



ANNO SEXTO

# GEORGIIV. REGIS.

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## Cap. lxvi.

An Act for supplying with Water the Town and Borough of *Chesterfield* in the County of *Derby*, and for lighting the said Town and Borough with Gas. [20th May 1825.]

**W**HEREAS the Inhabitants of the Town and Borough of *Chesterfield*, in the County of *Derby*, are not well or conveniently supplied with Water: And whereas the said Town has of late Years become more populous, and for want of a sufficient Supply of Water for domestic and other Purposes, the Inhabitants are subject to much Inconvenience, and would be liable to great Danger in cases of Accident by Fire, but which Inconvenience and Danger might be prevented, and the Lives and Property of the Inhabitants better preserved and protected, if Water Works were to be made and established for conveying a constant Supply of Water from a certain Brook or River called *Holme Brook*, by means of an Aqueduct or Pipe to be made, laid, or placed, branching out of the said Brook at a certain Close or Inclosure in the Parish of *Brampton*, and belonging to *Matilda Outram*, and in the Occupation of *Thomas Crooks*, and thence through Part of the said Parish of *Brampton* into and through the Township of *Newbold* in the Parish of *Chesterfield*, to a certain Piece of Ground now used as a Brick Yard, belonging to *William Minshall*, in the Township of *Chesterfield*, in the said Parish of *Chesterfield*, and from thence distributed by means of Mains and Servive Pipes and other Works into and along the several Streets of

[Local.] 18 C



the said Town and Borough of *Chesterfield*, and into the Houses, Buildings, and Premises of such of the Inhabitants as may be desirous of using the same: And whereas the several Streets, Yards, Courts, and Passages in the said Town and Borough of *Chesterfield* are not lighted, but are consequently dangerous and inconvenient for Passengers: And whereas Inflammable Air, Carburetted Hydrogen, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor and Essential Oil, may be produced from Coal and other Substances: And whereas the said Inflammable Air, Carburetted Hydrogen, or Coal Gas, or Gas prepared from Oil, (being conveyed by means of Pipes) may be safely and beneficially used for lighting the said Streets, and other public Passages, and Places within the said Borough (whereby the Dangers, Inconveniencies, and Disorders aforesaid might be prevented or lessened), and also for lighting Shops, Inns, Taverns, private Houses, Warehouses, and Manufactories therein; and the said Coke may be beneficially employed as Fuel in private Houses and Manufactories; and the said Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, may be used and applied in various other Ways with great Advantage: And whereas the several Persons herein-after named are willing and desirous, at their own Costs and Charges, to make and maintain Works for effecting the Supply of Water and Light to the said Town and Borough of *Chesterfield*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Alsop, William Batteson, George Beardmore, William Bower* (Watchmaker), *Josiah Brown, John Butcher, John Tatton Cartledge, Sarah Carver, John Charge, John Coller, John Belsey Coller, Richard Coller, Gilbert Crompton, Samuel Dutton, John Elam, Elizabeth Gill, Joseph Gratton, Joseph Gratton, Roland Heathcote Hacker, William Hall, Adam Hardy, Godfrey Heathcote, George Hewitt, William Hewitt, Thomas Hill Clerk, Daniel Hodkins, John Hopkinson, Richard Roundall Hurwood, Richard Hutchinson, Richard George Hutchinson, Sarah Johnson, James Lingard, George Mugliston, John Mugliston, Joseph Nall, James Plant, Samuel Plant, John Prince, John Roberts, Richard Roberts, James Robinson, Josiah Bradbury Robinson, William Robinson, Benjamin Rooth, Esther Rooth, John Rooth, Samuel Rooth, Ebenezer Smith, Joseph Bright Smith, Richard Snibson, Thomas Tallent, Samuel Towndrow, William Towndrow, Bartholomew Walker, John Walker, Thomas Wilcockson, John Wright, Sarah Wright,* and all and every other Person and Persons, or Body or Bodies Politic or Corporate, who from Time to Time shall become a Subscriber, or Subscribers, as herein-after mentioned to the Undertaking, for making and maintaining Works for effecting the Supply of Water and Gas Light to the Town and Borough of *Chesterfield*, and their respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company, and made and declared to be One Body Politic and Corporate, by the Name of "The *Chesterfield* Water Works and Gas Light Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may by the same Name prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm; and the said Company shall be established for the Purpose of making and maintaining all such Aqueducts,

Reservoirs,

Company  
incorporated.

