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Cap. cclxxxvi.

An Act to authorize the Company of Proprietors of the *Sheffield* Waterworks to construct further Works, to purchase additional Lands, and to raise additional Capital; and for other Purposes.

[30th *July* 1866.]

WHEREAS the Company of Proprietors of the *Sheffield* Waterworks (hereafter in this Act called "the Company") are incorporated and empowered under the Acts described in the First Schedule to this Act (hereafter in this Act called "the Company's Acts") for the Purpose of making Reservoirs and Works and supplying Water to the Town of *Sheffield* and its Neighbourhood: And whereas it is expedient that the Company be (subject to the Provisions of this Act) authorized to make new Works on the River *Rivelin:* And whereas for the Purposes of the intended new Works, and also for the Purposes of the Company's Works authorized but not completed, it is expedient that they be empowered to take certain Lands compulsory or by Agreement: And whereas the State of the ordinary Share Capital of the Company, under the Company's Acts prior to that of 1864, was lately such as is shown in the Second

Schedule to this Act: And whereas the State of the Mortgage Debt of the Company, and of the Shares created by the Company for Redemption of their Mortgage or Bond Debt, under the Company's Acts, prior to that of 1864, was lately such as is shown in the Third Schedule to this Act: And whereas the State of the Company's Share and Loan Capital under the Company's Act of 1864 was lately such as is shown in the Fourth Schedule to this Act: And whereas it is expedient that, to enable the Company to execute the Purposes of this Act and their former Acts, they be authorized to raise a further Sum of Money: And whereas the Company, with a view to prevent the Contamination of the Water in one of the principal of their authorized Supply Reservoirs, lately purchased, in the Names of Trustees, Six Acres Two Roods and Sixteen Perches or thereabouts of Land (with a House thereon) at *Moor Oaks* in the Parish of *Sheffield*, the Property of the late *George Ronksley*, that Land being situate close to such a Reservoir, and being fit for Building Purposes (which Land is hereafter in this Act referred to as *Ronksley*'s Land): And whereas the Company, with a view to the Attainment of certain of the Objects of their Undertaking, have lately contracted with *Charles Cockayne* for the Purchase of a certain Mill on the River *Rivelin*, with about Two Acres of Land belonging thereto (which Mill, with the Land aforesaid, is hereafter in this Act referred to as *Cockayne*'s Mill): And whereas it is expedient that the Company be authorized to hold and use *Ronksley*'s Land and *Cockayne*'s Mill for the Purposes of their Undertaking, and to dispose, as by this Act provided, of such Parts thereof as may not be required for those Purposes: And whereas it is expedient to amend the Company's Acts in relation to the Votes of Shareholders and in other respects: And whereas Plans and Sections describing the Lines, Situations, and Levels of the intended new Works, and the Lands, Houses, and other Property which will or may be taken compulsorily under the Powers of this Act, and a Book of Reference to those Plans, have been deposited with the Clerk of the Peace for the West Riding of the County of *York* (which are hereafter in this Act referred to as the deposited Plans, Sections, and Book of Reference): And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited as "The *Sheffield* Waterworks Act, 1866."

8 & 9 Vict. cc. 16. 18. and 20.,

2. The following Enactments (as far as the same respectively are applicable for the Purposes and are not inconsistent with the Provisions

Provisions of this Act) are hereby incorporated with this Act; namely, 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 93. & 118. incorporated.

The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860:

The Waterworks Clauses Acts, 1847 and 1863, subject to the Exceptions and Provisions respecting the former of those Two Acts in the Company's Act of 1853 expressed and contained:

The Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the Matters following; (that is to say,) the Distribution of the Capital of the Company into Shares; the Transfer or Transmission of Shares; the Payment of Subscriptions, and the Means of enforcing the Payment of Calls; the Forfeiture of Shares for Nonpayment of Calls; the Remedies of Creditors of the Company against the Shareholders; the borrowing of Money by the Company on Mortgage or Bond; the Conversion of borrowed Money into Capital; and the Consolidation of the Shares into Stock:

Parts I., II., and III. of the Companies Clauses Act, 1863:

The Provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary Occupation of Lands near the Railway during the Construction thereof.

Same Meanings in incorporated Acts as in this Act.

3. The several Terms to which Meanings are assigned by the Acts incorporated wholly or in part with this Act have in this Act the same respective Meanings.

"Court of competent Jurisdiction," &c.

4. In this Act, and in any Act incorporated wholly or in part with this Act, the Term "Court of competent Jurisdiction" shall have Effect as if the Debt or Demand with respect to which that Term is used was a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Term "Superior Courts" shall be construed to include all Courts of competent Jurisdiction within the Meaning of this Act.

Power to make depositing Pond.

