justice for his Appearance before such Justices to answer the Complaint of the Company.

XXI. And

Sureties not to be discharged.

XXI. And be it enacted, That no Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Company of any Remedy which they might otherwise have against such Officer, or any Surety of such Officer.

Auditor to be appointed by Chairman of Sessions.

XXII. And be it enacted, That the Chairman for the Time being of the Quarter Sessions for the West Riding of the County of *York* shall annually appoint an Auditor for the Purpose of auditing the Accounts of the said Company; and in case such Office of Auditor shall before such Accounts have been audited in any Year become vacant by Death or otherwise, the Chairman for the Time being as aforesaid shall from Time to Time appoint an Auditor to supply such Vacancy; and for the above Purposes such Auditor may examine the Accounts of the said Company during Fourteen Days previous to each annual Meeting, and may either make a special Report on the said Accounts, or simply confirm the same; and such Report or Confirmation shall be read, together with the Report of the Committee, at the annual Meeting.

Remuneration of Auditor.

XXIII. And be it enacted, That the Remuneration of such Auditor for each such annual Audit shall not exceed the Sum of Two Guineas *per* Day, nor the Sum of Five Guineas in the whole, and the same shall be paid to him by the said Company.

Annual Account to be made up and Copy transmitted to Clerk of the Peace, and to be open to Inspection.

XXIV. And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Committee of Management, or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the West Riding of the County of *York*, on or before the Thirty-first Day of *March* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Clause in recited Act giving Power to make Bye Laws repealed.

XXV. And whereas it was by the said recited Act enacted, that the said Company should have full Power and Authority from Time to Time, at any such General or Special General Meeting as therein mentioned, to make such Rules, Orders, and Bye Laws as to them should seem right and proper for the good Government of the said Undertaking, and for regulating the Proceedings of their Committee of Management, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs of the said Company, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Regulations, or any of them, and

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to make others, and to impose and inflict such reasonable Fines and Forfeitures upon Persons offending against the same, as to the major Part of the said Company present at such Meetings should seem meet, not exceeding the Sum of Five Pounds for every Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as therein-after mentioned; which same Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed and published, and painted on Boards, should be hung up and affixed on the Front of some Part of the said Waterworks, and should from Time to Time be renewed as often as the same or any Part thereof should be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders should be binding upon and observed by all Parties, and should be sufficient in any Court of Law or Equity to justify all Persons who should act under the same, provided that they were not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in that Act contained; and all such Rules, Bye Laws, and Orders should be subject to Appeal in manner therein-after mentioned: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed.

Power to make Bye Laws for the Officers of the Company.

XXVI. And with respect to the making of Bye Laws, be it enacted, That it shall be lawful for the Company from Time to Time to make such Bye Laws as they think fit for the Purpose of regulating the Conduct of the Officers and Servants of the Company, and for providing for the due Management of the Affairs of the Company in all respects whatsoever, and from Time to Time to alter or repeal any such Bye Laws, and make others, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have effect, or to the Provisions of this Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and a Copy of such Bye Laws shall be given to every Officer and Servant of the Company affected thereby.

Fines for Breach of such Bye Laws.

XXVII. And be it enacted, That it shall be lawful for the Company by such Bye Laws to impose such reasonable Penalties upon all Persons, being Officers or Servants of the Company, offending against such Bye Laws, as the Company think fit, not exceeding Five Pounds for any One Offence.

Bye Laws to be so framed as that Penalties may be mitigated.

XXVIII. And be it enacted, That all the Bye Laws to be made by the Company shall be so framed as to allow the Justice before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Justice shall think fit.

Evidence of Bye Laws.

XXIX. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of such Bye Laws in all Cases of Prosecution under the same.

XXX. And

Repealing Clause in former Act restraining Company from taking the Waters of the Wyming Brook, &c.

XXX. And be it enacted, That so much of the said recited Act as restrains the said Company from diverting, detaining, taking, or using any of the Waters of the said Brook called *Wyming Brook*, or of any other Brooks, Rivulets, Springs, or Drains which unite themselves with the said Brook called *Wyming Brook*, except the flood or spare or surplus Waters thereof, shall be and is hereby repealed; and the said Company shall be and they are hereby empowered to divert, detain, take, and use for the Supply of their Reservoirs and Works, at all Times whensoever they shall think fit, the whole or any Part of the Waters of the said Brook called *Wyming Brook*, and of the other Brooks, Rivulets, Springs, and Drains which unite themselves therewith, above the Level or Bench Mark now fixed and placed at *Redmires* in the North Boundary Wall of the Charity School Plantation there adjoining the Road from *Sheffield* to *Hathersage*; but nothing in this Act or Schedule hereto annexed contained shall enable or authorize the said Company to divert, detain, take, or use any of the Waters of the said Brook called *Wyming Brook*, or of any other Brooks, Rivulets, Springs, or Drains which unite themselves with the said Brook called *Wyming Brook*, below the said Level or Bench Mark at *Redmires* aforesaid, subject nevertheless to such Provisions as are herein-after contained.

Award annulled.

XXXI. And whereas by an Award made in pursuance of the Directions of the said recited Act the said Company were ordered and directed to make, resort to, adopt, and use certain Weirs, Gauges, Canals, Cuts, Watercourses, Sluices, Pipes, and other Expedients therein specified, for the Purpose of diverting, detaining, taking, and using the flood, spare, and surplus Waters of the said Brook called *Wyming Brook*, and its tributary Streams, and such Weirs, Gauges, Canals, Cuts, Watercourses, Sluices, Pipes, and other Expedients were and have been in compliance therewith so made, resorted to, adopted, and used, but after the Construction and Completion of the Reservoirs intended to be made under the Authority of this Act for the Use of the Owners, Lessees, and Occupiers of the Mills and other Works entitled to the rest of the said Waters, the said Weirs, Gauges, Canals, Cuts, Watercourses, Sluices, Pipes, and other Expedients will be useless and unnecessary for the Purposes of the said Award; be it therefore enacted, That from and after the passing of this Act the said Award shall be and is hereby abrogated and annulled, and the said Company shall not be required or compelled to uphold, maintain, or continue the said Weirs, Gauges, Canals, Cuts, Watercourses, Sluices, Pipes, and other Expedients, or any of them, and may, if they shall think fit, pull up, destroy, or remove the same, except the Gauge, Weir, or Tumbling Bay on the River *Rivelin*, which may be useful to the Owners, Lessees, and Occupiers of Mills and other Works, subject nevertheless to the Provisions herein-after contained.

Power to construct Reservoirs, &c.

XXXII. And be it enacted, That it shall be lawful for the said Company to make, construct, and maintain a Reservoir on certain Lands at or near the *Redmires* in the Township of *Upper Hallam* in the Parish of *Sheffield* and County of *York*, and also a Reservoir on certain Lands at or near *Fairthorn Farm* in the said Township of *Upper Hallam*, for the Purpose of storing up the Waters of the said

Brook called *Wyming Brook*, and the other Brooks, Rivulets, Springs, and Drains which unite themselves with the said Brook called *Wyming Brook*, or which spring up in the Sites of the said intended Reservoirs respectively, at or above the Level or Bench Mark now fixed and placed at *Redmires* aforesaid, together with all Cuts, Watercourses, Sluices, Aqueducts, and other Works necessary for effecting the same, and for connecting the said Reservoirs with the existing Reservoir and Works of the said Company at *Redmires* in the said Township of *Upper Hallam*; and also to make and construct in a proper and substantial Manner Two Reservoirs of sufficient Dimensions, Capacity, and Extent to contain together Thirty-six million two hundred and eighty-eight thousand Cubic Feet of Water at the least, the said Two last-mentioned Reservoirs to be made and constructed under the Direction of *James Simpson* of *Great George Street, Westminster*, in the County of *Middlesex*, Civil Engineer, or his Successor or Successors, to be appointed as herein-after provided, on certain Lands in the said Township of *Upper Hallam* and in the Township of *Bradfield* in the Parish of *Ecclesfield* in the County of *York*, at or near the present Junction of the said Brook called *Wyming Brook* with the River *Rivelin* in the said Township of *Upper Hallam*, for the Purpose of storing up the flood Waters of the said River *Rivelin*, and supplying Water to the said Mills and other Works on the said Rivers *Rivelin* and *Loxley*; also to make, form, erect, and construct, in a proper and substantial Manner, in, upon, or near to the said Two last-mentioned Reservoirs, under the like Direction of the said *James Simpson*, or his Successor or Successors as aforesaid, such Floodgates, Cloughs, Valves, Sluices, Weirs, Dams, Spillwaters, Byewashes, Cuts, Channels, Feeders, Aqueducts, and other Works as may be necessary or proper for conveying the Waters of the said River *Rivelin* along or past the Side of the said Two last-mentioned Reservoirs, and for turning the flood Waters of the said River *Rivelin* into the said Two last-mentioned Reservoirs, and for drawing off and emptying such Waters from Time to Time out of and from the said Two last-mentioned Reservoirs, for the Supply of the said Mills and other Works; and also to erect and build a Dwelling House, consisting of a Living Room, Kitchen, and Two Lodging Rooms, with all necessary Conveniences thereto, near to the said last-mentioned Reservoirs, suitable and fit for the Residence, Use, and Occupation of a Person to be appointed from Time to Time as herein-after mentioned as Superintendent or Keeper of the said Two last-mentioned Reservoirs and Works; and also to cross, stop up, alter, and divert all such Turnpike Roads, Parish Roads, and Highways within the said Townships and Parishes, or some of them, and also the said Brook called *Wyming Brook*, and the other Brooks, Rivulets, Springs, and Drains which unite themselves with the said Brook called *Wyming Brook*, or which spring up in the Sites of the said intended Reservoirs respectively, as may be necessary for the Purposes of the said Works of the said Company, and of the said Reservoirs for storing up the flood Waters of the said River *Rivelin*, to cross, stop up, alter, and divert; and also to divert the Course of the said River *Rivelin*; and also to stop up and divert a certain Highway in the said Township of *Upper Hallam* called the *Long Causeway* Road, and also a certain Turnpike Road in the said Township of