Their Powers.



Reservoirs, and other Works and Conveniences, as they shall think necessary for effecting the Supply of Water to the said Town and Borough of *Chesterfield*; and also for erecting and constructing all such Buildings, Gasometers, Engines, and other Works and Conveniences as they shall think necessary for the Purpose of producing Inflammable Air, Carburetted Hydrogen, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and lighting with Gas the Streets and other public Passages and Places within the said Town and Borough of *Chesterfield*.

II. And be it further enacted, That for the better managing and conducting the Affairs of the said Company and the Business of the said Undertaking, it shall be lawful for the several and respective Members of the said Company to meet from Time to Time, when and where they shall find convenient, in the said Town and Borough of *Chesterfield*; and the First General Meeting of the said Company for proceeding in the Execution of this Act shall be held at some House or Place in the Town and Borough of *Chesterfield*, on the First *Tuesday* after the passing of this Act, or as soon after as conveniently may be; and the said Company assembled at any such General Meetings shall have Power to adjourn such General Meetings, and order such future General Meetings of the said Company to be holden from Time to Time to and at such Place or Places as shall at any such General Meeting be thought proper and convenient; and in case at any Time no Adjournment of any General Meeting shall be made, or in case it shall be necessary to call a Meeting on an earlier Day than the Day to which any General Meeting shall stand adjourned, then it shall be lawful for any Six or more Members of the said Company to call a General Meeting, to be held at such Time and Place as they shall think fit, in the said Town and Borough of *Chesterfield*, by Notice in Writing, mentioning the Time and Place and the Purpose of such intended Meeting; and every Question, Order, Matter or Thing which shall be proposed, discussed, or considered by the said Company assembled at any Meeting to be held by virtue of this Act, shall be determined by a Majority of Votes of the Proprietors of Shares in the said Undertaking then present, and of Votes given by Proxy of Proprietors of Shares absent (such Proxy or Proxies to be appointed as herein-after mentioned, and being a Proprietor or Proprietors of at least Five Shares), and which Vote or Votes by Proxy or Proxies shall be effectual to the same Purport and Extent as if given in Person by the Proprietors respectively appointing such Proxy or Proxies; and every Proprietor of any such Share or Shares shall be considered on all Occasions as possessed of and entitled to give in Person or by Proxy so many Votes as he or she shall possess Shares in the said Concern; and if the Number of such Votes shall be equal, the Chairman presiding at such Meetings shall have the casting Vote as such Chairman, although he shall have given his Vote or Votes as a Proprietor; and every Question, if required by any Five or more Persons having collectively Ten Votes, shall be determined by Ballot, to be entered upon and completed forthwith, in which case the Chairman for the Time being shall as such in like Manner have a casting Vote.

General Meetings of Company to be holden.

Questions to be decided by a Majority of Votes in Person or by Proxy,

Chairman to have casting Vote.

III. And be it further enacted, That the Appointment of the said Proxy or Proxies shall and may be in the Words or to the Effect following; Form of Proxy.  
(that is to say),



I \_\_\_\_\_ of \_\_\_\_\_ Proprietor of  
 Shares in the Capital or Joint Stock of "The *Chesterfield Water-works and Gas Light Company*," do hereby nominate, constitute, and appoint \_\_\_\_\_ of \_\_\_\_\_ (being a Proprietor of \_\_\_\_\_ Shares in the Capital or Joint Stock of the said Company) to be my Proxy, in my Name and in my Absence to vote and give my Assent or Dissent to any Business, Matter, or Thing relating to the Concerns of the said Company that shall be mentioned or proposed at any Meeting of the said Company or their Committee, as he the said \_\_\_\_\_ shall think proper, according to his Opinion and Judgment, for the Benefit of the said Company or their Undertaking, or any thing appertaining thereto. In witness whereof I have hereunto set my Hand and Seal the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And any such Proprietor having appointed his or her Proxy may, by any Instrument in Writing under his or her Hand and Seal for that Purpose; at his or her Will and Pleasure, revoke and make void such Appointment, and in like Manner from Time to Time on future Occasions appoint any other Person under the like Restrictions to act as Proxy for him or her, in his or her Absence: Provided always, that if at such General Meeting of the said Company there shall not be Members present either as Principals or Proxies, who shall be possessed of or entitled unto at least One-third of the whole Number of Shares, no Business shall be transacted at any such Meeting, except that the same may be adjourned by the Members present, or the Clerk, to some future Day, at the same Place: Provided also, that Notice of all Meetings to be held in pursuance of this Act, and of any Adjournment thereof respectively, shall be sent by the Post or other Conveyance to the Address of the several Persons whose Names and Addresses shall appear on the Books of the said Company as Proprietors of Shares in or Members of the said Company; and such Notices shall and may be sent by the Clerk of the said Company to the Address of such Proprietors or Members, as the same shall appear on the said Books, or be otherwise known by such Clerk, and the sending of such Notices or Letters shall be deemed and considered sufficient Notices.

