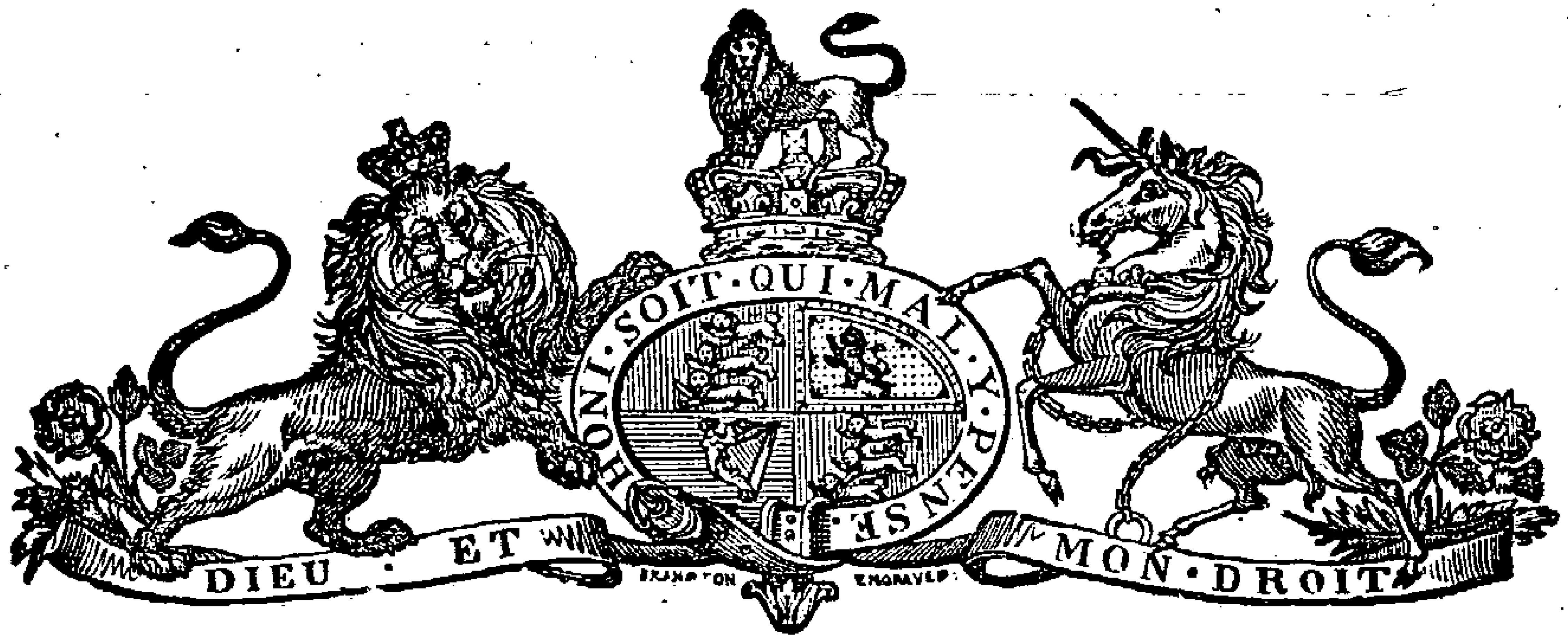


ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. xxii.

An Act for enabling the Company of Proprietors of the *Sheffield* Waterworks to extend their Works, and to obtain a further Supply of Water from the Rivers *Rivelin* and *Loxley* and their Tributaries; and for consolidating the Acts relating to such Company. [14th *June* 1853.]

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* 11 G. 4. &
Town and Parish of Sheffield *in the County of* York, and by it 1 W. 4. c. lv.
certain Persons were incorporated under the Title of "The Company of Proprietors of the *Sheffield* Waterworks," and certain Powers were given to them to raise Capital, and to construct Reservoirs and other necessary Works: And whereas another Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for better sup-* 8 & 9 Vict.
plying with Water the Town and Parish of Sheffield *in the County of* c. clxxv.
York, *and for amending the Act relating thereto*, whereby Powers were given to the said Company to raise further Capital, and to construct additional Works: And whereas the said Company, acting under

the Authority of the said Acts, are now supplying the Inhabitants of the said Town and Parish with Water, and it is desirable that such Supply shall be continued: And whereas since the passing of the last-recited Act the Population of the said Town and Parish has greatly increased; and for the Purpose of enabling the said Company to provide at all Times an ample Store of Water for the existing Population as well as for the prospective Increase in Population of the said Town and Parish, and for general sanitary Purposes, it is desirable to authorize the said Company to obtain a further Supply of Water, and to take Water from additional Sources: And whereas a Supply of good and wholesome Water might be obtained from the Streams or Brooks called the River *Rivelin* and River *Loxley*, and from certain Streams or Brooks contributory thereto, situated in the Parishes of *Sheffield* and *Ecclesfield* in the County of *York*, if the said Company were authorized to take the Waters of the same at such Times and to such Extent as hereinafter mentioned; and it is expedient to authorize the Construction of new Reservoirs and Aqueducts, and the Enlargement of certain of the existing Works of the Company: And whereas the said Company are willing and desirous to construct all the Works necessary for carrying out the Purposes aforesaid, and it is expedient to authorize the Company to raise additional Capital for the Purposes of this Act: And whereas the Capital of the Company under the recited Acts was divided into Two Classes of Shares, as follows; the Capital of One hundred thousand Pounds, authorized to be raised by virtue of the first-recited Act, divided into One thousand Shares of One hundred Pounds each; and the Capital of Fifty thousand Pounds, authorized to be raised by the secondly-recited Act, and divided into One thousand Shares of Fifty Pounds each: And whereas the Company have raised and expended nearly the whole of such Sums of Money, as well as the Money authorized to be raised by Mortgage: And whereas, in order to avoid Inconveniences arising from several Special Acts relating to the same Undertaking being in force at the same Time, it is expedient that the recited Acts be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted or continued in this Act; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Acts repealed.

I. That from and after the passing of this Act the said recited Acts shall be and are hereby repealed (but subject to the Provisions contained in this Act).

II. That

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Sheffield* Waterworks Act, 1853." Short Title.

III. That the "Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," except Section LIV. of the said last-mentioned Act, and save so far as any of the Clauses in any of the said Acts may be expressly varied or excepted by this Act, shall be and the same are hereby incorporated with this Act. 8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 17. incorporated with this Act.

IV. That in construing "The Waterworks Clauses Act, 1847," incorporated with this Act, the Expression "the Town Commissioners," wherever the same occurs in that Act, shall for the Purposes of this Act mean "the Council of the Borough of *Sheffield*." As to the Term "Town Commissioners" in 10 & 11 Vict. c. 17.

V. That Sections or Clauses 20 and 83 of "The Waterworks Clauses Act, 1847," incorporated with this Act, shall be read and construed as if the Words "and also with the Town Clerk of the Borough of *Sheffield* aforesaid" were inserted in each of the same Clauses immediately after the Words "in *England* or *Ireland*" therein respectively. Extending certain Provisions of 10 & 11 Vict. c. 17. so as to include the Town Clerk.

VI. That, notwithstanding the Repeal of the said recited Acts, the Company shall, for the Purposes of this Act, and as from the passing of the firstly-recited Act, and according to the Incorporation of the Company by the last-mentioned Act, remain incorporated by the Name of "The Company of Proprietors of the *Sheffield* Waterworks," and by that Name shall continue to be and shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to construct and maintain the Waterworks by this Act authorized to be constructed and maintained respectively, and to maintain and complete the Waterworks authorized by the said recited Acts respectively, and to purchase, take, hold, and dispose of Lands and other Property for the Purposes and within the Restrictions of this Act, and for otherwise carrying the Purposes of this Act and the incorporated Acts into execution. Company to continue incorporated.

VII. That, notwithstanding the Repeal of the respective recited Acts, the Company shall remain and be seised and possessed of and entitled to all Streams of Water, Reservoirs, Aqueducts, Conduits, Pipes, Engines, Gauges, Tunnels, Arches, Bridges, Roads, and other Works, and all Lands, Tenements, Hereditaments, Buildings, Easements, Appurtenances, prospective and other Rights, Powers, and Privileges, Real and Personal Estates, and Rights and Interests therein or relating thereto whatsoever, of or to which the Company Works to remain vested in the Company.

or

or any Person in trust for them were seised, possessed of, or entitled, at Law or in Equity, immediately before the passing of this Act; and all Rates, Rents, and Monies due or accruing to, and all Securities, Books, Accounts, Documents, Choses of Action, Effects, and Property immediately before the passing of this Act vested in, the Company, and all other their Privileges, Rights, Titles, Estates, and Interests in the same respectively, shall from and after the passing of this Act remain and continue to be held and enjoyed accordingly for the absolute Use and Benefit of the Company, for the Purposes of this Act, and for the same Estates, Terms, and other Interests as if the several recited Acts had not been repealed, subject nevertheless to the Charges, Interests, and Liabilities (if any) to which at the Time of the passing of this Act the same Premises are respectively subject.

Existing Waterworks may be maintained and used.

VIII. That, notwithstanding the Repeal of the respective recited Acts, the Company may, subject to the Provisions of this Act, continue to supply their Waterworks from all and every of the Sources from which they are at present authorized to supply the same as well as from the Sources authorized by this Act, and may maintain their now existing Waterworks and the Conveniences thereof, and extend from Time to Time, whenever it shall be necessary, their Pipes and Mains, and use the same Waterworks, Pipes, and Mains for the Supply of Water within the Limits prescribed by this Act; and the Company shall, in respect of the said Waterworks, and the Maintenance, and future Use, Regulation, and Enlargement thereof, have the Powers and be subject to the Provisions in this and the incorporated Acts contained.

Notwithstanding Repeal of recited Acts, Company to continue entitled to Powers under other Acts.