Bradfield called the *Sheffield* and *Glossop* Turnpike Road, or either of them, to the Extent and in the Manner shown on the Plan hereinafter referred to; and for effecting the Purposes aforesaid the said Company are hereby endowed with the same Powers and Authorities as in the said recited Act are contained in respect of the Water thereby authorized to be taken and conveyed, and the Reservoirs, Waterworks, Cisterns, Tanks, Aqueducts, Conduits, and other Works thereby authorized to be constructed, completed, maintained, laid down, fixed, and kept.

To make Reservoirs for compensating the Owners, &c. of Mills and Works on the Rivers Rivelin and Loxley before diverting the Waters of the Wyming Brook.

XXXIII. Provided always, and be it enacted, That the said Company shall not divert, detain, take, or use for the Purpose of supplying the Reservoirs and Works of the said Company any of the Waters of the said Brook called *Wyming Brook*, or of any of the Brooks, Rivulets, Springs, or Drains which unite themselves therewith, except so far as they are thereunto authorized by the said recited Act, until the said Company shall, at their own Expence, have made, constructed, and completely finished in a proper and substantial Manner, and under the Direction of the said *James Simpson*, or his Successor or Successors, to be appointed as herein-after provided, at or near the Junction of the said Brook called *Wyming Brook* with the said River *Rivelin* in the said Townships of *Upper Hallam* and *Bradfield* aforesaid, the said Two last-mentioned Reservoirs, and the same shall be filled with Water, and made capable of retaining such Water for the Purpose of providing a Supply of Water for the Mills and other Works situate on the said Rivers *Rivelin* and *Loxley*, and also shall have made and constructed all such Floodgates, Cloughs, Valves, Sluices, Weirs, Dams, Spillwaters, Byewashes, Cuts, Channels, Feeders, Aqueducts, and other Works as may be necessary for conveying the Waters of the said *Wyming Brook* and River *Rivelin* along or past the Side of the said Two last-mentioned Reservoirs, and for turning the flood Waters of the said River *Rivelin* into the said Two last-mentioned Reservoirs, and for drawing off and emptying such Waters from Time to Time out of and from the said Two last-mentioned Reservoirs for the Supply of the said Mills and other Works, and also shall have erected and built a Dwelling House, consisting of a Living Room, Kitchen, and Two Lodging Rooms, with all necessary Conveniences thereto, near to the said Two last-mentioned Reservoirs, for the Use and Occupation of a Person to be appointed from Time to Time as herein-after mentioned, nor until it shall have been certified in Writing by and under the Hand of the said *James Simpson*, or his Successor or Successors to be appointed as herein-after provided, at the sole Expence in all respects of the said Company, that the said Two last-mentioned Reservoirs and other Works, and Dwelling House and Conveniences thereto, have been and are properly made, constructed, and completed, and the said Two last-mentioned Reservoirs filled with Water, and made capable of retaining such Water, and such Certificate shall have been enrolled in the Office of the Clerk of the Peace for the West Riding of the County of *York*.

For appointing a Successor to James Simpson, an Engineer, in

XXXIV. And be it enacted, That if the said *James Simpson* shall die before the said Two last-mentioned Reservoirs and other Works and Dwelling House be properly made, constructed, and completed, and

case of his Death or Resignation.

and the said Two last-mentioned Reservoirs filled with Water, and made capable of retaining such Water, and such Certificate be made as aforesaid, or within Three Weeks after being required to act shall decline so to do, it shall be lawful for the said Company to give Notice to the said Owners, Lessees, and Occupiers of the said Mills and other Works, of a Meeting to be held in *Sheffield* aforesaid, to agree with the said Company in the Nomination and Appointment of some competent Engineer in the Place or Stead of the said *James Simpson*, to ascertain if such Two last-mentioned Reservoirs and other Works and Dwelling House shall have been properly made, constructed, and completed, and the said Two last-mentioned Reservoirs filled with Water, and made capable of retaining such Water, and to make such Certificate as aforesaid; and if at such Meeting the said Company and the said Owners, Lessees, and Occupiers shall not agree in the Nomination and Appointment of such Engineer in the Place or Stead of the said *James Simpson*, then it shall be lawful for the said Owners, Lessees, and Occupiers to appoint an Engineer, not being an Owner, Lessee, or Occupier of the said Mills and other Works, nor interested in the same, to act in their Behalf, to meet an Engineer, not being interested in the said Company, to be appointed by the said Company, who are hereby empowered to appoint the same, which Two last-mentioned Engineers shall and they are hereby required, before they proceed on such Examination, to appoint some competent Engineer to act as Umpire between them, to ascertain if such Two last-mentioned Reservoirs and other Works and Dwelling House shall have been made, constructed, and completed, and the said Two last-mentioned Reservoirs filled with Water, and made capable of retaining such Water, and to make such Certificate as aforesaid.

If Mill Owners refuse or neglect to appoint an Engineer, Justices shall appoint.

XXXV. And be it enacted, That if at any such Meeting hereinbefore directed to be held for the Appointment of an Engineer as Successor to the said *James Simpson* the said Owners, Lessees, and Occupiers of the said Mills and other Works and the said Company shall not agree in the Nomination and Appointment of an Engineer in the Place and Stead of the said *James Simpson*, or the said Owners, Lessees, and Occupiers shall neglect or refuse to name and appoint an Engineer for and on their Behalf to meet an Engineer to be appointed by the said Company, or if the Engineer who shall be named and appointed by the said Owners, Lessees, and Occupiers shall neglect or refuse to meet and act in the Premises with the Engineer so to be named and appointed by the said Company for Three Weeks after Notice given to him by the Engineer appointed by the said Company, appointing a Time and convenient Place for meeting to act with the Engineer named and appointed by the said Company, or in case the said Engineers so appointed by the said Owners, Lessees, and Occupiers and the said Company as aforesaid shall refuse or neglect to appoint an Umpire as aforesaid, or shall without reasonable and good Cause refuse to certify as aforesaid within Three Calendar Months next after their Appointment, or in case the said Umpire shall without such Cause as aforesaid refuse to certify as aforesaid within Three Calendar Months next after the Expiration of the said Time allowed for the granting of such Certificate by the said Engineers, then it shall be lawful for the said Company, on giving Ten Days Notice thereof to the said Owners, Lessees,

Lessees, and Occupiers, to apply to Her Majesty's Justices of the Peace in and for the West Riding of the County of *York* at the General Quarter Sessions to be holden for the said Riding next after any of the Events last aforesaid, to appoint an Engineer in the Place and Stead of the said *James Simpson*, and the said Justices are hereby required to appoint the same; and the Certificate in Writing of such Engineer so to be nominated and appointed by the said Owners, Lessees, and Occupiers and the said Company as aforesaid, or the Certificate of the said Two Engineers so to be appointed as aforesaid, or their Umpire, or the Certificate of the said Engineer so to be appointed by the said Justices in Sessions as aforesaid, shall be as effectual and binding to all Intents and Purposes as the Certificate of the said *James Simpson* would have been if made and enrolled as aforesaid, provided such Certificate shall be enrolled in the Office of the Clerk of the Peace of the West Riding of the County of *York* within Three Calendar Months after the Date thereof, and a Copy of the same Certificate signed by the said Clerk of the Peace or his Deputy shall be deemed Evidence thereof; provided that if any of the Engineers or the Umpire, to be appointed as aforesaid, or their Successors, to be appointed as herein provided for, shall die within the Time limited for making their Certificate, then it shall be lawful for the said Company, and the said Owners, Lessees, and Occupiers, or for the said Justices as aforesaid, either together or respectively, as the Case may require, to appoint another Engineer or Umpire in the Stead of every such Engineer or Umpire so dying, in the same Manner as such deceased Engineer or Umpire was appointed; and the same Time shall be allowed after every such Appointment for the making of the Certificate required as aforesaid as is herein-before allowed for the making of the same by the Engineers and Umpire first appointed as aforesaid.

If Engineer appointed by Justices refuse to certify, Company may take Water, subject to an Action.