Officers of  
 Company to  
 be appointed  
 at General  
 Meetings.

IV. And be it further enacted, That it shall and may be lawful for the said Company at any General Meeting to nominate, elect, and choose, and under the Common Seal of the said Company to appoint a Treasurer and a Clerk, and such other Officers as may be necessary for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General Meeting, from Time to Time to remove and displace such Treasurer and Clerk or other Officers, or either of them, or any other Person or Persons who shall be hereafter elected and appointed to such respective Offices, and also from Time to Time to nominate, elect, choose, and appoint in Manner aforesaid, any other Person or Persons to act as Treasurer or Clerk, or other Officer of the said Company, in the Room of such of them as shall happen to die or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or either of them, as at any such General Meeting shall from Time to Time be fixed and determined: Provided always, that

that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed such Treasurer, for the faithful Execution of his Office, before he shall enter thereupon.

Security to be taken from Treasurer.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlanche, shall be allowed.

Same Person not to be Clerk and Treasurer.

VI. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any of their General Meetings as aforesaid, to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Undertaking, and for the regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs and Business of the said Company, and for the Superintendence and Management of the said Undertaking in all Respects whatsoever, and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Company at any General Meeting shall seem meet and expedient; and all Rules, Orders, and Bye Laws so made as aforesaid (being reduced into Writing, and the Common Seal of the said Company thereto affixed) shall be binding upon all Persons connected with or acting under the Directions of the said Company, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain*

General Meetings may make Bye Laws.

[Local.]

18 D

and



and *Ireland* called *England*, or any of the express Provisions of this Act; provided also, that Copies thereof shall be printed, fixed, and continued in the Office of the Clerk, or other the Buildings and Premises of the said Company; and all such Rules, Orders, and Bye Laws shall be subject to Appeal in manner by this Act directed.

Proceedings  
to be entered  
in Books.

VII. And be it further enacted, That all Orders and Proceedings of the said Company shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered and signed by the Chairman appointed at each respective Meeting, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and Places whatsoever.

Appoint-  
ment of  
Committee  
of Manage-  
ment.

VIII. And be it further enacted, That at the First General Meeting of the said Company to be held next after the passing of this Act, or at any Adjournment thereof, and also at any General Meeting to be held in every subsequent Year, a Committee for managing the Affairs of the said Company shall be elected out of the Proprietors of Shares of and in the Capital or Joint Stock of the said Company; and such Committee shall consist of Eleven such Proprietors, and when elected they shall be a Committee of Management for managing the Affairs of the said Company, and shall continue in Office for One Year, or until others shall be chosen in their Stead, as herein-after mentioned.

No Person to  
act as Com-  
mittee Man,  
unless pos-  
sessed of  
Four Shares.

IX. Provided always, and be it further enacted, That no Person shall be eligible to or be capable of holding the Office of one of the Committee for managing the Affairs of the said Company, unless he shall be Proprietor of or entitled to Four Shares at the least in the Capital or Joint Stock of the said Company.

Committee  
Men con-  
tracting for  
Work, to  
cease to have  
a Voice in the  
Committee.