IX. That, notwithstanding the Repeal of the respective recited Acts, the several Clauses and Provisions whatsoever in favour of the Company respectively contained in any Act or Acts (other than the said recited Acts respectively), and which immediately before the passing of this Act are in force, shall continue and be in full Force accordingly; and the Company, and their Directors, Officers, and Servants, may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and enjoy, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever as if this Act had not passed.

Conveyances, &c., to remain in force.

X. That, notwithstanding the Repeal of the respective recited Acts, all Purchases, Sales, Conveyances, Grants, Assurances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act done, entered into, executed, or instituted under or by virtue of the recited Acts respectively, or with

with reference to the Purpose thereof respectively, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as they would have been if the recited Acts had not been repealed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

XI. That, notwithstanding the Repeal of the respective recited Acts, no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company previously to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Company, in the same Manner to all Intents and Purposes as if this Act had not passed; and Proceedings for all Offences against the Provisions of the said recited Acts or either of them, committed before the passing of this Act, may be commenced and prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if the recited Acts had not been repealed.

Rates or Rents now payable to continue in force.

XII. That, notwithstanding the Repeal of the respective recited Acts, all Rates, Rents, and Charges whatsoever, made, charged, or imposed under the said recited Acts respectively, and which at the Time of the passing of this Act are due, or if this Act had not passed would have accrued due, shall continue in force and be due and payable to the Company, and may be collected, recovered, and enforced by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges may be collected, recovered, or enforced under this Act.

Debts due to and by the Company to be paid to and by them.

XIII. That, notwithstanding the Repeal of the respective recited Acts, all Persons who immediately before the passing of this Act owe any Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue due for the same, to the Company, and the same shall be recoverable by the Company; and all Debts and Monies which immediately before the Commencement of this Act are due or owing by or recoverable from the Company, or for the Payment of which the Company are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Company, and all Securities for the same shall be and continue in force accordingly.

Byelaws, &c. to remain in force.

XIV. That, notwithstanding the Repeal of the respective recited Acts, all Byelaws, Rules, Regulations, and Orders made under the secondly-recited Act shall continue in force for Six Months, or until the same be repealed, altered, or varied under this Act; and such

Byelaws, Rules, Regulations, and Orders, and all Penalties and Forfeitures thereby respectively imposed, may and shall be enforced, recovered, and applied in the same Manner in all respects as if the same had been made and imposed respectively under this Act.

Certificates and Transfers to remain in force.

XV. That, notwithstanding the Repeal of the respective recited Acts, all Certificates, Sales, Transfers, and Dispositions before the passing of this Act made or executed under the recited Acts respectively, of or in respect of any Shares in the Company, shall remain in full force, and continue and be available in all respects.

Shareholders to pay Calls.

XVI. That, notwithstanding the Repeal of the respective recited Acts, the several Persons who immediately before the passing of this Act are Shareholders in the Company, their Heirs, Executors, Administrators, Successors, and Assigns respectively, shall pay the Amount subscribed by them respectively, or so much thereof as at the passing of this Act has not been paid, with all Interest (if any) due or to accrue due thereon, to the Company, when and as the same shall be called up or otherwise demanded by the Company, according to the Provisions of this Act.

Committee of Management to remain in Office.

XVII. That, notwithstanding the Repeal of the respective recited Acts, but subject to the Provisions of this Act, the several Persons who on the passing of this Act are the Committee of Management of the Company shall remain in Office until Directors shall have been appointed under the Provisions herein-after contained, and shall be henceforth called the Directors of the Company, and shall be entitled to the same Powers, and be subject to the same Duties and Responsibilities, as the Directors to be appointed under this Act, and shall be to the same Extent eligible for Re-election.

Present Officers continued until removed.

XVIII. That, notwithstanding the Repeal of the respective recited Acts, all Officers and Persons appointed to or in Office or Employment under the recited Acts shall continue in their respective Offices and Employments, according to their respective Appointments, until removed therefrom according to the Provisions of this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and all such Officers and Persons, and their respective Sureties, shall be liable to the same or the like Conditions, Penalties, Obligations, Restrictions, and Regulations, as if such Officers and Servants respectively had been appointed and such Sureties had become bound under this Act.

Books to be Evidence.

XIX. That, notwithstanding the Repeal of the respective recited Acts, all Books and other Documents by those Acts or either of them directed or authorized to be kept, made, or executed, and which if this

this Act had not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Distribution of existing Shares.

XX. That every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares in any of the before-mentioned Classes in the Capital of the Company under the Acts hereby repealed shall continue to be possessed of or entitled to the same Shares, of the same Class or Classes respectively, and of the same nominal Value, and marked by the same progressive Number or Numbers, as such Person or Corporation was possessed of or entitled to immediately before the passing of this Act; and such Persons and Corporations shall continue to hold and stand possessed of such Shares respectively, to and upon such and the same Trusts (if any), and for such and the same and under and subject to such and the same Disposition, and subject to such and the same Charges, Judgments, Liens, and Incumbrances (if any), to, upon, under, and subject to which they held and possessed the Shares respectively at the Time of the passing of this Act.

Company may raise Residue of Capital by Calls upon existing Shares.

XXI. That, notwithstanding the Repeal of the respective recited Acts, the Company may from Time to Time, and according to the Provisions of this Act, raise the Residue of their authorized Capital of One hundred and fifty thousand Pounds, or any Part thereof, by Calls upon and in respect of the now existing Shares of the said Company which may not be paid up at the Time of the passing of this Act; and the Company or the Directors shall in respect of such Shares have the same Powers of making and enforcing Calls and Forfeiture of Shares as are by this Act conferred upon the Company or the Directors thereof with respect to the additional Capital hereby authorized to be raised.

Power to raise additional Capital.

XXII. And whereas the estimated Expense of making the said proposed Works is One hundred and fifty thousand Pounds: Be it therefore enacted, That it shall be lawful for the said Company to raise by Contribution amongst themselves, or by the Admission of other Parties as Subscribers to the said Undertaking, or by the Sale of Shares, or in part by each of those Means, in addition to the said Sum of One hundred and fifty thousand Pounds authorized by the said recited Acts to be raised, any Sum of Money not exceeding One hundred and fifty thousand Pounds.

Division of additional Capital into Shares.

XXIII. That such additional Capital shall be divided into Three 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.

XXIV. Pro-

No Call to exceed 10*l.* per Cent., or to be made until the Expiration of Two Months from preceding Call.

XXIV. Provided always, That no Call on any Share to be created under the Authority of this Act for raising the said Sum of One hundred and fifty thousand Pounds shall exceed the Rate of Ten Pounds *per Centum* on the original nominal Amount of such Share, or be made until the Expiration of Two Months at least from the preceding Call.

Shareholders to be entitled to Dividends proportionate to the Amount paid on their Shares.

XXV. That all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall hold, take, or purchase One or more Shares, whether created by virtue of the recited Acts or either of them or of this Act, shall be entitled to and receive upon the Sums of Money from Time to Time paid on such Share or Shares Part of the Profits or Advantages that shall accrue from the said Undertaking proportionate to the Amount so paid on such Share or Shares; and the Shares created by virtue of the said recited Acts and of this Act shall be consolidated and form One Joint Stock Capital, and be subject to the same Provisions, Regulations, Directions, and Management in all respects; and any Persons holding, taking, or purchasing any Shares created by virtue of this Act shall thenceforth be united to and incorporated with the Company.

Power to raise Money by Mortgage or Bond.

XXVI. That it shall be lawful for the Company, after the whole of the Share Capital of the Company shall have been subscribed for, and One Half thereof paid up, to raise, by Mortgage or Bond, on the Credit of their Undertaking, any Sum not exceeding in the whole, together with any Sum already borrowed by them under the Powers of the said recited Acts, the Sum of Sixty thousand Pounds: Provided always, that all Mortgages or Securities for Money which may have been granted by the Company under the Provisions of the said recited Acts or either of them, and which shall be in force at the Time of the passing of this Act, shall, during the Subsistence thereof, have Priority over any Mortgage or Security for Money to be created or granted by the Company under the Powers of this Act, and the Repeal of the recited Acts shall not affect any Priority attached to any existing Mortgage or any other Mortgage.

Power to Company to raise Money by Creation of new Shares instead of borrowing.

XXVII. That it shall be lawful for the Company, instead of borrowing on Mortgage or Bond on the Credit of the Undertaking the Amount or some Part thereof herein-before authorized to be raised by those Means, or for the Purpose of paying off the whole or some Part of the Mortgage or Bond Debt at any Time due from the Company, from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any Ordinary or Extraordinary Meeting of the Company, convened by a Notice which shall state the Object of such Meeting, to create new

Shares

Shares in the Company, in order to raise the Amount required; and such Shares may be created with such Privileges, of such Classes, of such Amounts, and with such fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other Dividend or Interest, not exceeding the Sum of Six Pounds *per Centum per Annum*, and may be issued to such Persons and generally in such Manner as the Company, with the like Approbation, from Time to Time shall think fit: Provided always, that the nominal Amount of any such Shares shall be not less than Fifty Pounds and not more than One hundred Pounds, and that all Shares of the same Class shall be of the like Amount, confer the like Privileges, and bear the like Dividend or Interest; but nothing herein contained shall be deemed to authorize the Company to raise, either by borrowing, or by the Creation of new Shares instead of borrowing, or partly by one and partly by the other Mode, a greater Amount than Sixty thousand Pounds, nor shall the Company issue any such Shares at a less Price than the nominal Value thereof.

Power to allot new Shares to Mortgagees in discharge of Debt.

XXVIII. That the Company may from Time to Time, by Agreement with any Mortgagee or Bond Creditor of the Company, allot to him any of the new Shares to be created under the Provision lastly hereinbefore contained, in satisfaction of all or such Part as is mutually agreed on of his Mortgagee or Bond Debt; and upon every such Allotment the new Shares so allotted shall be deemed fully paid up, and the Mortgage or Bond in respect whereof those Shares are so allotted shall thereupon be extinguished.