XXXVI. And be it enacted, That if any Engineer appointed by the said Justices as aforesaid shall without reasonable and good Cause refuse to certify as aforesaid within Three Calendar Months next after his Appointment, it shall be lawful for the said Company to divert, detain, take, and use the whole or any Part of the Waters of the said Brook called *Wyming Brook*, and of the Brooks, Rivulets, Springs, and Drains which unite themselves therewith above the Level or Bench Mark aforesaid, or which spring up in the Sites of the said Reservoirs to be made for the Use of the said Company respectively, as freely and fully as they would have been entitled to do in case the said Engineer appointed by the said Justices had certified in Writing as aforesaid; yet nevertheless the said Company shall be liable to Damages to each and every one of the said Owners, Lessees, and Occupiers for any Excess of their Authority in so diverting, detaining, taking, or using any of the said Waters, such Damages to be recovered by Action in any of Her Majesty's Courts of Law at *Westminster*, at the Suit of any of the said Owners, Lessees, or Occupiers.

Reservoirs and other Works to be maintained

XXXVII. And be it enacted, That the said Two last-mentioned Reservoirs and Floodgates, Cloughs, Valves, Sluices, Weirs, Banks, Drains, Spillwaters, Byewashes, Cuts, Channels, Feeders, Embankments,

and cleansed by the Company.

ments, Puddles, Dwelling House, and other Works, together with the said Gauge, Weir or Tumbling Bay now on the said River *Rivelin*, shall be kept and maintained in good and substantial Order and Repair by and at the Expence of the said Company; and also that the said Two last-mentioned Reservoirs shall, at the like Expence, be cleansed and deepened by the said Company, whenever from the Deposit of Rubbish, Gravel, Sediment, or other Matter therein, or from any other Cause, they shall be insufficient or unable to contain the said stipulated Quantity of Thirty-six million two hundred and eighty-eight thousand Cubic Feet of Water at the least.

As to Mode of cleansing.

XXXVIII. And be it enacted, That in cleansing the said Two last-mentioned Reservoirs, and any other Reservoir or Reservoirs now or hereafter to be made at the *Redmires* as aforesaid, from Time to Time, as herein-before mentioned, the said Company shall and they are hereby required to take and remove from and out of the same the Mud and other Deposit therein, and shall not at any Time permit or suffer such Mud or Deposit, or any Part thereof, to be thrown or washed out of the said Reservoirs respectively, or allowed to pass from the same into the said River *Rivelin* or *Wyming Brook*.

Disputes between Mill Owners and Company to be settled by Arbitration.

XXXIX. And be it enacted, That if the said Company, and the Owners, Lessees, and Occupiers of the Mills and other Works on the said Rivers *Rivelin* and *Loxley*, should at any Time differ in Opinion as to the Necessity of cleansing, deepening, or repairing the said Two last-mentioned Reservoirs or either of them, or of the said Works connected therewith, or any Part thereof, or of the said Dwelling House, such Dispute shall be settled by Arbitration in manner hereinafter provided.

The Company may draw off the Water to enable them to repair the Reservoir.

XL. Provided always, and be it enacted, That it shall be lawful to and for the said Company, their Agents, Servants, and Workmen, to draw and let off the Water of the said Two last-mentioned Reservoirs, when and so often as it shall be necessary, for the Purpose of cleansing, repairing, and keeping in repair the said Two last-mentioned Reservoirs, and the Dams, Banks, Goits, Trunks, Channels, Water-gates, Pipes, Valves, and other Works appertaining thereto, or any Part or Parts thereof respectively, the Company in drawing off the said Water doing no Damage thereby, and making full Compensation to the said Owners, Lessees, and Occupiers for any Loss or Damage that may be thereby sustained by them: Provided always, and be it enacted, that it shall not be lawful for the said Company to draw off the Water from the said Two last-mentioned Reservoirs at one and the same Time.

Company to make good all Damages to be done by Reservoirs bursting, &c.

XLI. And be it enacted, That the said Company shall and they are hereby required, from Time to Time and at all Times for ever hereafter, to pay and make good to the said Owners, Lessees, and Occupiers for the Time being of Mills and other Works situated upon the said Rivers *Rivelin* and *Loxley*, and to every Person whomsoever, all Loss, Costs, Charges, Sum and Sums of Money, Damages, and Expences whatsoever, and all Injury, of what Nature or Kind soever, as well immediate as consequential, which such Owners, Lessees, or Occupiers,

Occupiers, or the Owners, Lessees, or Occupiers of any Buildings, Lands, or Grounds adjoining to the said Rivers *Rivelin* and *Loxley*, or either of them, or other Persons, may suffer, sustain, incur, pay, expend, or be put unto, or be subject or liable to suffer, sustain, incur, pay, expend, or be put unto, by reason or in consequence of the Operations of making and maintaining, or of the bursting, breaking down, or giving way of the said Two last-mentioned Reservoirs or either of them, or any Embankment, Puddling Pier, or Goit thereof or of any Part thereof, or of any Floodgate, Clough, Pipe, Valve, Sluice, Weir, Drain, Spillgate, Byewash, Cut, Channel, Feeder, Gauge, Weir, or Tumbling Bay, or other Work of the said Company whatsoever, or from improperly constructing the same, or from the Want of Repair thereof, or by reason of the cleansing or repairing of such Two last-mentioned Reservoirs or either of them, or any of the Works connected therewith, whether the same shall result from any Act or Negligence of the said Company, or their Agents, Servants, or Workmen, or from any inevitable or other Accident whatsoever.

Owners, Lessees, and Occupiers to appoint a proper Person for regulating the Supply of Water from the said Reservoirs.

XLII. And be it enacted, That the said Owners, Lessees, and Occupiers shall from Time to Time appoint a proper Person as Superintendent or Keeper of the said Two last-mentioned Reservoirs and Works, with a competent Salary, not exceeding Eighteen Shillings *per* Week, to be paid by them, for the Protection and Management of the same, who shall at all Times reside in the said Dwelling House to be built or provided near to the said Two last-mentioned Reservoirs, and who shall draw up and put down, and otherwise manage and regulate, the said Cloughs, Sluices, Valves, Weirs, and other Works, and mete out the Water for the Use of the said Mills and Works, according to written Instructions to be drawn up for the Purpose by the said Owners, Lessees, and Occupiers in the Manner herein-after mentioned, with Power nevertheless for the said Owners, Lessees, and Occupiers, from Time to Time and when and as they may think proper, to dismiss such Person who shall be appointed such Superintendent or Keeper, and to appoint some other Person in his Stead, and such other Person shall be liable to be dismissed in like Manner.

Owners, &c. empowered to make Regulations for Supply of Water from the said compensating Reservoirs, and to alter, &c. from Time to Time.

XLIII. And be it enacted, That it shall be lawful for the Owners, Lessees, and Occupiers for the Time being of the several Mills and Works now or hereafter to be erected on the said Rivers *Rivelin* and *Loxley*, in public Meeting to be convened for the Purpose as herein-after mentioned, to make such Rules and Regulations for the Management of the said Two last-mentioned Reservoirs, Sluices, Valves, and other Works, and for regulating at all Times the Flow of Water into and from the said Two last-mentioned Reservoirs, as they may see fit, and from Time to Time to alter such Rules and Regulations in such Manner as to a Majority of such Owners, Lessees, and Occupiers so assembled shall seem most desirable or advantageous.

So soon as compensating Reservoirs are completed, a Meeting of Owners, &c.

XLIV. And be it enacted, That when the said Two last-mentioned Reservoirs, and the several Works connected therewith, and the said Dwelling House, shall be certified to be completed in manner herein-before mentioned, the Clerk of the said Company shall convene a Meeting of the Owners, Lessees, and Occupiers of the several Mills and

to draw Rules and Regulations.

and Works now or hereafter to be erected on the said Rivers *Rivelin* and *Loxley*, to be held at some convenient Place in the Town of *Sheffield* aforesaid, for the Purpose of framing such Rules and Regulations as aforesaid, by Notice, as herein-after provided.

Owners, Lessees, and Occupiers may meet and draw up such Regulations.

XLV. And be it enacted, That the said Owners, Lessees, and Occupiers may meet according to such Notice, and may make such Rules and Regulations for the Management of the said Two last-mentioned Reservoirs, Sluices, Valves, and other Works, and for regulating at all Times the Flow of Water into and from the said Two last-mentioned Reservoirs or either of them, as they may think fit.

Clerk of Company to convene a Special Meeting of Owners, &c. of Mills and Works on Requisition of Three or more of such Owners, &c.

XLVI. And be it enacted, That it shall be lawful for any Three of such Owners, Lessees, or Occupiers (not being Partners, nor interested in respect of the same Premises,) at any Time, by Notice in Writing under their Hands, to require the Clerk of the said Company to call a Meeting of the said Owners, Lessees, and Occupiers for any Purpose connected with the said Two last-mentioned Reservoirs, or with the Supply of Water to the said Mills and Works on the said Rivers *Rivelin* and *Loxley*; and the Clerk of the said Company shall, within Ten Days after the Receipt of such Notice, call such Meeting to be held within Twenty Days next thereafter at a fit and convenient Place in the Town of *Sheffield* aforesaid.

For calling Meetings of the Mill Owners.