X. Provided also, and be it further enacted, That if any Person who shall be elected a Member of the said Committee of Management, shall be or become a Dealer, either directly or indirectly, in any of the Articles to be provided or manufactured by the said Company, or shall offer to take, or succeed in taking, or shall participate in any Manner in any Work to be done for the said Company, every such Person shall be disqualified to be a Member of the said Committee of Management; and if any Person hereby nominated or to be appointed by virtue of this Act a Member of the said Committee, shall at any Time cease to be a Proprietor of the Number of Shares aforesaid, or shall refuse or neglect, unless prevented by Illness or Absence from Home, to attend any Five successive Meetings of the said Committee, every such Person shall thereby be disqualified, and shall cease to act or vote at such Committee as aforesaid, and thereupon another Proprietor of such Number of Shares as aforesaid shall be elected in the Stead of such Defaulter, to be a Member of the Committee; provided also, that at every annual Election or Appointment of a Committee of Management, every and any Member of the former Committee (being otherwise duly qualified) shall be re-eligible to the Office again immediately, or at any Time or Times afterwards, notwithstanding his Time of Service shall have expired; or notwithstanding his having forfeited the Office by reason of Disqualification, in case he shall have again become duly qualified.

XI. And



XI. And be it further enacted, That every Vacancy in the Committee of Management by Death, Resignation, or Disqualification, shall be filled up at a Special General Meeting, to be called for that Purpose, within Forty Days next after such Vacancy shall happen or be known; and the Person or Persons who shall be chosen to fill such Vacancy or Vacancies, shall (being duly qualified) continue in Office upon the same Terms, and only for the same Period, as the Person whose Place he shall supply would have continued if his Office had not been vacated before the Time at which he must, according to the Provisions of this Act, have gone out of Office.

Election of  
Committee  
Men in case  
of Vacancies.

XII. And whereas the probable Expence of making the said Water Works and Gas Works hereby authorized to be made, will amount to the Sum of Eight thousand Pounds, and more than Four-fifth Parts thereof has been already subscribed by several Persons, under a Contract, binding themselves, their Heirs, Executors and Administrators, for the Payment of the several Sums by them subscribed respectively; be it further enacted, That the whole of the said Sum of Eight thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Whole of  
Expences to  
be subscribed  
before Work  
is com-  
menced.

XIII. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, in Shares of Twenty-five Pounds each, a competent Sum of Money for making and completing the several Works and Conveniences necessary for carrying into Effect the said Undertaking, for supplying the said Town and Borough with Water and with Gas Light and other Purposes, and for maintaining the same, not exceeding in the whole the said Capital Sum of Eight thousand Pounds; and the Capital Sum so raised and contributed shall be divided into Shares of Twenty-five Pounds each, and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, and every such Share shall always be distinguished by the Number to be applied to the same; and the said Capital Sum shall be and is hereby declared to be the Joint Stock or Fund of the said Company, and shall be and is hereby vested in the several Persons so raising or contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum or Sums they shall severally subscribe for and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more such Share or Shares, and who shall contribute or pay the same, or such Sum or Sums as shall be demanded in lieu thereof, for or towards carrying on and completing the said Undertaking and other Purposes of this Act, shall be entitled to and receive, at such Time and Times as the said Company shall direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so contributed, of the net Profits and Advantages of the said Undertaking that shall and may arise and accrue to, or be raised, recovered, or received by the said Company; and every Body Politic, Corporate, or Collegiate, Person and Persons, having or holding any such Share or Shares as aforesaid, shall bear and pay a proportionable Sum towards carrying on the Purposes of this Act in manner herein directed

Empowering  
the Company  
to raise a  
Capital or  
Joint Stock.



Subscribers  
to be deemed  
Proprietors.

directed and appointed; and all and every Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons who shall have subscribed for or agreed to advance any Money for the Purposes of this Act, or who shall hereafter subscribe for or agree to advance any Part of any such Money, or who shall become entitled to and shall be in the actual Possession of One or more Share or Shares in the Capital or Joint Stock of the said Company, and his or her Executors or Administrators, shall be deemed to be Proprietors or a Proprietor of the Undertaking hereby authorized to be carried into Effect.

Shares to be  
Personal  
Property.

XIV. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the said Undertaking, or the Capital or Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

To compel  
Payment of  
Subscrip-  
tions.

XV. And be it further enacted, That the several Persons who have subscribed for or agreed to advance, or who shall hereafter subscribe for or agree to advance any Money for or towards making and maintaining the Works hereby authorized to be made, or for any the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively so subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company in manner herein-after mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

Names of  
Proprietors  
to be entered  
and Certifi-  
cates of their  
Shares deli-  
vered to  
them.