Application of Money raised.

XXIX. That the Money arising from the Share Capital of the Company, or from the Exercise of the Power of borrowing, shall be applied to the Construction of the Works authorized by this Act, and to the Completion of the Undertaking, and in carrying the Purposes of this Act into execution.

Ordinary Meetings to be held yearly.

XXX. That the First General Meeting of the Shareholders of the Company to be held after the passing of this Act shall be held on the First *Monday* in the Month of *April* in the Year One thousand eight hundred and fifty-four, or within Fourteen Days thereafter, and a General Meeting shall be held on the First *Monday* in the Month of *April* in each Year, or within Fourteen Days thereafter, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held within the Borough of *Sheffield*.

Quorum of Meetings.

XXXI. That the Quorum for every Meeting of the Company shall be Twenty Shareholders holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

Number of Shareholders to convene Extraordinary Meetings.

XXXII. That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Seven, and such Shareholders shall hold in the aggregate not less than Five thousand Pounds in the Capital of the Company.

As to Votes of Shareholders.

XXXIII. That at all Meetings of the Company Proprietors of Shares shall be entitled to vote as follows:

Every Proprietor of One or more Shares of the nominal Value of One hundred Pounds, and upon which that Amount shall have been paid, shall have One Vote in respect of each such Share:

Every Proprietor of Two or more Shares of the nominal Value of Fifty Pounds each, and upon which that Amount shall have been paid, shall have One Vote in respect of every Two such Shares; and in case the full Amount shall not have been paid up on any Shares the Proprietor thereof shall have One Vote for every One hundred Pounds which shall have been paid up on such Shares: Provided always, that no Shareholder shall have more than Ten Votes as Proprietor.

Number and Qualification of Directors.

XXXIV. That the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession of Shares representing Five hundred Pounds in the Capital of the Company.

Election of Directors.

XXXV. That the Company shall at the General Meeting held in the Month of *April* One thousand eight hundred and fifty-four, or at any Adjournment of the same, elect, nominate, and appoint Nine Persons out of the said Company to be Directors until the General Meeting of the said Company to be holden on the First *Monday* in the Month of *April* then next ensuing, or in due Time afterwards, and shall also at every succeeding General Meeting in each Year, or at some Adjournment thereof respectively, elect, nominate, and appoint, out of the said Company, Nine such Persons as aforesaid, who shall be Directors of the said Company, and who shall continue in their Offices for the Space of Twelve Months to be computed from the Day of Election, or until others shall be duly elected in their Places; and on every General Annual Meeting to be holden as aforesaid Six only of the then retiring Directors shall be eligible to be re-elected, but after the Interval of One Year all or any of the Company of Proprietors who shall have been Directors the Year but one previous may be re-elected; and if any Director shall at any Time cease to be a Proprietor in the said Undertaking, or shall refuse or neglect to attend any Six successive Meetings of the Directors, every such Person shall be thereby disqualified from acting or voting as a Director, and shall cease to be a Director of the Company.

XXXVI. That

Quorum.

XXXVI. That the Quorum of a Meeting of Directors shall be Five.

Committees of Directors.

XXXVII. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Seven, and the Quorum of such Committee shall be Two.

Directors may declare Dividends half-yearly.

XXXVIII. That it shall be lawful for the Directors, without the Direction or Sanction of a General Meeting, from Time to Time to declare and pay in the Interval between any Two Ordinary Annual General Meetings a Half Year's Dividend out of the Profits of the Company to the Shareholders.

Power to remove Treasurer or Clerk, and appoint others in their Stead.

XXXIX. That it shall be lawful for the said Company, at any Ordinary or Extraordinary Meeting to be holden by virtue of this Act, to remove and displace the Treasurer or Clerk for the Time being of the Company, or any or either of them; and the Company may, at any Ordinary or Extraordinary Meeting, from Time to Time elect, choose, and appoint any Person or Persons to act as Treasurer or Clerk of the Company in the Room of such of the said Officers as shall happen to die, or to resign, or be removed, or be disqualified to act in their respective Offices; and it shall be lawful for the Company to allow such Salaries or other Emolument to the said Officers or any of them as at any Ordinary or Extraordinary Meeting shall from Time to Time be fixed and determined; provided that the Salaries or other Emoluments payable or allowed to the Treasurer, Clerk, or other Officers of the Company at the Time of the passing of this Act are to continue to be payable and allowed until other Salaries or Emoluments are fixed upon and determined at any Ordinary or Extraordinary Meeting as aforesaid.

Directors may appoint Treasurer, &c. temporarily.

XL. That in case any such Treasurer or Clerk shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at their said Ordinary or Extraordinary Meetings, or for the Directors, to appoint any other fit Person to execute such Office in the Place of the Person who shall so die, be removed from or quit the Service of the Company; but in case any such new Appointment be made by the Directors, the same shall only continue until the next Ordinary or Extraordinary Meeting of the Company, when the Appointment of such Person to such Office shall either be confirmed or such other fit Person appointed to succeed to such Office as the Company at such Meeting shall think proper; all which Acts of the Directors shall be conclusive, unless revoked by the Meeting holden next after such Act as aforesaid.

XLI. That

Books to be annually balanced.

XLI. That the Books of the Company shall be balanced to the Thirty-first of *December* in each Year.

Auditor to be appointed by Chairman of Sessions.

XLII. That the Chairman for the Time being of the Quarter Sessions for the West Riding of the County of *York* shall 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, such Chairman for the Time being shall from Time to Time appoint an Auditor to supply such Vacancy.

Remuneration of Auditor.

XLIII. That the Remuneration of such Auditor for each annual Audit shall not exceed the Sum of Two Guineas *per Diem*, nor the Sum of Ten Guineas in the whole, and the same shall be paid by the Company.

Newspaper for Advertisements.

XLIV. That the Newspaper in which Advertisements relating to the Affairs of the Company shall be inserted shall be some Newspaper published or circulated in the Borough of *Sheffield*.

Limits of the Act.

XLV. That the Limits of this Act shall be deemed and taken to extend to and include the Town and Borough of *Sheffield*.

Power to make Waterworks according to deposited Plan.

XLVI. And whereas Plans and Sections showing the Situation, Line, and Levels of the intended new Reservoirs and Aqueducts and other Works, and the Alteration or Enlargement of existing Works, and describing the Brooks and Streams the Waters of which are intended to be diverted or used, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands in or through which the same are intended to be made or to pass, and also the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of certain Mills, Manufactories, and Works situate upon the River *Rivelin* above its Junction with the River *Loxley*, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*: Be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make and maintain the said Reservoirs, Aqueducts, and other Works in the Line, Situation, and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and defined on the said Sections, and to enter upon, take, purchase, and use such of the Lands, Streams, and Waters mentioned in the said Plans and Book of Reference as the Company may deem necessary for these Purposes, and also all or any of the Mills, Manufactories, and Works numbered on the said Plans and described in the said Books of Reference,

ference, and situate upon the River *Rivelin* as aforesaid, or to agree for a Lease of such Lands and Streams respectively, and to take therefrom such Water as the Company may require for the Purpose of this Act and the said incorporated Acts.

Power to take Water from the River Rivelin and other Sources.

XLVII. That, subject to the Provisions herein contained, the Company shall be and they are hereby authorized to impound, divert, 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 Stream or Brook called the River *Rivelin* above the Level of the Gauge to be maintained thereon as herein-after provided, and of the said Stream or Brook called the River *Loxley* above the Level of the Gauge to be erected and maintained thereon as herein-after provided, and of the Streams or Brooks which unite themselves with the same respectively above the Level of the said Gauges respectively, in the Manner or at the Places shown on the said deposited Plans and Sections, or within the Limits of Deviation by this Act authorized, in addition to any other Sources from which the Company derived or were entitled to derive a Supply of Water under the Provisions of the recited Acts hereby repealed.

Aqueduct, &c. to be covered.

XLVIII. That in constructing the Aqueduct or Conduit, with Tunnels or Driftways and Works, by this Act authorized to be made, commencing from and out of the Company's intended Reservoir in or near *Bradfield Dale*, and terminating at, in, or near the Company's existing Reservoir called *Godfrey Dam*, specified and described on the said Plan as intended to be made by the said Company, the said Company shall and they are hereby required to construct and cover over so much and such Part of the said Aqueduct or Conduit, Tunnels or Driftways and Works, as may be made and constructed between the *Rivelin* Gauge Weir and the said *Godfrey Dam*, in a proper and workmanlike Manner, and so as to prevent the Springs and Surface Water throughout the Line and Course of such and the same Part thereof from flowing into and being retained by and conveyed away through the said Aqueduct or Conduit, Tunnels, Driftways, and Works.

For Protection of the Owners, Lessees, and Occupiers of Mills on the Rivelin, Loxley, and Dun.

XLIX. That by way of Compensation to the several Owners, Lessees, and Occupiers of Mills and Works on the said Rivers *Rivelin* and *Loxley* and on the River *Dun*, and other Persons interested in the Supply of such Rivers, for and in respect of the Water which may be abstracted under the Powers of this Act from the said Rivers *Rivelin* and *Loxley*, and from the Brooks and Streams uniting therewith, the said Company shall supply, and cause to flow down the said Rivers *Rivelin* and *Loxley*, and from thence into the River *Dun*, such

such Quantities of Water, in such Manner and at such Times as is herein-after provided.

Gauges to be constructed and maintained by Company for measuring Supply of Water to Mills.