XLVII. And be it enacted, That all Meetings of the Owners, Lessees, and Occupiers of Mills and other Works, to be convened under the Authority of this Act, for the Appointment of an Engineer or Engineers in the Place of the said *James Simpson*, and for managing and regulating the Two last-mentioned Reservoirs or either of them, and Works connected therewith, and for any Business connected therewith, shall be called by Advertisement in each of the *Sheffield* Newspapers, and by Notice served at the Office of the Agent of the Duke of *Norfolk* in *Sheffield*, and by Notice also stuck up and placed on a Board in the said Dwelling House of the Person to be appointed as Superintendent and Keeper of the said Two last-mentioned Reservoirs, at least Two Weeks prior to the holding of any such Meeting; and such Advertisement and Notices respectively shall state the Time and Place of such intended Meeting (which Place of Meeting shall be within the Town of *Sheffield*), and the Object for which such Meeting shall be held; and such Advertisement shall be inserted, and such Notices respectively be served and stuck and placed by the Clerk of the said Company, at the Expence of the said Company.

Three Owners, Lessees, or Occupiers of Mills and Works to constitute a Quorum.

XLVIII. And be it enacted, That Three at least of such Owners, Lessees, or Occupiers (not being Partners, nor interested in respect of the same Premises, and not being interested in the said Company,) shall be present in order to constitute a Meeting; and all Resolutions and Decisions which shall be come to at any such Meeting by a Majority of Votes, estimated in manner herein-after prescribed, shall be as valid and effectual as if the whole of such Owners, Lessees, and Occupiers had concurred therein.

XLIX. And

XLIX. And be it enacted, That the First and any other Meeting of the said Owners, Lessees, and Occupiers of Mills and Works which may be convened under the Authority of this Act may be adjourned from Time to Time and from Place to Place as may be found expedient.

Meeting of Owners, Lessees, and Occupiers may be adjourned.

L. And be it enacted, That at every such Meeting One of the Parties present and entitled to vote shall be appointed Chairman; and such Chairman shall, in case of an equal Division on any Question, have the decisive or casting Vote, in addition to any other Vote or Votes which he may be otherwise entitled to give.

Chairman to be appointed at each Meeting, and to have a casting Vote.

LI. And be it enacted, That at every Meeting of the said Owners, Lessees, and Occupiers of Mills and Works convened in manner herein-before mentioned every Owner, Lessee, or Occupier present at such Meeting shall be entitled to give One Vote on any Proceeding or Question in respect of every complete Foot of Fall of Water appropriated as Power to any Mill or Water-wheel, whether occupied or not, of which he shall be the Proprietor, or which he shall occupy on the said Rivers *Rivelin* and *Loxley*, or either of them; and every Matter or Thing which shall be proposed, discussed or considered in any such Meeting shall be determined by the Majority of Votes then given: Provided always, that in Cases where any Part of the said Rivers, or either of them, or Falls, shall be jointly owned by Two or more Persons, whether as joint Tenants, Tenants in Common, or Copartners, or shall be in the joint Occupation of Two or more Persons, such joint Owners, joint Lessees, or joint Occupiers, as the Case may be, shall for the Purpose of voting be considered as One Owner, One Lessee, or One Occupier, and shall agree amongst themselves as to the Manner in which or as to the Persons by whom such Vote or Votes shall be given: Provided also, that where any Owner or Lessee of any such Fall of Water shall attend and take a Part in the Proceedings of any Meeting, it shall be lawful for such Owner or Lessee to vote in respect of such Fall in case his Tenant or the Occupiers shall be absent from such Meeting, or shall waive his Claim to vote; but in case the Tenant or Occupier of such Fall shall be present he alone shall have the Right to vote in respect thereof; but in all Cases where there is an Owner and Lessee of any such Fall, the Tenant or Occupier being absent, or waiving his Claim to vote as aforesaid, then the Lessee attending any such Meeting, and he alone, shall have the Right to vote in respect thereof: Provided also, that in case the joint Owners, joint Lessees, or joint Occupiers of any Mill or Work cannot agree amongst themselves as to the Manner in which or as to the Person by whom the Vote or Votes in respect of such Mill or Work shall be given, such Vote or Votes shall not be received: Provided also, that the Duke of *Norfolk*, or other the Owner for the Time being of his Estate, shall at all Times be entitled to vote at any such Meeting, either personally or by his Agent duly appointed in Writing, notwithstanding the Presence at such Meeting of the Occupier of his said Mills and Works, not being a Lessee thereof.

Rules and Regulations as to voting.

Minutes of Meetings of Owners, Lessees, and Occupiers to be kept in Books and signed by the Chairman at the Meeting.

LII. And be it enacted, That the Clerk of the Company shall attend at every Meeting of the Owners, Lessees, and Occupiers of the said Mills and Works which shall be convened under the Authority of this Act, and shall enter into proper Books to be provided for that Purpose by the said Company full Minutes of all the Resolutions which shall be come to at such Meeting, and of all other Proceedings which shall take place thereat; and the Minutes of each Meeting shall be signed by the Chairman of such Meeting; and there shall be Two Minute Books kept which shall be Transcripts or Copies of each other, both of which shall be signed by the Chairman, and shall be considered as Originals, and one of such Books shall be kept by the Clerk of the Company, and the other of such Books shall be kept by such Person as the said Owners, Lessees, and Occupiers shall at any of their Meetings appoint to keep the same; and such Entries, when so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened, or of the Persons present at such Meeting being Owners, Lessees, or Occupiers of any Mill or Work on the said Rivers *Rivelin* and *Loxley*, or of the Signature of the said Chairman, all of which last-mentioned Matters shall be presumed.

Duplicate Copies of Regulations to be drawn up and signed by the Chairman.

LIII. And be it enacted, That a fair Copy of the Rules and Regulations to be so made by the said Owners, Lessees, and Occupiers (in addition to the Copies entered in the Minute Books as herein-before prescribed) shall be written out by the Clerk of the Company, and be signed by the Chairman of such Meeting, which Copy shall be posted up in some convenient Place in or near to the Dwelling House of the Superintendent or Person who shall have charge of the said Two last-mentioned Reservoirs and the Works connected therewith.

If any Dispute arise touching the cleansing and deepening such Reservoirs, a Meeting of Owners, &c. to be convened to consider the Matter in dispute or to appoint Arbitrator or Arbitrators, &c.

LIV. And be it enacted, That if any Difference or Dispute shall arise between the said Company, and the Owners, Lessees, and Occupiers of the Mills and Works on the said Rivers *Rivelin* and *Loxley*, as to the Necessity of cleansing or deepening the said Two last-mentioned Reservoirs, or touching the Condition or State of Repair of the said Works, or of the said Level or Bench Mark, or of the said Gauge Weir or Tumbling Bay, or of the said Dwelling House, the Clerk of the Company shall convene a Meeting of the said Owners, Lessees, and Occupiers in manner herein-before, prescribed for the Purpose of considering the Matter in dispute, and, if they shall think fit so to do, for the Purpose of concurring with the Company in adopting such Measures as may be necessary for referring the Matter in dispute to Arbitration in manner herein-after provided.

Arbitrator or Arbitrators to be appointed.

LV. And be it enacted, That for the Purpose of determining any such Dispute by Arbitration as aforesaid it shall be lawful for the Owners, Lessees, and Occupiers present at the Meeting to be convened as aforesaid, or at some Adjournment thereof, either to agree with the said Company in the Nomination or Appointment of some competent Person to be sole Arbitrator to decide the Matters in dispute between them, or otherwise to appoint some Person, not

being

being interested in the Matter of Dispute, to act as Arbitrator in their Behalf, and to meet an Arbitrator to be appointed by the said Company; and the said Two Arbitrators before proceeding on such Reference shall appoint some competent Engineer to act as Umpire between them.

If Owners, Lessees, and Occupiers fail to meet or appoint Arbitrator, the Company may refer the Matter to some disinterested Engineer.

LVI. And be it enacted, That if at the Expiration of Two Hours from the Time appointed for such Meeting Three or more of such Owners, Lessees, or Occupiers (not being interested in respect of the same Premises) shall not be present, of which a Declaration under the Hand of the Clerk of the said Company, entered in the Minute Book herein-before directed to be kept by him, shall be sufficient Evidence, or if the Owners, Lessees, and Occupiers present at such Meeting shall not agree with the said Company in the Appointment of some One Person to be sole Arbitrator between them, or shall not at such Meeting, or at some Adjournment thereof, appoint an Arbitrator to act in their Behalf, it shall be lawful for the said Company alone to appoint some Engineer, not interested in the Question, to decide the Matter in dispute, and the Award in Writing of such Engineer shall be final and conclusive; and such Matters, Things, and Expedients as the said Arbitrator or Arbitrators, or their Umpire, shall award and direct to be resorted to or adopted, for the cleansing or deepening of the said Two last-mentioned Reservoirs, and Reparation of the Works connected therewith, shall be forthwith resorted to or adopted, in strict Conformity to and with such Award and Direction; and all Expences attendant on such Reference as aforesaid or incident thereto shall be borne and paid by the said Company.

Arbitrators to appoint Umpire.