XVI. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall then have subscribed for or be entitled to Shares in the said Undertaking, with the Amount of their Subscriptions and the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made, to cause their Common Seal to be affixed thereto, and also shall cause a Certificate or Ticket, or Certificates or Tickets, with the Common Seal of the said Company affixed thereto, to be delivered on Demand to the said several Persons, specifying that he, she, or they is or are entitled to a Share or Shares in the said Undertaking, and the Number or Numbers of such Share or Shares, every such Proprietor paying to the Clerk to the said Company Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, and his or her Executors or Administrators, to the Share or Shares therein or thereby certified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of, or Person or Party entitled to any



of the said Shares from selling or disposing thereof; and which said Certificate or Ticket may be in the Words or to the Effect following; *videlicet,*

*Chesterfield Water Works and Gas Light Company.*

Form of Certificate.

Number  
 THESE are to certify, That \_\_\_\_\_, of \_\_\_\_\_, is a Proprietor of the Share, Number \_\_\_\_\_ of the Capital or Joint Stock of the *Chesterfield Water Works and Gas Light Company*, subject to the Rules, Regulations, and Orders of the said Company; and that the said \_\_\_\_\_ his [or her] Executors, Administrators, [or their Successors] and Assigns, is and are entitled to such Proportion of the Profits and Advantages arising or to arise to the said Company, as shall belong to such Share. Given under the Common Seal of the said Company the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

XVII. And be it further enacted, That the said Company shall have Power from Time to Time to make or cause to be made such Call or Calls on the Subscribers to or Proprietors of the said Undertaking, their Executors or Administrators; to be paid to the Treasurer of the said Company for the Time being, of all or any Part or Parts of the Money subscribed and engaged to be paid for the Purpose of defraying the Expences of obtaining this Act, and of making Surveys and taking other Measures preparatory or relating to the said Undertaking, and of carrying on the Concerns of the said Company, as shall from Time to Time be found wanting and necessary for those Purposes, upon such Notice, and to be paid at such Times and Places, and in such Manner and Form, and under the Penalty of the Subscriber or Subscribers, Proprietor or Proprietors, neglecting to comply with such Call or Calls, forfeiting his, her, or their Share or Shares, upon such Notice and Omission in Payment, and in such Manner and Form as shall from Time to Time be ordered by the said Company at a General Meeting assembled; and such Share or Shares so forfeited, and all the Profits and Benefits thereof, shall be vested in the said Company, exclusive of the Person so forfeiting the same, in Proportion to their Shares, or shall be sold for the Benefit of the said Proprietors, in such Proportion as aforesaid, exclusive of such Person so forfeiting, according as shall be ordered by the Company in General Meeting assembled; but no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until the same shall have been declared to be forfeited by the said Company at a General Meeting assembled.

Calls for Subscription Money.

XVIII. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, and any of them, their Executors and Administrators, to sell and transfer any such Share or Shares of which they shall respectively be possessed; and every such Transfer shall be in the Form or to the Effect following; that is to say,

Shares may be disposed of.

I *A. B.* in consideration of the Sum of \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_ do hereby bargain, sell, and transfer to the said *C. D.* \_\_\_\_\_ Share [or Shares, as the Case may be] numbered \_\_\_\_\_ of and in the Capital or Joint Stock  
 [Local.]



' Stock of the *Chesterfield* Water Works and Gas Light Company, to hold  
 ' unto the said *C. D.* his [*or her*] Executors, Administrators, and Assigns,  
 ' subject to the same Rules and Orders, and on the same Conditions  
 ' that I held the same immediately before the Execution hereof; and I  
 ' the said *C. D.* do hereby agree to accept the said  
 ' Share [*or Shares*] subject to the same Rules, Orders, and Conditions.  
 ' Witness our Hands and Seals the Day of . . .

Transfer to  
be registered.