L. That for the Purpose of measuring the Quantities of Water to be so supplied by the Company into the said Rivers *Rivelin*, *Loxley*, and *Dun*, they shall cause to be erected, at some Point on the River *Loxley* below the lowest proposed Reservoir on the said River, as shown on the Plan deposited as aforesaid, and above the highest Mill or Works on the said River, a sufficient Gauge or Weir, to be made to the Satisfaction of *James Simpson* Esquire, Civil Engineer, or of the Engineer to be appointed as his Successor, as herein-after provided; and shall also maintain, and, if necessary, alter the present Gauge Weir on the said River *Rivelin* situate at about Five hundred and seventy Yards above the upper Mill or Work on the said River *Rivelin* now in the Occupation of Mister *George Hawke Woollen*, or shall erect another Gauge or Weir on the said River at or near the same Spot, to the Satisfaction of the said *James Simpson*, or his Successor, as aforesaid; and the said Gauges or Weirs shall for ever hereafter be maintained in a proper State of Repair by and at the Expense of the said Company, and to the Satisfaction of the said *James Simpson*, or of his Successor, as aforesaid.

Millowners and their Officers may inspect Gauges.

LI. That the said Owners, Lessees, and Occupiers of Mills and Works on the said Rivers *Rivelin* and *Loxley*, and on so much of the River *Dun* as is situate below its Junction with the said River *Loxley*, and within the Parish and Borough of *Sheffield*, or any of them, and their Officers and Servants duly authorized, shall at all Times have the Right of Access to the said Gauges or Weirs, for the Purpose of ascertaining the State of Repair and Efficiency thereof, and of gauging the Quantity of Water from Time to Time passing over the same respectively.

If Company fail to repair Gauges, Millowners may, charging Company with the Expense.

LII. That if at any Time the said Gauges or Weirs, or either of them, shall be in an unfit State of Repair or Condition for the Purposes for which they are respectively intended, the same shall be forthwith put into a proper State of Repair and Condition by and at the Expense of the said Company; or if they fail so to do within Seven Days after Notice given to them by or on behalf of the last-mentioned Owners, Lessees, and Occupiers of the said Mills or other Works, or any of them, interested in the Supply of Water to pass over the same, requiring the Company so to do, it shall be lawful for the said Owners, Lessees, and Occupiers, or any of them, to cause such Works to be done and performed in connexion with the said Gauges or Weirs as shall be necessary for placing them in a proper State and Condition, and to recover the Expense of such Works, with full

Costs

Costs of Suit, against the said Company, in any Court of competent Jurisdiction.

Quantity of Water to be supplied by the Company over the Gauges for the Use of Millowners.

LIII. That, subject to the Provisions herein-before contained, the said Company shall cause to flow, during Twenty-four Hours of each and every working Day in the Year, over the said Gauge or Weir to be erected on the River *Loxley* as aforesaid, an aggregate Quantity of Water, to be measured by the said Gauge or Weir, equal to Ten entire Cubic Feet *per* Second, and over the said Gauge or Weir upon the River *Rivelin* an aggregate Quantity of Water, to be measured by the said last-mentioned Gauge or Weir, equal to Seven entire Cubic Feet *per* Second for the whole of such Twenty-four Hours; and such aggregate Quantities respectively shall be supplied at such Times and in such Proportions during the said Twenty-four Hours as shall from Time to Time be required by Notice in Writing given to the Company or to their Law Clerk by or on behalf of the Owners, Lessees, and Occupiers of the Mills or other Works on the said Rivers *Rivelin*, *Loxley*, and *Dun*, in accordance with the Resolution of a Meeting of such Owners, Lessees, and Occupiers, to be held as herein-after provided.

Power to Company to diminish the Supply of Water in the River Rivelin, upon giving Notice.

LIV. Provided always, That if at any Time when and after the said Company shall under the Powers of this Act become and be authorized to take and use, for any of the Purposes of this Act, all or any of the Waters of the River *Rivelin* above the Level of the said Gauge to be maintained thereon as herein-before provided, the Company shall desire to send a less Quantity of Water in each such Twenty-four Hours over the said Gauge on the River *Rivelin* than the Quantity herein-before required to be supplied by them, and shall give Notice to the Owners, Lessees, and Occupiers of Mills or other Works on the said Rivers *Rivelin* and *Loxley*, and on so much of the said River *Dun* as is situate below its Junction with the said River *Loxley*, and within the Parish and Borough of *Sheffield*, or to their Clerk or Secretary to be appointed as herein-after provided, of such their Desire, Thirty Days at least before the Day when they shall propose to diminish the said Supply of Water over the Gauge on the said River *Rivelin*, it shall be lawful for the said Company, with the Consent in Writing of the Owner or Owners for the Time being of the Works on the said River *Rivelin* called *Mousehole Forge* and *Grogram Wheel*, for that Purpose first had and obtained by the said Company, to diminish such Supply to any Extent desired by them; provided they supply and cause to flow over the Gauge or Weir to be erected over the said River *Loxley* an additional Quantity of Water during every Twenty-four Hours of each working Day equal to the Quantity which they shall fail to send over the Gauge on the River

Provided they supply an additional Quantity over the River Loxley.

River *Rivelin* less than the Quantity which they are herein-before required to cause to flow over the same; and provided they shall also cause such additional Quantity as aforesaid to flow over the said Gauge to be erected on the River *Loxley*, at such Times and in such Proportions as may be required by Resolutions of the Owners, Lessees, and Occupiers of the aforesaid Mills, passed at a Meeting to be specially convened for the Purpose; and all Penalties by this Act imposed for the Failure on the Part of the said Company to cause a Quantity of Water equal to Seven Cubic Feet *per* Second to flow over the said Gauge on the River *Rivelin* during Twenty-four Hours of each such working Day shall equally apply and be recoverable against the said Company in the event of their Failure to supply and cause to flow such additional Quantity as aforesaid over the said Gauge on the River *Loxley* at the Times and in the Proportions which may be required as aforesaid.

If Millowners fail to give Notice of the Times for the Quantities of Water to flow, the Company may supply same continuously.

LV. That if the Owners, Lessees, and Occupiers of the Mills and Works aforesaid fail to give Notice to the said Company of the Times and Proportions in which the Quantity of Water required to be supplied by the said Company shall be caused to flow over the said Gauges or Weirs respectively, the said Company shall be at liberty to supply the same continuously, and in One equal Flow, between the Hours of Six in the Morning and Six in the Evening of each working Day.

Company not to take Water below the proposed Gauges or Weirs.

LVI. That it shall not be lawful for the Company to take, use, or appropriate, or to divert or impede, any of the Water of the River *Rivelin*, or of any Brook or Stream supplying the same, which would otherwise, and now does, join and fall into the said River *Rivelin* at any Point below the said *Rivelin* Gauge, nor any of the Water of the River *Loxley*, or of any Brook or Stream supplying the same, which would otherwise, and now does, join and fall into the said River *Loxley* at any Point below the Gauge Weir upon such River hereinbefore referred to.

Penalty in case the Company fail to supply the stipulated Quantities of Water.

LVII. That if at any Time the Company fail to supply, or cause to flow over the said before-mentioned Gauges or Weirs, or either of them, the several Quantities of Water which they are required to supply or cause to flow over the same respectively, under the Provisions of this Act, and at such Times and in such Manner and Quantities as may be required in accordance with the said Provisions, they shall for each and every Day during which they shall fail so to afford such Supply forfeit and pay to the Occupier for the Time being of each and every Mill or other Work on the said Rivers *Rivelin* and *Loxley* entitled to such Supply, and on so much of the said

said River *Dun* as is situate below its Junction with the River *Loxley*, and within the Parish and Borough of *Sheffield*, who shall apply for the same within One Month after such Failure shall have occurred, the Sum of Twenty Pounds, which Sum, together with full Costs, may be recovered by every such Occupier against the Company, in like Manner as Penalties may be recovered under the Provisions of the "Lands Clauses Consolidation Act, 1845," applicable to the Recovery of Forfeitures, Penalties, and Costs.

Until Gauges completed, Company not to take any Water which they were not authorized to take before the passing of Act.

LVIII. That until the said Gauges or Weirs herein-before required to be constructed and maintained by the Company shall be respectively fit for Use, and shall be certified so to be by Writing under the Hand of the said *James Simpson*, or of his Successor to be appointed in case of his Death by the said Owners, Lessees, and Occupiers of Mills and other Works, filed at the Office of the Town Clerk of the Borough of *Sheffield*, and until such Supply of Water as herein-before required to be furnished by the said Company, and to be caused by them to flow over the said Gauges or Weirs respectively, shall have continued to flow over the same for a Period of Six consecutive Days, it shall not be lawful for the Company to take or appropriate any of the Waters of the said Rivers *Rivelin* or *Loxley*, or of any Brooks or Streams supplying the same, or of any Reservoirs, except such as they would have been entitled to take and appropriate if this Act had not been passed; and the Penalties by this Act imposed for the Failure on the Part of the Company to supply or cause to flow over the said Gauges or Weirs respectively the Quantities of Water herein-before specified shall attach from the Period when the said Company shall commence to divert or to appropriate to their own Purposes any of the Waters of the said Rivers *Rivelin* and *Loxley*, or of the Brooks and Streams supplying the same, or of any Reservoirs which the said Company would not have been entitled to take or appropriate if this Act had not been passed: Provided always, that it shall be lawful for the said *James Simpson*, or his Successors, at any Time when required by the Company, to certify the Fitness for Use of either of the said Gauges or Weirs separately; and on the filing of such Certificate the Company shall then be at liberty to take and appropriate the Waters of such One of the said Rivers *Rivelin* and *Loxley* the Gauge or Weir upon which shall have been so certified as aforesaid.

Power to Company, in certain Cases, to take Water from Rivers Rivelin and Loxley, &c.