LVII. And be it enacted, That in case an Arbitrator shall be named by and on behalf of each of the said Parties, such Two Arbitrators shall, within Fourteen Days from the Date of their Appointment, and before they shall enter upon the Business of the said Reference, proceed to nominate and appoint an Umpire, who shall be an Engineer by Profession, and not interested in the Matter, to decide and settle any Difference between them touching the Matters referred for their Arbitration.

Arbitrator to make his Award.

LVIII. And be it enacted, That in the event of One Arbitrator being named and agreed upon by and between the said Parties, or being appointed by the said Company as aforesaid, he shall enter upon the Business of the said Reference, and make his Award therein, within the Space of Twenty-one Days from the Date of his Appointment, unless the Parties shall agree to extend such Period.

Arbitrators to make their Award.

LIX. And be it enacted, That in the event of Two Arbitrators being appointed as aforesaid, they shall enter upon the Business of the said Reference as soon as may be after the Appointment of an Umpire as aforesaid, and shall make their Award therein within the Space of One Month from the Date of the Appointment of such Umpire, unless the Parties shall agree to extend such Period.

LX. And

Arbitrators or Umpire to proceed ex parte.

LX. And be it enacted, That if either of the said Parties neglect or refuse to attend before the said Arbitrator or Arbitrators or Umpire, as the Case may be, on Seven clear Days Notice being given to him by the other of such Parties, it shall be competent for the Arbitrator or Arbitrators or Umpire to proceed *ex parte* in the Absence of the Party so neglecting to attend as aforesaid; and any Award made and signed by him or them shall be as valid and effectual, and have the like Force, as if both the said Parties had been heard.

If Arbitrators do not appoint Umpire, the Justices may.

LXI. And be it enacted, That in case the Two Arbitrators appointed as aforesaid shall not, within Fourteen Days after their Appointment, have agreed upon and appointed an Umpire, then it shall be lawful for either of the said Parties, on giving Three clear Days Notice to the other of such Parties of their Intention so to do, and stating the Time and Place when and where such Application shall be made, to apply to Two Justices in Petty Sessions assembled, and such Justices are hereby empowered and required to nominate and appoint some Engineer to be Umpire accordingly.

If Arbitrators and Umpire fail to award, fresh Appointments to be made.

LXII. And be it enacted, That if any Arbitrator or Arbitrators or Umpire so appointed shall not make his or their Award upon the Matters so referred within the Time limited for that Purpose, then a fresh Meeting shall be called, and another Appointment of Arbitrator or Arbitrators and Umpire shall be made in manner hereinbefore respectively provided.

If Award not performed by the Company, the Owners, &c. may execute the same and recover Expences thereof from the Company.

LXIII. Provided always, and be it enacted, That if the said Company shall neglect or omit to cleanse and deepen the said Two last-mentioned Reservoirs, and repair the Works connected therewith, pursuant to and in conformity with the Award or Direction of the said Arbitrator or Arbitrators, or their Umpire, for the Space of Seven Days next after a Copy of such Award shall have been served upon the Clerk of the said Company, it shall and may be lawful to and for the said Owners, Lessees, and Occupiers, or any other Person or Persons by their Order or under their Authority, to cause such Two last-mentioned Reservoirs to be cleansed and deepened, and the Works connected therewith to be repaired, in such Manner and to such Extent as shall be awarded and directed to be done in and by such Award; and that the reasonable Costs and Charges for doing the same shall immediately thereafter be paid by the said Company or their Treasurer to the said Owners, Lessees, and Occupiers, on demand thereof of the Clerk of the said Company: Provided nevertheless, that if such reasonable Costs and Charges be not paid within Fourteen Days next after such Demand shall be made by the said Owners, Lessees, and Occupiers, Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the said West Riding, all such reasonable Costs and Charges shall and may be recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace as

as aforesaid, and which Warrant such Justice or Justices is and are hereby empowered to grant; and such Costs and Charges shall be paid to the said Owners, Lessees, and Occupiers.

Rules and Regulations to be put up in the Dwelling House of Superintendent.

LXIV. And be it enacted, That a Copy of the Rules and Regulations to be made or altered and confirmed as aforesaid, or of such other Rules and Regulations as may, under the Provisions of this Act, be from Time to Time substituted in their Stead, shall be put up and placed in some convenient Place in the Dwelling House of the Superintendent or Person who shall have the Charge and Management of the said Two last-mentioned Reservoirs and of the Works connected therewith; and the Flow of Water into and from the said Reservoirs shall thenceforth be regulated in strict Compliance with such Rules and Regulations, until the same shall be altered or varied in the Manner herein provided.

Expences of Meetings of Owners, &c. to be paid by Company.

LXV. And be it enacted, That the Expences of the First Meeting of Mill Owners for preparing the Rules and Regulations aforesaid, and of One Adjournment thereof, (if such Adjournment take place,) as well as the Expence of any further Meetings to be held under the Provisions of this Act for considering or adopting any Alterations which the Company may propose in such Rules and Regulations, or for any other Purpose connected with the same Reservoirs, or with the Supply of Water to the said Mills and other Works, shall be borne and paid by the said Company.

Rates, &c. on Reservoirs to be paid by Company.

LXVI. Provided also, and be it enacted, That all Rates, Assessments, and Impositions, whether parochial or otherwise, which shall or may at any Time hereafter be assessed or imposed upon the said Two last-mentioned Reservoirs or other Works, or upon the Dwelling House to be erected and built and appropriated to the Residence of the Superintendent or Keeper of the said Reservoirs, as hereinbefore mentioned, in whosoever's Occupation the same may be assessed or rated, shall be borne and paid by the said Company: Provided always, that if the said Two last-mentioned Reservoirs and other Works shall be assessed or rated in the Names of the Owners, Lessees, and Occupiers of the said Mills and Works, and the said Owners, Lessees, and Occupiers shall be called on to pay the same, then the said Company shall be bound to reimburse the said Owners, Lessees, and Occupiers to the full Amount of the Rate or Assessment so paid.

Company to pay to the Owners, &c. 18*s.* a Week during Appointment of Superintendent, and which, together with Rates and Assessments, may be recovered by

LXVII. And be it enacted, That the Company shall pay to the said Owners, Lessees, and Occupiers the Sum of Eighteen Shillings a Week weekly and every Week so long as a Superintendent and Keeper of the said Two last-mentioned Reservoirs shall be appointed by the said Owners, Lessees, and Occupiers as aforesaid; and in case the said Company shall fail or omit to pay, on demand made upon the Clerk of the said Company, the said Rates, Assessments, or Impositions, or the said Sum of Eighteen Shillings weekly as aforesaid, then the said Rates, Assessments, and Impositions, and the said Sum of Eighteen Shillings weekly, or any of them, or any Part thereof respectively, shall and may be recovered by Distress and Sale of the Goods and

Distress and Sale.

and Chattels of the said Company, together with the Charges of the said Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace of the said West Riding, which Warrant such Justice or Justices of the Peace is and are hereby empowered to grant; and such Sum and Sums so recovered shall be paid to the said Owners, Lessees, and Occupiers.

Company not to divert Water of the River Rivelin, &c.

LXVIII. And be it enacted, That nothing in this Act shall authorize or enable the said Company to take, appropriate, divert, or use any of the Waters of the said River *Rivelin*, or of any of the tributary Waters, Streams, Springs, or Drains running or flowing into the same or connected therewith, except so far as is provided and declared in and by this Act and the said recited Act.

Rights of Mill Owners, &c. not to be prejudiced, &c.

LXIX. And be it enacted, That nothing in this Act contained shall be construed to affect, diminish, prejudice, or alter in any Manner whatsoever any Right which before the passing of the said recited Act or of this Act the Owners, Lessees, and Occupiers of Mills and Works on the Rivers *Rivelin* and *Loxley*, or either of them, had or have possessed or enjoyed, or might lawfully have, possess, or enjoy, to the Use of the Waters of the said River *Rivelin*, or of the said Brook called *Wyming Brook*, or of the tributary Waters, Streams, Brooks, Springs, or Drains running or flowing into the same or connected with the said River or Brook, or either of them, except so far as is provided and declared in and by this Act and the said recited Act.

Plan, Section, and Book of Reference to remain with the Clerk of the Peace, and a Description of Alteration thereof to be deposited.

LXX. And whereas a Plan and Section, describing the Line and Levels of the intended Channels, Cuts, and Aqueducts, and the Lands through which the same were intended to be carried, and the Situation of the intended Reservoirs and Works, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers respectively of such Lands, were deposited at the Office of the Clerk of the Peace for the said West Riding of the County of *York*: And whereas since the depositing of such Plan and Section as herein-before mentioned an Alteration as laid down on such Plan has been agreed upon and determined; be it therefore enacted, That the said Plan, Section, and Book of Reference shall remain with and be kept by the said Clerk of the Peace, and that a Map or Plan of such Works, describing such Alteration, as the same is intended to be made by virtue of this Act, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, together with a Section thereto, shall, within Three Calendar Months next after the passing of this Act, be deposited with the said Clerk of the Peace; and all Persons interested may at all seasonable Times inspect such Plans, Sections, and Book of Reference, and may require to be furnished by such Clerk of the Peace with Extracts therefrom or Copies thereof; and every such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and, certify the same to be true Copies or Extracts; and in respect thereof he shall be entitled to One Shilling for every Inspection, and at the Rate of Sixpence for every One hundred Words copied or extracted therefrom; and if any

such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every Offence a Sum not exceeding Five Pounds.