5. The Company may, on the River *Rivelin*, in the Situation and according to the Levels shown on the deposited Plans and Sections, or within the Limits of Deviation shown on the deposited Plans, make and maintain a depositing Pond and Weir and other suitable Works for the Purpose of receiving and clarifying the Water to be from Time to Time taken into the Conduit of the Company as they think fit, and may enter on, take, and use such of the Lands delineated on the deposited Plans and described in the deposited Book of Reference as may be required for the Purposes herein-before mentioned, or of the authorized Works of the Company; provided that the Company shall not discontinue, remove, or interfere with the Gauge on the River *Rivelin* referred to in the Company's Act of 1853,

1853, or obstruct or interfere with any Right of Access to such Gauge, or the Flow of Water over the same, as given or required by any of the Company's Acts.

Limits of vertical Deviation.

6. In constructing the intended depositing Pond and Weir the Company may deviate vertically from the Levels thereof shown on the deposited Sections to any Extent not exceeding Three Feet.

Limitation of Time for Construction of Works.

7. If the Works by this Act authorized are not completed within Three Years from the passing of this Act, then on the Expiration of that Period the Powers by this Act granted to the Company for constructing those Works or in relation thereto shall cease to be exercised, except as to so much thereof as is then completed.

Limit of Time for compulsory Purchase.

8. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Power to raise additional Share Capital.

9. In addition to such Share Capital as the Company are for the Time being, independently of this Act, authorized to raise, they may from Time to Time, by virtue of this Act, raise such Sums as they think requisite, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds.

Mode of raising additional Share Capital.

10. The additional Share Capital by this Act authorized shall be raised by the Creation and Issue of new Shares or new Stock, ordinary or preference, or partly ordinary and partly preference, as the Company from Time to Time think fit.

Rate of Preferential Dividend.

11. Any Preference Shares or Stock may be made to bear Dividend or Interest not exceeding the Rate of Six Pounds *per Centum per Annum*.

No Share to issue until One Fifth paid up.

12. The Company shall not issue any Share under this Act, nor shall any such Share vest in the Person accepting it, unless and until a Sum not being less than One Fifth Part of such Share is paid in respect thereof.

New Shares to be subject to same Provisions as Shares existing.

13. Except as by or under the Authority of this Act, or any Act incorporated wholly or in part with this Act, is otherwise provided, the additional Share Capital to be created by the Company under this Act, and the Shares therein, and the Holders of those Shares respectively, shall be entitled and subject to the same Powers, Rights, Privileges, and Liabilities in all respects as if that new Capital were Part of the ordinary Share Capital of the Company existing at the passing of this Act, and those Shares were Shares in that ordinary Capital.

14. In

Power to borrow on Mortgage.

14. In addition to any Sum which the Company are for the Time being, independently of this Act, authorized to raise by Mortgage, they may from Time to Time borrow on Mortgage any Sum or Sums not exceeding in the whole the Sum of Fifty thousand Pounds.

Restrictions on new Borrowing Power.

15. The Company shall not borrow any Money under this Act until the whole of the additional Share Capital authorized by this Act is subscribed for, issued, and accepted, and until they prove to the Justice who is to certify under Section Forty of the Companies Clauses Consolidation Act, 1845, before he so certifies, that Shares for the whole of the additional Share Capital are issued and accepted, and that not less than One Fifth Part of the Amount of each separate Share has been paid up on account thereof before or at the Time of the Issue or Acceptance thereof, and that all such Shares are taken in good Faith, and are held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Priority of Mortgages, Preference Shares, &c. under former Acts to Mortgages under this Act.

16. All Mortgages granted or to be granted, and all Debenture Stock created or to be created, by the Company under any Act prior to this Act, and all Stock and Shares created or to be created by the Company for Redemption or in lieu of Mortgage or Bond Debt under any Act prior to this Act, and all Shares or Stock created or to be created under the Company's Act of 1864, the Holders whereof are for the Time being entitled to any Preferential Dividend or Interest, shall have Priority over all Mortgages and Debenture Stock to be granted or created under this Act.

Power to obtain Receiver.

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

Power to create Debenture Stock.

18. The Company may create and issue Debenture Stock bearing Interest at a Rate not exceeding Five Pounds *per Centum per Annum*.

Application of Money.

19. All Money raised under this Act, either as additional Share Capital or by borrowing, shall be applied to the general Purposes of the Company's Undertaking, and not otherwise.

Power to apply authorized Capital.

20. The Company may apply for the Purposes of this Act any Money raised by them under their former Acts or any of them, and not required to be immediately applied for the Purposes for which the same is authorized to be raised.

Power to hold certain Lands, &c.

21. The Company, for the Purposes of their Undertaking, may procure to be conveyed to them by the said Trustees, their Heirs or Assigns, and may hold and use, *Ronksley*'s Land, and may complete the Contract for the Purchase of *Cockayne*'s Mill, and may hold and use the same.

Application of Parts of Act of 1860.