LIX. That if the said *James Simpson*, or his Successor to be appointed in case of his Death as herein-after provided, shall, without reasonable and good Cause, refuse to certify as aforesaid, within Three Months next after being called upon and required so to do by the said Company, or if the said Owners, Lessees, and Occupiers of Mills and Works shall not within Two Months next after the Decease of

of the said *James Simpson*, or of any Successor to be appointed after his Decease, appoint, from Time to Time, the Engineer to act on their Behalf as herein-after mentioned, it shall be lawful for the said Company to divert, detain, take, and appropriate the whole or any Part of the Waters of the said River *Rivelin* and River *Loxley*, and of the Streams or Brooks which unite themselves therewith above the Level of the said Gauge Weir on each of those Rivers respectively, as freely and fully as they would have been entitled to do in case the said *James Simpson*, or his Successor as aforesaid, 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 appropriating any of the said Waters, such Damages to be recovered by Action in any Court having Jurisdiction to the Amount claimed in such Action, at the Suit of any of the said Owners, Lessees, or Occupiers.

Power to Owners of Mills, &c. to convene Meetings.

LX. That for the Purpose of regulating the joint Proceedings of the several Owners, Lessees, and Occupiers of Mills and other Works on the said Rivers *Rivelin* and *Loxley*, and on so much of the River *Dun* as is situate below its Junction with the said River *Loxley*, and within the Parish and Borough of *Sheffield*, it shall be lawful for any Three of such Owners, Lessees, or Occupiers (not being joint Owners, Lessees, or Occupiers of the same Mill or other Work, and not being the Company) to convene a Meeting of all the said Owners, Lessees and Occupiers, to be held at some convenient Place in the Town of *Sheffield*, by Notice specifying the Object of such Meeting, and inserted in some Two Newspapers published or circulated in *Sheffield* Seven Days at least prior to the Day appointed for the holding of such Meeting; and all Questions which may be submitted to such Meeting, consistently with the Notice convening the same, shall be decided by a Majority of Votes of the Persons present thereat, according to the Scale and Manner of voting herein-after provided for, and shall be binding on all the Owners, Lessees, and Occupiers of the said Mills and other Works, whether present or absent from such Meeting.

Election of Chairman at Meetings.

Quorum.

LXI. That the Persons present and entitled to vote at such Meetings shall elect a Chairman before the Commencement of their Proceedings; and in case of an Equality of Votes such Chairman shall be entitled to a casting Vote; and any Three Persons entitled to vote at any such Meeting shall be sufficient to form a Quorum; and the said Meeting may adjourn from Time to Time as they may see fit.

Minutes of Proceedings to be kept.

LXII. That Minutes of the Proceedings and Resolutions of every such Meeting shall be entered in a Book to be kept for the Purpose, and signed by the Chairman of every such Meeting.

LXIII. That

Scale of voting.

LXIII. That at every such Meeting to be held as aforesaid the Owners (not being the Company) and the Lessees and Occupiers of the Mills on the said Rivers *Rivelin* and *Loxley*, and on so much of the River *Dun* as is situate below its Junction with the River *Loxley*, and within the Parish and Borough of *Sheffield*, who shall be present at such Meeting, shall be entitled to vote in manner following; that is to say, if the Owner and Occupier of any such Mills or Works shall both attend such Meeting, then the Occupier alone shall be entitled to vote; if the Occupier of any such Mill or Work be absent, and the Lessee present, such Lessee alone shall be entitled to vote; and if both Lessee and Occupier of any such Mill or Work be absent, and the Owner thereof present, then such Owner, not being the Company, shall be entitled to vote.

As to voting in case of joint Owners, &c. at Meeting.

LXIV. In the Case of joint Owners, Lessees, and Occupiers of any Mill or Work, only One of such joint Owners, Lessees, and Occupiers shall be entitled to vote in respect of such Mill or Work; and if such joint Owners, Lessees, or Occupiers who may be entitled to vote at such Meeting cannot agree amongst themselves as to the Vote to be given thereat, such Vote shall not be received: Each Person entitled to vote at such Meeting shall have One Vote in respect of each and every entire Sum of Ten Pounds of the rateable Value of the Water Power appropriated to every Mill or Water-wheel appearing in the general Assessment to the Poor Rate for the Parish, Township, or Place in which such Mill or Water-wheel shall be situate, and whether the same Mill or Water-wheel be occupied or not, in respect of which he shall be entitled to attend and vote at such Meeting.

Power for Millowners to appoint an Engineer, Clerk, and Officers.

LXV. That after the Decease of the said *James Simpson*, the said Owners, Lessees, and Occupiers of Mills and Works shall have Power, if they think fit, at any Meeting to be convened for the Purpose, to appoint from Time to Time the President for the Time being of the Institution of Civil Engineers in *London* to act in their Behalf, and also to appoint, if they think fit, a Clerk or Secretary, or to nominate One of their Number to act as such Clerk or Secretary, and to confide to him the Custody of the Books relating to their Proceedings, and the Execution of any Resolutions which may be come to at any such Meetings, and also (if they think fit) to appoint some proper Person or Persons to ascertain from Time to Time the State and Condition of the said proposed Gauges and Weirs, and the Quantity of Water passing over the same, and to make such Rules for regulating their Proceedings as they may deem expedient; and all Expenses attending the Proceedings of the said Owners, Lessees, and Occupiers of Mills or Works, and the Remuneration of any Officers to be appointed by them, which are not paid for by the Company, shall be borne by the

Occupiers

Occupiers for the Time being of the Mills who may be entitled to attend at such Meetings, rateably in the Proportions which the Number of Votes in the respect of the Water Power appropriated to the Mills or Works occupied by them respectively shall bear to the total Expenses to be provided for.

Expenses of Millowners Engineer to be paid by the Company.

LXVI. That all the Charges and Expenses of the said *James Simpson*, or of any Successor to be appointed in his Stead after his Decease, made and incurred previous to and including the Day of the Date of the said Certificate in Writing to be made under his Hand as aforesaid, in acting for and on behalf of the said Owners, Lessees, and Occupiers of Mills, in fulfilling or giving effect to any of the Provisions of this Act, and the Salary or Expenses of any Officers or Servants to be appointed by the said Owners, Lessees, and Occupiers of Mills or Works, for enabling them to fulfil and give effect to such Provisions, shall be paid and borne by the Company; provided that the whole Amount of such Salary and Expenses shall not in any One Year commencing on the First Day of *January* exceed the Sum of Fifty Pounds.

Saving Rights of Millowners.

LXVII. That, save as by this Act specifically provided, nothing herein contained shall be held to take away, diminish, prejudice, or affect the Property, Rights, Powers, or Privileges of any of the Owners, Lessees, or Occupiers of Mills on the said Rivers *Rivelin*, *Loxley*, and *Dun*, but all such Rights, Powers, and Privileges shall and may continue to be held and exercised by them respectively in the same Manner as they could or might have been if this Act had not been passed.

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

LXVIII. 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 Owners, Lessees, and Occupiers of all Mills, Manufactories, Buildings, Lands, and Grounds, and to every Person whomsoever, all Loss, Costs, Charges, Sum and Sums of Money, Damages and Expenses whatsoever, and for all Injury, of what Nature or Kind soever, as well immediate as consequential, which such Owners, Lessees, or Occupiers or other Persons may suffer, incur, pay, expend, or be put unto by reason or in consequence of the Failure or giving way of the Reservoirs, Embankments, Watercourses, or other Works of the said Company.

Company to purchase Mills before they take Water from the Rivers.

LXIX. That it shall not be lawful for the said Company to take and use for any of the Purposes of this Act all or any of the Waters of the said River *Rivelin*, or of the Streams or Brooks uniting themselves therewith, which they could not have taken and used previous

to

to the passing of this Act, until the said Company shall, under and by virtue of the Powers of this Act in that Behalf given, have contracted to purchase or shall have purchased the Mills, Manufactories, and Works situate on the said River *Rivelin* above its Junction with the said River *Loxley*, or such Rights or Interests only therein as may be agreed upon between the said Company and the Person or Persons entitled thereto (except the Works on the said River *Rivelin* called *Mouse Hole Forge* and *Grogram Wheel* respectively); and that until such Contracts or Purchases shall have been made all and singular the several Clauses, Powers, Provisions, and Enactments contained in the said recited Acts for the Protection or in favour of the Owners, Lessees, and Occupiers of Mills and other Works on the said Rivers *Rivelin* and *Loxley* shall be and the same are hereby declared to have the same Force and Effect as they could have had if the said recited Acts had not been repealed, save so far as the same have expired by Effluxion of Time, or have ceased to have Operation and Effect, and save and except so far as the Clauses and Provisions of the first-recited Act have been varied or repealed by the secondly-recited Act.

For Protection of the Navigation of the River Dun.

LXX. And whereas the Navigation of the River *Dun* greatly depends for its Supply of Water upon the said Rivers *Rivelin* and *Loxley*, which will be interrupted by the said Works: Be it enacted, That the *South Yorkshire* Railway and River *Dun* Company, or their Engineer, may, at all reasonable Times hereafter, inspect the Works of the said Company, to ascertain that the Provisions in this Act contained relating to the Supply of Water by the said Company into the said Rivers *Rivelin* and *Loxley* are duly carried into effect and observed by the said Company, and for that Purpose to enter upon any Lands and Buildings, and to take Measurements and Observations, and also to inspect the Books or Registers of the Company relating to the Supply of Water; and in case at any Time hereafter it shall happen that the said Provisions so last referred to shall not be duly carried into effect and observed by the said Company, it shall be lawful for any Justice of the Peace, upon Application of the said *South Yorkshire* Railway and River *Dun* Company, or their Engineer, to make Order from Time to Time for the Remedy thereof, consistently with the Provisions in this Act contained for the Protection of the Owners, Lessees, and Occupiers of Mills on the said Rivers *Rivelin* and *Loxley*; and in case the Company shall not obey such Order, the Company shall forfeit for every Day during which such Disobedience shall continue the Sum of Ten Pounds, to be recovered by the *South Yorkshire* Railway and River *Dun* Company as liquidated Damages: Provided also, that nothing in this Act contained shall extend or be deemed or construed to extend to take away, prejudice, or alter any of the Rights, Privileges, Powers, and Authorities vested in, belonging to, or exercised by

the *South Yorkshire* Railway and River *Dun* Company, except so far as is expressly authorized by this Act.