Errors and Omissions may be corrected.

LXXI. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans respectively, or in the said Book of Reference, or the Schedule hereto, be it enacted, That the Correction of any such Matter may be referred by the Company to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly; and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificates hall be deposited with the Clerk of the Peace for the West Riding of the County of *York*, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate and such Extracts or Copies respectively shall be kept by such Clerk of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate, and thereupon such Documents, or the Schedule to this Act shall be deemed to be corrected, according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Copies to be Evidence.

LXXII. And be it enacted, That Copies of such Plan and Book of Reference, or of any Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Power to enter on Lands and construct Works.

LXXIII. And for the better effecting the Purposes aforesaid, be it enacted, That it shall be lawful for the Company to enter into any Lands, Waters, and other Places mentioned in the said Plans and Book of Reference, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the Works hereby authorized to be made, and to dig and break up the Soil of such Lands, Waters, and Places, and to trench and sough the same, and to remove or use all Soil, Trees, or other Things dug or gotten out of the same, they the Company doing as little Damage as may be in the Execution of the Powers hereby granted, and making full Satisfaction for any such Damage to all Persons interested in any Lands or Water used for the Purposes of this Act, or which may be injured by the Execution of the Powers hereby granted: Provided always, that it shall not be lawful for the Company to enter into or use any Land or Water for the Purposes of this Act without having paid or tendered Payment for the same in manner herein mentioned, except for the Purpose of setting out and taking Levels of such Parts of the said Land or Water as the Company shall intend to take or use for the Purposes of this Act.

Company empowered to deviate

LXXIV. And be it enacted, That the Company, in making the said Channels, Cuts, Aqueducts, Reservoirs, and Works, shall not deviate

from Plan to an Extent not exceeding One hundred Yards.

deviate from the Section deposited or to be deposited with the Clerk of the Peace to any greater Distance than One hundred Yards from the Line or Situation of the said Channels, Cuts, Aqueducts, and Works respectively delineated on the said Plan deposited or to be deposited as aforesaid; and no Deviation shall extend beyond the Limits of Deviation marked on the said Plan, without the previous Consent in Writing of the Owner of the Land into which such Deviations shall be made, nor into any Lands of any Person not mentioned in the Book of Reference, without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Books of Reference.

Houses, Gardens, &c. not to be taken except particularly mentioned in Schedule.

LXXV. And be it enacted, That the said Company shall not take or injure any Property of the following Kinds, without the Consent in Writing of the Owners and Occupiers thereof; (that is to say,) any House or other Building which was erected before the First Day of *November* One thousand eight hundred and forty-four, or any Ground on or before that Day enclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue to a House, other than and except such as are mentioned in the Schedule to this Act annexed.

Repeal of Limitation of Time for completing Works.

LXXVI. And be it enacted, That so much of the said recited Act as limits the Time for completing the Works for supplying the Town and Parish of *Sheffield* with Water shall be and is hereby repealed.

Compulsory Purchase limited to Three Years.

LXXVII. And be it enacted, That 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 Three Years from the passing thereof.

Limitation of Time for completing Works.

LXXVIII. And be it enacted, That after the Expiration of Seven Years from the passing of this Act all the Powers by the said recited Act and this Act granted for completing the Works for supplying the Town and Parish of *Sheffield* with Water shall cease to be exercised, except as to so much of the same as shall then be completed; provided that nothing in this or the said recited Act contained shall be construed so as to restrain the said Company from extending their Mains and Pipes from Time to Time, whenever it shall be necessary, for the Purpose of supplying the Inhabitants of the said Town and Parish of *Sheffield* with Water.

Repeal of Rate of 7*l.* 10*s.* per Cent. on Rent of Houses not amounting to 8*l.* per Annum.

LXXIX. And be it enacted, That so much of the said recited Act as authorized the said Company to charge for Water supplied to any Dwelling House or Part of a Dwelling House, where the Rent of such Dwelling House or Part of a Dwelling House should not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds and Ten Shillings on the actual Amount of such Rent, so far as the same applies to Cases where the Rent of such Dwelling

Dwelling House or Part of a Dwelling House shall not amount to Eight Pounds *per Annum*, shall be and is hereby repealed.

Repeal of minimum Rate of 12*s.*

LXXX. And be it enacted, That so much of the said recited Act as provides that the said Company shall in no Case be obliged to furnish Water to any Inhabitant for less than Twelve Shillings in any One Year shall be and the same is hereby repealed.

Company to supply Water when Rent does not amount to 8*l.* per Annum at a Rate not exceeding 6*l.* per Cent., but not for less than 7*s.* 2*d.* a Year.

LXXXI. And be it enacted, That the said Company shall be obliged, in the Manner directed in the said recited Act, to furnish a Supply of Water, so far as their Means will allow, to every Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Part of the Town of *Sheffield*, or other Place where the Pipes of the said Company shall be laid, for the Use of his or her own Family, where the Rent of such Dwelling House or Part of a Dwelling House shall not amount to Eight Pounds *per Annum*, at a Rate not exceeding Six Pounds *per Centum per Annum* on such Rents: Provided nevertheless, that the said Company shall not be obliged to furnish such Supply to any Inhabitant for less than Seven Shillings and Two-pence a Year.

Limiting Charge when Rent does not exceed 7*l.*, and contracted for by Landlord.

LXXXII. And be it enacted, That in Cases where the Landlord or Owner of a Number of Houses let at Rents not exceeding Seven Pounds a Year respectively shall agree with the said Company to pay the Water Rent for the same, the said Company shall not in such Cases charge more than Six Shillings and Four-pence a Year for each House for such Supply, any thing to the contrary in this or the said recited Act contained notwithstanding.

Limiting Rates where Supply is uncertain to 1*d.* per 100 Gallons.

LXXXIII. And be it enacted, That in Cases of Schools, Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Livery Stable Keepers, Alehouse Keepers, or other Persons requiring a Supply of Water for other Purposes than his or their own Families Consumption, or Persons requiring a Supply of Water for Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Company in such Cases at and after not exceeding the Rate of One Penny for every One hundred Gallons so supplied as aforesaid.

Limiting Amount of Charge for Water-closets.

LXXXIV. And be it enacted, That the Company shall not charge more in any One Year than the several Rates herein-after specified in respect of Water-closets in or belonging to any private Dwelling House; (that is to say,)

When the annual Rack Rent does not exceed Ten Pounds *per Annum*, the Sum of Eight Shillings for each such Water-closet:

When the annual Rack Rent exceeds Ten Pounds, and does not exceed Twenty-five Pounds, the Sum of Ten Shillings for each such Water-closet:

When the annual Rack Rent exceeds Twenty-five Pounds, and does not exceed Fifty Pounds, the Sum of Twelve Shillings for each such Water-closet:

When the annual Rack Rent exceeds Fifty Pounds, and does not exceed One hundred Pounds, the Sum of Fifteen Shillings for each such Water-closet:

When the annual Rack Rent exceeds One hundred Pounds, the Sum of Twenty Shillings for each such Water-closet:

Provided always, that the Company shall not be compelled to supply any Water-closet, or the Apparatus or Pipes connected therewith, which shall not be constructed in manner approved of by the Company.

Surplus after paying Ten per Centum to be invested.

LXXXV. And be it enacted, That if the clear Profits of the said Undertaking, after Payment of all such Charges and Expences as are mentioned in the said recited Act and this Act, shall in any Year amount to a larger Sum than shall be sufficient to make Distribution among the Proprietors of the said Company of Ten Pounds *per Centum per Annum* on the said Capital authorized to be raised by the said Act and this Act, the Excess beyond the Sum which shall be necessary for such Purposes shall from Time to Time be invested in Government or other Securities; and the Dividends and Interest arising from such Securities shall also be invested in the same or the like Securities, in order that the same may accumulate at Compound Interest until the Fund so formed shall amount to and be continued at the Sum of Seven thousand Pounds, which Sum shall form a contingent or reserved Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits of the said Company, or to meet any extraordinary Claim or Demand which may at any Time arise against the said Company; and when such Fund shall, by Accumulation or otherwise, amount to the Sum of Seven thousand Pounds, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the said Undertaking to which the Profits of the said Company are applicable, until the said contingent or reserved Fund shall have been applied or exhausted, according to the Provisions of the said recited Act and this Act, in which Case the same may again be raised and applied in the same Manner as herein-before directed, and so *toties quoties* as often as Occasion shall require for the Purposes herein-before mentioned.

Providing for Surplus and Reduction of Price of Water.