22. Sections Forty-five to Fifty (both inclusive) of the Company's Act of 1860 shall extend and apply to *Ronksley*'s Land and *Cockayne*'s Mill as nearly as may be in all respects as if those Properties respectively had been named in Section Forty-five of that Act, and for that Purpose the Reference to the Company's Act of 1860 in the Form of Conveyance given in the Schedule to that Act shall be altered into a Reference to this Act.

Votes of Shareholders.

23. Section Thirty-three of the Company's Act of 1853, and Sections Thirty-nine to Forty-one (both inclusive) of the Company's Act of 1860, relative to the Votes of Shareholders, are hereby repealed, and in lieu thereof Section Seventy-five of the Companies Clauses Consolidation Act, 1845, relative to the Votes of Shareholders, is hereby incorporated with this Act, and shall apply to the Company; and for the Purposes of such Votes every complete One hundred Pounds paid up in the Share Capital of the Company, whether in One Share or in more Shares than One, and whether in Shares of one Class or in Shares of different Classes, shall be deemed One Share.

Parts of 8 & 9 Vict. c. 20. incorporated.

24. The Provisions of the Railways Clauses Consolidation Act, 1845, incorporated with this Act, shall apply not only to the Works by this Act authorized, but also to the Reservoirs authorized by the Company's Act of 1853, and the Works immediately connected therewith; and those Provisions shall, for the Purposes of the present Section, be read as if the Works and Reservoirs aforesaid were therein mentioned instead of "the Railway," and as if the Boundaries of those Works and Reservoirs were therein mentioned instead of "the Centre of the Railway."

Power to take additional Lands by Agreement.

25. The Company may from Time to Time, for the Purposes of their Undertaking, purchase by Agreement, in addition to the Lands which they are authorized to take by Compulsion, any Lands not exceeding in the whole Twenty-five Acres.

26. On

Reservation of Water Rights, &c. on Sale by Company.

26. On any Sale by the Company of any Lands or Hereditaments the Company may reserve all or any Part of the Water, or Water Rights or other Easements belonging thereto, and may make the Sale subject to such Reservation accordingly, and may also make any such Sale subject to such other Reservations, special Conditions, Restrictions, and Provisions with respect to the Use of Water, Exercise of noxious Trades, or Discharge or Deposit of Manure, Sewage, or other impure Matter, as they think fit.

Expenses of Act.

27. The Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

The

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

The Sheffield Waterworks Company's Acts.

Session and Chapter.	Title or Short Title.	Short Description of Act used in foregoing Act or following Schedules.
16 & 17 Vict. 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.	The Company's Act of 1853.
23 & 24 Vict. cap. lxx.	Sheffield Waterworks Act, 1860.	The Company's Act of 1860.
27 & 28 Vict. cap. cccxxiv.	The Sheffield Waterworks Act, 1864.	The Company's Act of 1864.

THE SECOND SCHEDULE.

State of the Company's Ordinary Share Capital under the Company's Acts prior to that of 1864.

	Authorized.	Raised.
	£	£
Under the Company's Act of 1830 - -	100,000	100,000
" " 1845 - -	50,000	50,000
" " 1853 - -	150,000	150,000
" " 1860 - -	150,000	150,000
Total - -	450,000	450,000

THE

THE THIRD SCHEDULE.

State of the Company's Mortgage Debt and Shares created for Redemption of Mortgage or Bond Debt under the Company's Acts prior to that of 1864.

	£	s.	d
Under the Powers of the Company's Acts of 1830, 1845, 1853, and 1860, as consolidated by Section 28 of the Act of 1860, Total authorized - - - - - -	110,000	0	0
Shares created for Redemption of Mortgage or Bond Debt under the Company's Act of 1853 as altered by the Company's Act of 1860 - - - - - - - -	11,200	0	0
Amount borrowed on Mortgage - - - -	51,060	1	6
Total -	£ 62,260	1	6

Total authorized - - - -	110,000	0	0
Total raised - - - - -	62,260	1	6
Balance authorized but not raised -	£ 47,739	18	6

THE FOURTH SCHEDULE.

State of the Company's Share and Loan Capital under the Act of 1864.

Amount authorized - - - - - -	£400,000	0	0
Amount of B. Preference Shares created - - -	225,000	0	0
Amount left to be raised by Mortgage or Debenture Stock -	175,000	0	0
Amount raised on Mortgage - - - - -	155,275	0	0
Balance yet to be raised by Mortgage or Debenture Stock -	£19,725	0	0

Amount of B. Preference Shares created - - -			£225,000	0 0
Amount received from Calls - - -	£89,280	0 0		
Amount received from Calls paid in anticipation -	14,227	10 0		
Amount due for Calls not yet paid - -	720	0 0		
			104,227	10 0
Balance yet to be received from Calls not yet due - -			£120,772	10 0

Balance yet to be raised by Mortgage or Debenture Stock - -	£19,725	0 0
Balance yet to be raised from Calls not yet due - - -	120,772	10 0
Balance authorized but not yet raised - - -	£140,497	10 0

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