Company to purchase the whole of the Hathersage Glebe, if required by Patron and Incumbent.

LXXI. And whereas it is intended to take for the Purposes of the Reservoirs and Aqueducts a Portion of a small Farm in the Township of *Bradfield* in the Parish of *Ecclesfield*, being Glebe Land belonging to the Church of *Hathersage* and to the Chapel of Ease of *Stony Middleton*: And whereas the Rental of such Farm is one of the principal Sources of the Income of the Incumbent of *Hathersage* aforesaid, and the Living being of small Value, and derived from numerous different Sources, it is desirable that the same should not be further subdivided, and that the said Living should not be prejudicially affected by a Portion only of such Farm being taken for the Purposes of the said Bill, and it is therefore expedient that the Company should be compelled to purchase the whole of such Farm, if required so to do by the Patron and Vicar of *Hathersage* aforesaid and by the Perpetual Curate of *Stony Middleton*, or by any Two of such Persons: Be it enacted, That if for the Purposes of this Act the Company take or interfere with any Part of the said Glebe Land, the Company shall, if required by Notice in Writing by the said Patron, Vicar, and Perpetual Curate, or by any Two of such Persons, of whom the Patron of the Vicarage of *Hathersage* shall be One, purchase and take the whole of the said Glebe Lands in the said Township, the Price thereof to be settled in manner provided in "The Lands Clauses Consolidation Act, 1845."

Saving the Rights of Lady Burgoyne.

LXXII. And whereas Dame *Catherine Burgoyne* of *Eaton Square* in the County of *Middlesex* is or claims to be the Owner of certain Lands in *Stannington* and *Nether Hallam* in the West Riding of the County of *York* abutting on the River *Rivelin*, and is or claims to be interested in or entitled to the Use or Enjoyment of the Head and Fall of the Waters of that Portion of the said River which adjoins those Lands respectively, or some Part thereof, and also is or claims to be interested in a Weir on the said River called the *Rivelin* Tilt or *Walkley* Weir: Be it therefore enacted, That, notwithstanding the Provision herein-before contained, the Quantity of Water by this Act provided to be supplied into the said River *Rivelin* by the said Company shall not be or be deemed to be in compensation for the Rights or Interest claimed by the said Dame *Catherine Burgoyne*, her Heirs or Assigns, in or to the said Head and Fall or Waters of the said Portion of the said River, or the Use or Enjoyment thereof, or in or to the said Weir, and that the said Dame *Catherine Burgoyne*, her Heirs or Assigns, may claim and shall have such Compensation for the same as she may be entitled to, such Compensation to be ascertained and paid or deposited in the Manner provided by "The Lands Clauses Consolidation Act, 1845."

LXXIII. That

Power to construct Works herein named.

LXXIII. That it shall be lawful for the Company to make and maintain all or any of the following Works as the Company shall from Time to Time deem expedient; (that is to say,)

An Aqueduct, with all necessary Works and Conveniences connected therewith, commencing at or near a Plantation on the South Side of and between the Seventh and Eighth Mile Stone on the Turnpike Road leading from *Sheffield* to *Glossop* in the Township of *Bradfield* in the Parish of *Ecclesfield* in the West Riding of the County of *York*, crossing the said River *Rivelin* and certain of its tributary Streams, and terminating at a certain Reservoir now being constructed by the said Company at or near a Place called *Fairthorn* in the Township of *Upper Hallam* in the Parish of *Sheffield*:

A Reservoir, with all necessary Works and Conveniences, in and upon the tributary Stream of the River *Rivelin* called the *Oaken Clough* in the said Townships of *Upper Hallam* in the Parish of *Sheffield* and of *Bradfield* in the Parish of *Ecclesfield*, at or near to the Junction with the said Stream called *Oaking Clough* of Two smaller Streams called *Broadshaw* and *Lord's Seat* Streams respectively; also a Reservoir, with all necessary Works and Conveniences, in, upon, or near the Stream called *Agden Dike*, and certain other Streams tributary thereto, at or near a Wood called *Windy Bank Wood* in the Township of *Bradfield* in the Parish of *Ecclesfield* in the said West Riding of the County of *York*:

Also a Reservoir, with all necessary Works and Conveniences, in, upon, or near the Stream called *Dale Dike* in and near *Bradfield Dale* and in the said Township of *Bradfield* in the said Parish of *Ecclesfield*:

Also a Reservoir, with all necessary Works and Conveniences, in, upon, or near the Streams called *Dale Dike* aforesaid and *Strines Dike*, at or near the Junction of such Streams in the said Township of *Bradfield* in the said Parish of *Ecclesfield*:

Also an Aqueduct or Conduit commencing at, in, or near the said Stream called *Agden Dike* at or near the Junction therewith of the *Emlin Dike* above the Reservoir herein-before described as intended to be situate in, upon, or near such Stream called the *Agden Dike* and terminating in or at the Reservoir herein-before described as intended to be situated at or in *Bradfield Dale* aforesaid, such Aqueduct or Conduit, and the Works connected therewith, to be wholly situated in the said Township of *Bradfield* in the said Parish of *Ecclesfield*:

Also an Aqueduct or Conduit commencing at or in the Stream called the *Dale Dike* above the Reservoir herein-before described as intended to be situated at or near the Junction of *Dale Dike*

and

and *Strines Dike*, such Aqueduct or Conduit communicating with or passing through or over the said *Dale Dike*, and terminating in or at the Reservoir herein-before described as intended to be situate upon or near the *Agden Dike*, all in the said Township of *Bradfield* in the said Parish of *Ecclesfield*, together with an Aqueduct or Conduit or other Works for connecting with such last-mentioned Aqueduct or Conduit the Stream called *Strines Dike*, commencing above the said Reservoir intended to be situate at or near the Junction of *Dale Dike* and *Strines Dike*, and terminating by a Junction with the aforesaid last-mentioned Line of Aqueduct or Conduit above the Reservoir intended to be situated in or near *Bradfield Dale*, all in the said Township of *Bradfield* in the said Parish of *Ecclesfield*:

Also an Aqueduct or Conduit, with Tunnels or Driftways connected therewith or upon the Line thereof, such Aqueduct or Conduit commencing from and out of the Reservoir herein-before described as intended to be situate in or near *Bradfield Dale* aforesaid in the said Township of *Bradfield* in the said Parish of *Ecclesfield*, passing from, in, through, and into the several Parishes, Townships, and Extra-parochial Places of *Bradfield*, *Upper Hallam*, *Nether Hallam*, *Ecclesall Bierlow* and *Sheffield* Townships, and *Ecclesfield* and *Sheffield* Parishes, or some of them, in the said West Riding of the County of *York*, and terminating at, in, or near a Reservoir called *Godfrey Dam* in the said Township of *Nether Hallam* in the said Parish of *Sheffield*:

Also an Aqueduct or Conduit commencing in, at, or near the Reservoir herein-before described as intended to be situated at, upon, or near the *Agden Dike*, and terminating by a Junction with the aforesaid last-mentioned Aqueduct at or near the Public House called the *Plough* Inn, all in the said Township of *Bradfield* in the Parish of *Ecclesfield*:

Also an Aqueduct or Conduit commencing in, at, or near the River *Rivelin* below the present *Rivelin* Reservoirs, and terminating in and forming a Junction near to the *Rivelin* Gauge Weir with the aforesaid Aqueduct or Conduit between the intended *Bradfield Dale* and *Godfrey Dam* Reservoirs, such Aqueduct or Conduit to be situate in or pass from, through, or into the said Townships of *Upper Hallam* and *Bradfield*, or One of them, in the said Parish of *Sheffield* and *Ecclesfield*, or One of them:

Also an Alteration, Enlargement, or Improvement of the said intended Reservoir now being constructed by the said Company at or near *Fair Thorn* in the said Township of *Upper Hallam* in the said Parish of *Sheffield*:

Also an Enlargement of the existing Reservoir called *Godfrey Dam* in the Township of *Nether Hallam* in the Parish of *Sheffield*, and an Alteration or Division for such Purpose of the Line and Level of the public Highway in such Township called the *Dam Lane*.

Power to deviate from Line laid down on Plans.

LXXIV. That the Company in making the said Reservoirs and Aqueducts may deviate from the Plans deposited with the said Clerks of the Peace to any Distance within the Limits of lateral Deviation defined upon the Plan, but not more than One hundred Yards from the Line or Situation of the said Reservoirs and Aqueducts respectively delineated in the Plans deposited as aforesaid, and may make such Deviation in the Section of the Aqueducts as may be necessary in consequence thereof.

Period within which Lands are to be purchased.

LXXV. 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 hereof.

Period for Completion of Works.

LXXVI. That the new Reservoirs, Aqueducts, and other Works hereby authorized, and the Enlargements or Alteration of the existing Reservoirs, Aqueducts, and Works, and the Reservoir called *Fair Thorn* Reservoir, shown upon the deposited Plans, shall be completed within Ten Years from the passing of this Act; and on the Expiration of such Period all the Powers hereby given to the said Company to construct the Reservoirs and Aqueducts aforesaid shall cease to be exercised, except as to so much of the said Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Company from extending their Mains and Pipes from Time to Time whenever it shall be necessary for the Purpose of supplying with Water the Inhabitants and other Persons requiring the same within the Limits of this Act.

In case of Impounding Reservoir being deemed in a dangerous State, Justices empowered to issue an Order to the Company to construct such Works as will remove the Danger.