LXXXVI. And be it enacted, That when and so soon as such Fund shall, by Accumulation or otherwise, amount to the Sum of Seven thousand Pounds, and Dividends to the Amount herein-before limited shall have been paid, on Account of the said contingent Fund, and of the Receipts, Expenditure, and Profits of the Company, shall be laid before the Court of Quarter Sessions of the Peace of the West Riding of the County of *York*, and be filed with the Clerk of the said Riding; and if it shall thereupon appear at such Court that the Profits of the Company for the preceding Year shall have exceeded the Sum herein-before authorized to be divided amongst the several Proprietors of Shares in the Undertaking, the Company shall make such a rateable Reduction in the Rents and Profits of Water to be furnished by the Company for the then current Year as in the Judgment of the said Court shall be proper, until by the Expenditure and Payments of the Company the contingent Fund shall have been

reduced below the said Sum of Seven thousand Pounds, when the Price of Water may, if necessary, be again raised, and so from Time to Time as such Event shall happen.

An Account to be made up annually.

LXXXVII. And in order to ascertain the Profits of the said Undertaking, be it enacted, That the said Company or their Committee of Management shall cause a true Account to be kept, and annually made up to the Thirty-first Day of *December* in each Year, of all Monies received by them under the Authority of the said recited Act and of this Act, and of all Charges and Expences attending the Construction, repairing, and maintaining the Works by the said recited Act and this Act authorized, and the carrying on the said Undertaking.

Water to be taken to extinguish Fires.

LXXXVIII. And be it enacted, That it shall be lawful for all Persons at all Times to take and use the Water of the Company in extinguishing any Fire which may happen within the Limits of this Act, without making Compensation for such Water.

Company to affix Fire-plugs.

LXXXIX. And be it enacted, That the Company, at the Request of the Town Council of the Borough of *Sheffield*, shall and they are hereby required to fix proper Fire-plugs into the Main and other Pipes belonging to the Company which are already laid or which may be hereafter laid by them within the Limits of this Act, at such convenient Distances from each other, and at such Places, as may be considered most proper and necessary, for the Supply of Water in extinguishing Fire; and in case any Difference of Opinion shall arise as to the proper Position or Number of such Fire-plugs, such Dispute shall be settled in manner following; that is to say, until an Inspector or public Officer shall be appointed in this Behalf under the Powers of some general Act to be passed in this or any future Session of Parliament, in the same Manner as Disputes as to Compensation for Land under the Amount of Fifty Pounds may be settled under the Provisions contained in the said Lands Clauses Consolidation Act, 1845, herewith incorporated, and after the Appointment of such Inspector or public Officer as aforesaid, then by such Inspector or public Officer so appointed.

Keys of the Fire-plugs to be deposited at Engine Houses.

XC. And be it enacted, That the Company shall, at the Cost and Charges of the said Town Council, as herein-after provided, from Time to Time repair, renew, and keep in proper Order every such Fire-plug, and as soon as any such Fire-plug shall have been completed the said Company shall deposit a Key thereof at each Place within the Limits of this Act where any public Fire Engine shall be kept for extinguishing Fire, and in any other Places directed by the said Town Council, and affix a public Notification in some conspicuous Place by the Side of each Street, Highway, or Place in which such Pipe shall be situate, to denote the Situation and Distance of such Fire-plug, and which Notification the Company are hereby authorized to put up on any House or Building on the Side of such Street, Highway, or Place.

XCI. And

Town Council to bear Expence of Fire-plugs.

XCI. And be it enacted, That the Cost of such Fire-plugs, and the Expence of fixing, placing, and maintaining the same in repair, and of providing such Keys as aforesaid, shall be defrayed by the said Town Council.

A daily Supply to be furnished in Five Years.

XCII. And be it enacted, That from and after the Period of Five Years from the passing of this Act, or sooner, if practicable, all Persons supplied with Water by the said Company shall be entitled to have and shall have and be furnished with a daily Supply of pure Water during a Period of Eight Hours at least in each Day.

Supply of Water for domestic Purposes.

XCIII. And be it enacted, That the Company shall cause Pipes to be laid down and Water to be conducted to every Part of such District where a sufficient Number of the Owners or Occupiers of the Houses therein agree to take such a Supply of Water for Three Years at least as that the annual Payment for the same at the Rates herein specified shall be equal to One Tenth Part of the Expence of providing and laying down such Pipes.

Penalty for Neglect to lay Pipes or supply Water for domestic Use.

XCIV. And be it enacted, That if for Twenty-eight Days after Demand in Writing made to the Clerk or Surveyor of the Company, and Tender made to such Clerk or Surveyor of the Amount of the Portion of the Rate payable in advance, the Company shall neglect or refuse to lay down Pipes in the Manner herein-before directed, and to provide and keep laid on such daily Supply of Water as aforesaid, the Company shall forfeit to the Owner or Occupiers making such Demand as aforesaid Treble the Amount of Rate so tendered, and shall also forfeit a Sum not exceeding Twenty Shillings for every Day during which they shall neglect or refuse to lay down such Pipes, or to provide such Supply of Water.

Supply of Water for Sewers, Drains, and other public Purposes.

XCV. And be it enacted, That the Company shall provide and keep constantly laid on in the Main Pipes a sufficient Supply of Water for cleansing the Sewers and Drains, or for cleansing and watering the Streets, at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon by and between the said Town Council and the said Company, or, in case of Disagreement, as shall be settled in the same Manner as is herein provided in regard to Disputes as to the Number and Position of Fire-plugs.

Penalty for Refusal or occasional Failure of Supply.

XCVI. And be it enacted, That if the Company shall neglect or refuse to furnish to the said Town Council, or to any Owner or Occupier entitled to receive a Supply, a sufficient Supply of Water during any Portion of the Period for which the Rates for such Supply shall have been paid, they shall forfeit to the Persons having paid the Rate a Sum not exceeding Twenty Shillings for every Day during which such Refusal or Neglect shall continue after Notice in Writing shall have been given to the Company of the Want of Supply; but no Penalty shall be payable by the Company if the Want of such Supply shall arise from Frost or other unavoidable Cause or Accident.

XCVII. And

Company to lay down Service Pipes on Request of Occupier, and with Consent of Owner.

XCVII. And whereas the Houses of the Poor are in many Cases not supplied with Water on account of the Inability of the Owners or Occupiers to lay down the Communication Pipes and other Apparatus; be it enacted, That it shall be lawful for the Company and they are hereby required, upon the Request of the Owner of any House, Building, or Premises in any Street or Place where Pipes shall have been laid down by the Company or upon Request of the Occupier, with the Consent in Writing of the Owner or reputed Owner thereof, or of his Agent or Receiver, and upon Payment or Tender of the Proportion of Water Rate in respect thereof hereby made payable in advance, to lay down Communication Pipes and other proper or necessary Apparatus for the Supply of such House, Building, or Premises with Water for domestic or other Purposes, and to keep the same in repair, and to charge for the same such reasonable annual Rent or Remuneration in Money as shall be agreed upon, or in case of Dispute as shall be settled by any Inspector or public Officer that may be hereafter appointed by any Act which may be passed in this or any future Session of Parliament; and such Rent or Remuneration shall be chargeable on and recoverable from the Occupier, or in his Default from the Owner of such House, Building, or Premises, or his Agent or Receiver, at the same Times and in the same Manner as Rents due to the Company in respect of such Supply of Water; and such Pipes and other Apparatus shall not be subject to Distress for Rent, nor to be taken in Execution on any Judgment of a Court of Law, or under any Fiat in Bankruptcy, against such Occupier or Owner, any Law or Practice to the contrary notwithstanding: Provided always, that the Company shall not be liable to make good any Loss or Damage which may arise by Leakage of Water or otherwise from any Pipe or Apparatus so laid down by them.

Penalty for Refusal to lay Communication Pipes.

XCVIII. And be it enacted, That if the Company shall neglect or refuse to lay down such Service Pipes or other Apparatus upon such Request and Consent, and upon Tender or Payment of such Rates or Remuneration as aforesaid, the said Company shall be liable to forfeit and pay to the Person so making such Request the Sum of Forty Shillings.

Company to be at liberty to remove the Pipes and recover Expences.

XCIX. And be it enacted, That in case the Occupier of the Premises in which such Water Pipes or other Apparatus shall have been affixed by the Company shall refuse to receive and pay for such Supply of Water, or in case of the Nonoccupation of such Premises, the Company may demand and enforce Payment from the Person liable to pay the Rent or Remuneration of the Amount of the Principal Money invested by them in supplying and affixing such Pipes and other Apparatus, and may, if such Person shall, after Ten Days Notice given to him by the Company, neglect or refuse to pay such Principal Money, enter and remove such Pipes and other Apparatus, and deduct the Value thereof from such Principal Money; and such Principal Money or any Part thereof remaining due, together with all Arrear of Rent for such Pipes and Apparatus, shall in default of Payment be recovered, together with the Costs incurred,

in the same Manner as Rents for Water are directed by this Act to be recovered.

Owner to be at liberty to purchase the Pipes.

C. Provided always, and be it enacted, That it shall be lawful for such Owner or reputed Owner of any Houses, Buildings, or Premises where any such Service Pipes or other Apparatus shall have been laid down by the Company at any Time to pay off the Amount which shall be then due to the Company in respect of the Costs of such Service Pipes and other Apparatus; and thereupon such Pipes and Apparatus shall become the Property of such Owner, and all further Rent in respect thereof shall cease to accrue to the Company.