LXXVII. And in order to provide against Accidents to Life or Property by the bursting of any Impounding Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That whenever it shall be represented to Two Justices acting for the West Riding of the County of *York*, by the Owners or Occupiers of any Dwelling House, Mill, or Factory situate below any such Reservoir as aforesaid, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that the Embankment by which the Water is retained in such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if

if they shall be satisfied that such Embankment is in a dangerous State, they shall, by Writing under their Hands, order and require the Company, within a Time to be specified in such Writing, to put such Embankment into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Company shall not, within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any Two other Justices acting for the said West Riding, have repaired the said Embankment or constructed the said Works, or in case, upon receiving such Representation as aforesaid, the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands, order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom they may think proper, to enter upon the Premises of the Company, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir as may be necessary to remove the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Embankment shall have been repaired or such Work as aforesaid shall have been constructed to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices as aforesaid, and who shall signify their Satisfaction by Writing superseding such Order, or until such Order shall be superseded upon Appeal, as herein-after mentioned; and such Order may be in the Form or to the Purport and Effect following; that is to say,

In case Company neglect, Justices may order Level of Water to be reduced, so as to remove the Danger.

'To *A. B.*

'WE, the undersigned, Two of Her Majesty's Justices of the Peace acting for the West Riding of the County of York, do 'hereby order and direct you, and such Person or Persons as you 'may require to aid and assist you herein, forthwith to do all such 'Acts as may be necessary to lower the Water in a certain Reservoir 'known as the Reservoir, by the Space of 'Feet or thereabouts, and to keep the same at that Level until 'you shall be further instructed by us or by Two other Justices 'of the Peace acting for the said Riding; and you shall do as 'little Injury as possible to the Property of the Company; and 'in acting in obedience to the Premises this shall be your sufficient Warrant.

'Given under our Hands, this Day of in the 'Year of our Lord

(Signed) '*C. D.*
'*E. F.*'

Persons acting under Orders of Justices not deemed Trespassers.

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser; and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence be liable

liable to a Penalty not exceeding Fifty Pounds: Provided always, that, except where the Urgency of the Case will not admit of the Delay, the Justices, before making an Order to repair any such Embankment, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Company, and shall hear and consider any Evidence that may be tendered on behalf of the Company against the making of such Order; provided also, that if the Company shall consider themselves aggrieved by any such Order they may appeal against the same to any Quarter Sessions, upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal; and the Court of Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices, as they may think proper; but until such Order shall be superseded it shall continue in full Force; and all the Costs, Charges, and Expenses of applying for, obtaining, and enforcing such Order shall be borne by the Company, unless the Justices making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do; and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Court of Quarter Sessions.

Power to Company to appeal against Orders.

LXXVIII. That the Mains and Pipes of the Company shall be so made and manufactured that the upper Surface thereof may be readily distinguished, when the Ground is opened, from the Mains or Pipes of any other Company; and in case the Company shall lay down any Mains or Pipes not so distinguishable, the Company shall forfeit and pay a Sum not exceeding the Sum of Twenty Shillings for every Length of Nine Feet of Pipe laid contrary to the Direction aforesaid: Provided nevertheless, that the Direction aforesaid shall not be deemed to apply or extend to any Mains or Pipes of the Company already laid down, or which may have been previously to the passing of this Act purchased by the Company.

As to Construction of Mains and Pipes by the Company.

LXXIX. That the Company shall and they are hereby required to furnish a sufficient Supply of Water to every Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Square, Street, Close, or Lane of the Town and Borough of *Sheffield* aforesaid, and in any other Place or Places within the Limits of this Act, where the Pipes of the Company are now or hereafter shall be laid, for the Use of his or her Family, at the following Rate *per Annum*; (that is to say,)

Limiting the Rates to be paid for Water, &c.

Where the Rent of such Dwelling House or Part of a Dwelling House shall not amount to Seven Pounds *per Annum*, at a Rate not

not exceeding Six Pounds *per Centum per Annum* on such Rent, but not in any such Case to exceed the Sum of Seven Shillings and Twopence *per Annum*;

Where such Rent shall amount to Seven Pounds but not to Eight Pounds *per Annum*, at a Rate not exceeding Eight Shillings *per Annum*;

Where such Rent shall amount to Eight Pounds *per Annum* but not to Ten Pounds *per Annum*, at a Rate not exceeding Ten Shillings *per Annum*;

Where such Rent shall amount to Ten Pounds but not to Twelve Pounds *per Annum*, at a Rate not exceeding Twelve Shillings *per Annum*;

Where such Rent shall amount to Twelve Pounds but not to Fifteen Pounds *per Annum*, at a Rate not exceeding Fourteen Shillings *per Annum*;

Where such Rent shall amount to Fifteen Pounds but not to Eighteen Pounds *per Annum*, at a Rate not exceeding Sixteen Shillings *per Annum*;

Where such Rent shall amount to Eighteen Pounds but not to Twenty Pounds *per Annum*, at a Rate not exceeding Eighteen Shillings *per Annum*;

Where such Rent shall amount to Twenty Pounds but not to Twenty-five Pounds *per Annum*, at a Rate not exceeding One Pound *per Annum*;

Where such Rent shall amount to Twenty-five Pounds but not to Thirty Pounds *per Annum*, at a Rate not exceeding One Pound Five Shillings *per Annum*;

Where such Rent shall amount to Thirty Pounds but not to Thirty-five Pounds *per Annum*, at a Rate not exceeding One Pound Ten Shillings *per Annum*;

Where such Rent shall amount to Thirty-five Pounds but not to Forty Pounds *per Annum*, at a Rate not exceeding One Pound Fifteen Shillings *per Annum*;

Where such Rent shall amount to Forty Pounds but not to Fifty Pounds *per Annum*, at a Rate not exceeding Two Pounds *per Annum*;

Where such Rent shall amount to Fifty Pounds but not to Sixty Pounds *per Annum*, at a Rate not exceeding Two Pounds Five Shillings *per Annum*;

Where such Rent shall amount to Sixty Pounds but not to Seventy Pounds *per Annum*, at a Rate not exceeding Two Pounds Ten Shillings *per Annum*;

Where such Rent shall amount to Seventy Pounds but not to Eighty Pounds *per Annum*, at a Rate not exceeding Two Pounds Fifteen Shillings *per Annum*;

Where such Rent shall amount to Eighty Pounds but not to One hundred Pounds *per Annum*, at a Rate not exceeding Three Pounds *per Annum*; and

Where such Rent shall amount to One hundred Pounds or upwards *per Annum*, at a Rate not exceeding Three Pounds *per Centum per Annum*, on such Rent:

Provided nevertheless, that the Company shall not be entitled to receive from any such Inhabitant more than the Sum of Six Pounds in any One Year for such Supply, nor shall such Company be obliged to furnish such Supply to any Inhabitant for less than Seven Shillings and Twopence in any One Year, unless they shall think fit so to do.

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

LXXX. 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 Company shall not in such Cases charge more than Six Shillings and Fourpence a Year for each House for such Supply, anything to the contrary in this Act contained notwithstanding.

Limiting Rates for Supply of Water for other than domestic Purposes,

LXXXI. That in Cases of Schools, Manufactories, Dyers, Printers, Bleachers, Brewers, Innkeepers, Livery Stable Keepers, Alehouse Keepers, and 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, or 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 the following Rates; (that is to say,) a Rate not exceeding Tenpence for every One thousand Gallons so supplied as aforesaid up to Five hundred thousand Gallons; and where the Water so supplied as aforesaid shall exceed Five hundred thousand Gallons but not exceed One million Gallons *per Annum*, at a Rate not exceeding Ninepence for every One thousand Gallons of such Excess beyond Five hundred thousand Gallons; and where the Water so supplied as aforesaid shall exceed One million Gallons but not exceed One million five hundred thousand Gallons *per Annum*, then at a Rate not exceeding Eightpence for every One thousand Gallons of such Excess beyond One million Gallons; and where the Water so supplied as aforesaid shall exceed One million Five hundred thousand Gallons but not exceed Two million Gallons *per Annum*, at a Rate not exceeding Sevenpence for every One thousand Gallons of such Excess beyond One million five hundred thousand Gallons; and where the Water so supplied as aforesaid shall exceed Two million Gallons *per Annum*, at a Rate not exceeding Sixpence for every One thousand Gallons of such Excess beyond Two million Gallons: Provided always, that in the Case of Stables or Premises in which Horses or Carriages are kept

In case of Stables, Occupier may

elect to have Supply by Quantity, or be rated upon the Rent.

kept attached to and occupied with any private Dwelling House, the Water Rate shall, if desired by the Occupier of such House and Stables or Premises, be assessed upon the Amount of Rent of the private Dwelling House, including the Rent of such Stables or Premises; and the Company shall not in such Case be authorized to take the additional Charges herein-before authorized in respect of the Supply of Water for such Horses and Carriages.

Limiting Amount of Charge for Water-closets.

LXXXII. That the Company shall not charge more in any One Year than the several Rates herein-after specified in respect of Waterclosets in or belonging to any private Dwelling House; (that is to say,)

When the annual Rackrent does not exceed Ten Pounds *per Annum*, the Sum of Four Shillings for each such Watercloset:

When the annual Rackrent exceeds Ten Pounds and does not exceed Twenty-five Pounds, the Sum of Five Shillings for One such Watercloset, and the further Sum of Four Shillings for each additional Watercloset:

When the annual Rackrent exceeds Twenty-five Pounds and does not exceed Fifty Pounds, the Sum of Six Shillings for One such Watercloset, and the further Sum of Four Shillings for each additional Watercloset:

When the annual Rackrent exceeds Fifty Pounds and does not exceed One hundred Pounds, the Sum of Seven Shillings and Sixpence for One such Watercloset, and the further Sum of Four Shillings for each additional Watercloset:

When the annual Rackrent exceeds One hundred Pounds, the Sum of Ten Shillings for One such Watercloset, and the further Sum of Four Shillings for each additional Watercloset:

Provided that where a Watercloset shall be provided for and used in common by the Occupiers of more than One private Dwelling House, the annual Rackrent upon which the Charge for the same shall be calculated shall be the aggregate annual Rackrent of all such Dwelling Houses.

A daily Supply of Water to be furnished.