Owners liable to pay Water Rates for Houses under 10*l.* a Year.

CI. And be it enacted, That the Owners of all Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements, and receiving a Supply of Water from the Company, the annual rateable Value of which Houses or Tenements shall not exceed the Sum of Ten Pounds, and which Houses or Tenements shall be let for Periods not exceeding One Month, shall be liable and subject to the Payment of all Rates, Rents, and other Charges made by the Company; and the Powers and Provisions herein contained for the Recovery of Rates, Rents, and other Charges from Occupiers shall be construed to extend and apply to the Owners of such Houses and Tenements.

Persons receiving the Rents deemed the Owners.

CII. And in order to prevent any Dispute touching the Meaning of the Word Owner for the Purpose of recovering any Rates, Rents, or other Charges under the Provisions of this Act, be it enacted, That the Person receiving the Rents of any Houses or Tenements supplied with Water by the said Company from the Occupier thereof on his own Account, or as Agent for any Person interested therein, shall be deemed the Owner of such Houses or Tenements; provided that the Meaning of the Word Owner shall not be construed to extend and apply to the Lessor of any such House or Tenement during the Continuance of the Lease granted by him.

Certain Provisions not to come into operation until a public Officer is appointed.

CIII. Provided always, and be it enacted, That the Enactments herein-before contained, requiring the Company to lay down Service Pipes and other necessary Apparatus for the Supply of Water to Occupiers of Houses or Parts of Houses shall not take effect until some general Act shall have been passed in this or some future Session of Parliament providing for the Appointment of an Inspector or other public Officer to determine the Matters herein-before required to be determined by such an Officer.

Penalty for stealing Water.

CIV. And be it enacted, That if any Person not paying for or not having agreed to pay for a Supply of Water from the said Company shall take or use any of the Water supplied by means of the Reservoirs, Pipes, and Aqueducts of the said Company, or of any of their Tenants, (except in the Case of Water to be used for the Purpose of extinguishing Fire,) he shall forfeit to the said Company for every such Offence any Sum not exceeding Five Pounds, according to the Discretion

cretion of the Justice of the Peace before whom the same shall be recovered, over and above the full Amount of the Damage sustained by the said Company by the Act or Means in respect of which such Penalties shall have been incurred.

Company to fix Fire-plugs at the Expence of Persons requiring the same.

CV. And be it enacted, That it shall be lawful for any Persons, being Owners or Occupiers of any public Work or Manufactory situated near to any Main or other Pipe of the said Company, to require the Company to place Fire-plugs, at the Expence of the Party requiring the same, opposite or near to such public Work or Manufactory, and outside of the same, in the Streets or other Places of the Town and Neighbourhood of *Sheffield* aforesaid, to be used for extinguishing Fires only, and to attach the same to the Pipes most suitable for that Purpose, and that exclusively of and in addition to the Fire-plugs provided by the said Company; and the Company shall, when so required, be obliged to place and attach such Fire-plugs at the Expence of the Party requiring the same.

For Recovery of Water Rates.

CVI. And be it enacted, That if any Person supplied with Water by the Company shall neglect to pay any Water Rate or Rent due to them at any of the said Times of Payment thereof, it shall be lawful for the Company or their Lessee to stop the Water from flowing into the Premises of such Person by cutting off the Service Pipe to such Premises, or by such Means as the Company or their Lessee shall think fit, and to recover the Rate or Rent due from such Person, if less than Twenty Pounds, together with the Expences of cutting off the Water, and Costs of recovering the same, by the same Means as any Damages for the Recovery of which no special Provision is contained in this Act are hereby directed to be recovered; or if the Rate or Rent so due shall amount to Twenty Pounds or upwards, it shall be lawful for the Company to recover the same, together with the Expences of cutting off the Water, in any of the Superior Courts, by Action of Debt or on the Case.

Recovery of Penalties or Forfeitures not otherwise provided for.

CVII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act or the said recited Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding before Two or more Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear before Two Justices at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Summons, it shall be lawful for Two or more Justices to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture

Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CVIII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices or either of them shall issue their or his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CIX. And be it enacted, That it shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of the Justice whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant cause such Offender to be committed to the House of Correction for the West Riding of *Yorkshire*, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Distress how to be levied.

CX. And be it enacted, That where in the said recited Act or this Act any Sum of Money, whether in the Nature of a Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on demand, to the Party whose Goods shall have been distrained.

Repeal of Provision in recited Act respecting the Punishment for destroying Works.

CXI. And whereas it was by the said recited Act enacted, that if any Person should wilfully or maliciously break, throw down, damage, or destroy any Banks or other Works erected, made, or maintained by virtue of that Act, or steal, take, or carry away, or detain, spoil, injure, damage, or destroy, the several Articles, Matters, and Things thereby vested in or belonging to the said Company of Proprietors or any of them, or any Part or Parts thereof, every Person so offending should be adjudged guilty of Felony; and the Court by or before whom such Person should be tried and convicted should have Power and Authority to cause such Person to be transported beyond the Seas for the Term of Seven Years, or, in mitigation of such Punishment, such Court might award Sentence as the Law directs in Cases of Larceny: And whereas it is expedient that the said Provision should be repealed;

pealed; be it therefore enacted, That the same shall be and is hereby repealed.

Repeal of Provision in recited Act that Plaintiff shall not recover after Tender of Amends.

CXII. And whereas it was by the said recited Act enacted, that no Plaintiff or Plaintiffs should recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of that Act unless Notice in Writing should have been given to the Defendant or Defendants Twenty Days before such Action should be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor should the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends should have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender should be made it should be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they should think proper, whereupon such Proceedings, Order, and Judgment should be made and given by such Court as in other Actions where the Defendant is allowed to pay Money into Court; and it is expedient that the said recited Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed.

Repealing Clause, in recited Act as to Limitation of Actions.

CXIII. And whereas it was by the said Act enacted, that no Action or Suit should be brought against any Person or Persons for any thing done in pursuance of that Act, or in relation to the Matters therein contained, after Three Calendar Months from the Fact committed; and every such Action or Suit should be brought and tried in the County, Town, or Place where the Cause of Action should have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit should or might, at his or their Election, plead specially or the General Issue, and give that Act and the special Matter in Evidence at any Time, and that the same was done in pursuance and under the Authority of that Act; and if the same should appear to have been so done, or if such Action or Suit should have been brought before the Expiration of Twenty Days next after such Notice should be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or should be brought in any other County, Town, or Place than as aforesaid, then and in every of the said Cases the Jury should find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs should be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants should have appeared, or if upon any Demurrer Judgment should be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants should recover his, her, or their Costs, and have such Remedy for recovering the same as any Defendant or Defendants have in other Cases by Law: And whereas it is expedient that the said recited Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed.

Nothing herein contained to exempt Company from Provisions of any general Act.

CXIV. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the said Company from the Provisions, Regulations, and Conditions which may be contained in any general Act for improving the Condition of Towns and populous Districts which may be passed in this or any future Session of Parliament.

Interpretation of Act.

CXV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall extend to Corporation, whether aggregate or sole:

The Expression "Superior Courts" shall mean Her Majesty's Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Justice" shall mean Justice of the Peace for the County or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:

The Expression "the Company" shall mean the Company of Proprietors of the *Sheffield* Waterworks.

Expences of Act.

CXVI. And be it enacted, That all Costs, Charges, and Expences incurred preparatory to and attending the applying for, obtaining, and passing of this Act shall be paid and discharged out of the Monies already subscribed or which may be received by virtue of this Act.

Public Act.

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

The

The SCHEDULE to which this Act refers.

No. on Plan.	Owners or reputed Owners.	Occupiers.	Description of Property.
10.	Devisees of Thomas Hall deceased.	John Thorp - -	House, Outbuildings, Stack-yard, and Garden.
25.	The Company of Proprietors of the Sheffield Waterworks.	John Ogden - -	House and Outbuilding.
26.	Francis Wright - -	Francis Wright -	Plantation.
27.	Ditto - -	Henry Boot - -	Croft (or Paddock).
28.	Ditto - -	Ditto - -	House, Farmyard, and Outbuildings.
29.	Ditto - -	Ditto - -	Garden.
31.	Ditto - -	Ditto - -	Croft (or Paddock).
42.	Trustees of Sheffield Boys Charity School.	Trustees of Sheffield Boys Charity School.	Plantation.
43.	The Company of Proprietors of the Sheffield Waterworks.	The Company of Proprietors of the Sheffield Waterworks.	Plantation.
45.	Ditto - -	William Thomas -	House and Outbuildings.
59.	The Duke of Norfolk -	The Duke of Norfolk -	Plantation.
61.	Sheffield Town Trustees -	Sheffield Town Trustees.	Plantation.
63.	The Duke of Norfolk -	The Duke of Norfolk -	Plantation.
65.	Ditto - -	John Middleton -	Shed.
8 A.	Francis Wright - -	Octavius Earnshaw -	House, Outbuildings, Yard, and Garden.
9.	Ditto - -	Ditto - -	Croft (or Paddock).

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