LXXXIII. That all Persons supplied with Water by the Company shall, within Four Years from the passing of this Act, or sooner if practicable, be entitled to have and shall have and be furnished with a daily Supply of pure and wholesome Water during a Period of Twelve Hours at least between Seven of the Clock in the Morning and Seven of the Clock in the Evening in each Day, and in the meantime shall have and be furnished with a daily Supply of pure and wholesome Water during a Period of Eight Hours in each Day.

Constant Pressure not to be required.

LXXXIV. That the Water supplied by the Company need not be constantly laid on under Pressure in other Pipes than the Main Pipes of

of the Company until the Expiration of Ten Years from the passing of this Act, and then only if required by the Council of the Borough of *Sheffield*.

Company to alter Position of Pipes on Requisition of Surveyors of Highways.

LXXXV. That if the Surveyors, Trustees, or Commissioners, or other Persons under whose Jurisdiction, Care, or Management any Pavement, Highway, or Road under or through which any Pipe or Pipes of the Company are or may be placed shall, for the Purpose of any Alteration in such Pavement, Highway, or Road, require the Company to raise, sink, or otherwise alter the Situation or Position of any such Pipe or Pipes, the Company shall and will, at their own Expense, within One Calendar Month next after being required so to do by Notice in Writing to them given by such Surveyors, Trustees, or Commissioners, or other Persons, raise, sink, or alter such Pipe or Pipes, according to such Notice, in such Manner, and in such Place or Places as the said Surveyors, Trustees, or Commissioners, or other Persons, shall think right and proper; and in default thereof it shall and may be lawful to and for the said Surveyors, Trustees, or Commissioners, or other Persons, or any Person or Persons acting by their Order or under their Authority respectively, to cause such Pipe or Pipes to be raised, sunk, or altered, and that the reasonable Costs and Charges for doing the same shall immediately thereafter be paid by the Company or their Treasurer to the said Surveyors, Trustees, or Commissioners, or other Persons, or in default thereof shall and may be recovered summarily in the same Manner as Damages not specially provided for may be recovered from or against the Company.

Damages done by Surveyor in raising, sinking, &c. the Pipes to be repaired at his Expense, &c.

LXXXVI. That if by raising, sinking, or altering any of the said Pipe or Pipes any Damage or Injury shall be wilfully or negligently done to the same by the said Surveyors, Trustees, or Commissioners, or other Persons, or their Servants, then and in every such Case such Damage or Injury shall be made good as soon as Circumstances will permit, and the Costs, Charges, and Expenses thereof shall be paid by the Surveyors, Trustees, or Commissioners, or other Persons for the Time being having the Jurisdiction, Care, or Management of such Pavements, Highways, or Roads as aforesaid, to the Company or their Treasurer; and the said Surveyors, Trustees, or Commissioners, or other Persons, are hereby authorized to pay the same out of the Monies which may come to their Hands from the Collection of any Assessment for the Repairs of the Pavements, Highways, or Roads, on their being served with the Order of any Justice or Justices of the Peace for the West Riding of the County of *York* or for the Borough of *Sheffield* aforesaid by whom the Amount of such Costs, Charges, and Expenses shall have been ascertained and fixed.

LXXXVII. That

For remedying Inconvenience to Public occasioned by bursting of Pipes.

LXXXVII. That whenever it shall happen that by the bursting, breaking, or running of any Pipe or Pipes the Water belonging to the Company shall overflow any Highway, Street, Passage, or Place, or any Part or Parts thereof, so as to occasion any Danger or Inconvenience to Passengers, Cattle, or Carriages, or Injury to the said Highway, Street, Passage, or Place, or any Part or Parts thereof, then, in case the Company shall, after One clear Day's Notice thereof, neglect to do what shall be necessary to remedy the Danger and Inconvenience arising therefrom, it shall be lawful for the Surveyors, Trustees, or Commissioners, or other Persons, under whose Jurisdiction, Care, or Management the said Highways, Streets, Passages, or Places respectively may be, to do what they shall judge requisite to prevent any Danger or Inconvenience therefrom, the Expenses whereof shall be reimbursed to such Surveyors, Trustees, or Commissioners, or other Persons, by the Company, forthwith, and in default thereof shall and may be recovered summarily in the same Manner as Damages not specially provided for may be recovered from or against the Company.

Company not to be exempted from Provisions of 11 & 12 Vict. c. 63, &c.

LXXXVIII. That nothing in this Act contained shall be deemed or construed to exempt the Company from the Provisions of "The Public Health Act, 1848," or any General Act relating thereto or the Subject Matter thereof, which may be passed during the present or any future Session of Parliament.

Expenses of Act.

LXXXIX. That all the Costs and Expenses of preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

Construction of Terms.

XC. That in the Construction of this Act the Words or Expressions "Aqueducts" or "Aqueduct" shall include or mean Tunnels, Conduits, Feeders, or other Works of a similar Construction; and the Word "Company" shall mean "The Company of Proprietors of the *Sheffield* Waterworks."

Certain Rights under the recited Acts, reserved for Protection of Owners of Land, &c.

XCI. And whereas certain Clauses and Provisions are contained in the said recited Acts, for the Protection of the Owners of certain Lands, Springs, and Streams of Water, and of other Parties, and which Clauses and Provisions are herein-after set forth:

Eleventh *George* the Fourth, Chapter Fifty-five, Section Nine.

Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to extend to authorize or empower the said Company of Proprietors or their Successors, in making any Conduits, Aqueducts, Watercourses, or other Works, to take or cause to be taken or used any Springs or Streams of Water by which the *Sheffield* General Infirmary is now supplied with

with Water, or to take or cause to be taken or used a certain Spring rising in the Lands of *Joshua Spooner* in the Township of *Nether Hallam*, and which supplies with Water the *Broomhall* Estate in the Township of *Ecclesal Bierlow*, belonging to *John Watson* Esquire.

Eleventh *George* the Fourth, Chapter Fifty-five, Section Ten.

Provided always, and be it further enacted, That nothing herein contained shall authorize the said Company of Proprietors or their Successors to enter upon any of the Lands belonging to Dame *Catherine Burgoyne*, her Heirs or Assigns, situate at a Place called *Whitehouse* in the said Township of *Nether Hallam*, or to lay any Pipes therein without the Consent in Writing of the said Dame *Catherine Burgoyne*, her Heirs or Assigns, or her or their Agent for the Time being.

Eleventh *George* the Fourth, Chapter Fifty-five, Section Eleven.

Provided always, and be it enacted, That nothing herein contained shall extend to authorize or empower the said Company of Proprietors or their Successors, or any Person or Persons acting by or under their Authority, to take or use a certain Stream of Water rising in or running through Land in the Occupation of *Albert Smith*, adjoining the *Fullwood* Road, into and through Lands of *Robert Brightmore* and *Benjamin Burbeary*, otherwise than as the said Stream is now taken and used by the present Proprietors of the *Sheffield* Waterworks, without the Consent in Writing of the said *Robert Brightmore* and *Benjamin Burbeary*, their respective Heirs or Assigns, first had and obtained, so as to prejudice or abridge the present Use and Enjoyment of the said Stream by the said *Robert Brightmore* and *Benjamin Burbeary* respectively, but that they the said *Robert Brightmore* and *Benjamin Burbeary*, their respective Heirs and Assigns, shall continue in the Enjoyment of the said Stream in as full and ample Manner as if this Act had not been passed.

Eleventh *George* the Fourth, Chapter Fifty-five, Section Twelve.

Provided also, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to extend to authorize and empower the said Company of Proprietors or their Successors, in making any Conduits, Aqueducts, Watercourses, or other Works, or in continuing the present Works, to take or cause to be taken any Springs or Streams of Water which now flow or which of Right ought to flow into the River *Porter*.

Eleventh *George* the Fourth, Chapter Fifty-five, Section One hundred and twenty-six.

Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice, or destroy any

Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Pickage, Stallage, Free Customs, Duties, Profits, or Advantages belonging, due, or in anywise appertaining to the Lord of the Manor of *Sheffield* aforesaid, or the Owner of the Fairs and Markets within the said Town of *Sheffield* for the Time being, but all and every such Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Pickage, Stallage, Free Customs, Duties, Profits, and Advantages may be exercised, demanded, exacted, received, and enjoyed in as full and ample a Manner, to all Intents and Purposes, as if this Act had not been passed.

Eleventh *George* the Fourth, Chapter Fifty-five, Section One hundred and twenty-seven.

Provided also, and be it further enacted, That nothing in this Act contained shall be construed to affect in any way whatsoever any Right which before the passing of this Act the Owners and Occupiers of Mills and Works on the River *Porter* had or might lawfully claim to the Use and Enjoyment of certain Springs at or near to *Cross Pool*, *Tapton Hill*, or *Tapton Farm*, or to affect in any way whatsoever any Question in Law or Equity in relation to such Right and Enjoyment.

Clauses of recited Acts herein-before set forth continued in force.

And whereas it is expedient that the said several Clauses and Provisions should be continued in force and in manner herein-before mentioned: Be it therefore enacted, That all and singular the said several Clauses, Powers, Provisions, and Enactments in the said recited Acts contained and herein-before set forth shall be and the same are hereby declared to have and shall continue to have the same Force and Effect as they would have had if the recited Act had not been repealed.

Saving Rights of G. Hadfield, Esq. under certain Agreements.

XCII. And whereas the said Company have, by certain Indentures dated the Eighth Day of *January* One thousand eight hundred and fifty-three and the Fourteenth Day of *March* One thousand eight hundred and fifty-three, granted to *George Hadfield* Esq., as the Owner of a certain House and Lands near to and affected by the Works of the said Company, and to his Heirs and Assigns, certain Rights, Profits, and Easements, and entered into certain Covenants and Agreements with him and them, and it is not intended that such Indentures shall be affected by this Act: Be it therefore enacted, That the said Indentures, and the several Grants and Covenants therein contained, shall, notwithstanding this Act, remain in full Force, and be observed and performed by the said Company in all respects.

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