And every such Transfer shall be produced and notified to the Clerk of  
 the said Company, and shall be entered and registered in the Books of  
 the said Company, and the Entry or Registry thereof shall specify the  
 Date, Names of the Parties, and the Number of Shares transferred, for  
 which Entry and Registry the Sum of Two Shillings and Sixpence shall  
 be paid to the Clerk or other Officer making the same; and a Copy of  
 such Registry, signed by the Clerk or other Officer of the said Company  
 duly authorized thereto, shall be sufficient Evidence of every such Sale  
 and Transfer, and received as such in all Disputes and in all Trials before  
 any Court in the United Kingdom; and until such Transfer shall be  
 entered or registered in the Books of the said Company as aforesaid, no  
 Purchaser of any Share or Shares, their Executors, Administrators, Suc-  
 cessors, or Assigns, shall have any Part or Share in the said Undertaking,  
 or in the Profits and Advantages thereof, nor shall receive any Interest  
 or Dividend for or in respect of such Share or Shares so purchased, nor  
 be entitled to any Vote at any Meeting or Meetings as Proprietor or Pro-  
 prietors of Shares in the said Undertaking.

After a Call  
no Share to  
be sold until  
Money paid.

XIX. Provided always, and be it further enacted, That after any Call of  
 Monies shall be made by a General Meeting of the said Company as afore-  
 said, no Person or Persons shall sell or transfer any Share or Shares in  
 the said Undertaking, until the Monies to be called for upon the Share  
 or respective Shares so to be sold shall be paid, unless he, she, or they  
 shall at the Time of such Sale or Transfer pay the Money called for upon  
 each Share so sold or transferred to the Treasurer of the said Company,  
 such Forfeiture nevertheless to be declared at a General Meeting in  
 manner aforesaid.

Power to  
raise Money  
by Mortgage.

XX. Provided always, and be it further enacted, That in case the said  
 Company shall be desirous of raising any Sum which may be necessary  
 for the Purposes aforesaid; not exceeding the Sum of Four thousand Pounds,  
 by Mortgage of the said Undertaking, it shall be lawful for the said  
 Company to borrow and take up at Interest all or any Part thereof in  
 One Sum or in several Sums on the Credit of the said Undertaking, and  
 the Profits and Advantages arising or to arise to the said Company by  
 virtue of this Act, or any Part thereof, (the Costs and Charges of assign-  
 ing the same to be paid out of such Sums of Money,) as a Security for any  
 Sum or Sums of Money so to be borrowed, with Interest, to such Person  
 or Persons, or to his, her, or their Trustee or Trustees, who shall advance  
 the same; all which Assignments shall be made under the Common Seal  
 of the said Company, and shall be in the Form or to the Effect following;  
 (that is to say),

Form of  
Mortgage.

' BY virtue of an Act passed in the Sixth Year of the Reign of King  
 ' George the Fourth, intituled *An Act* [*insert the Title of this Act*], we  
 ' the *Chesterfield* Water Works and Gas Light Company, incorporated  
 ' by



by and under the said Act, in consideration of the Sum of  
 to us in hand paid by of do  
 hereby bargain, sell, and assign unto the said his  
 [or her, or their, as the Case may be] Executors, Administrators, and  
 Assigns, the said Water Works and Gas Works, and all the Works  
 thereto belonging, and all and singular the Sums of Money arising and  
 payable to us for Water and Gas Lights by virtue of the said Act, and  
 all our Estate, Right, Title, and Interest of, in, and to the same; to hold  
 unto the said Executors, Administrators, and  
 Assigns, until the said Sum of with Interest for  
 the same, after the Rate of per Centum per Annum,  
 shall be fully paid and satisfied. Given under our Common Seal this  
 Day of in the Year of our  
 Lord One thousand eight hundred and

And all Persons to whom such Assignment shall be made shall be  
 equally entitled one with another to the said Undertaking, Profits and  
 Advantages so to be assigned, in proportion and according to the respective  
 Sums in such Assignments mentioned to be advanced, without any Prefe-  
 rence by reason of the Priority of any such Assignments or on any other  
 Account; and the Person or Persons to whom any such Assignments  
 shall be made as aforesaid, or who shall be entitled to the Money due  
 thereon, may from Time to Time transfer his, her, or their Rights or  
 Interest therein to any Person or Persons, by Writing under his, her, or  
 their Hand and Seal or Hands and Seals; which Transfer shall and may  
 be in the Form or to the Effect following; (that is to say),

I of the Sum of of in consideration Form of  
 paid by of Transfer.  
 do hereby transfer a certain Mortgage made by  
 the Company of Proprietors of the to  
 bearing Date the Day of for  
 securing the Sum of and all Interest now due and  
 to become due thereon, and all my Right and Property therein, to the  
 said his, [or her, or their, as the Case may be]  
 Executors, Administrators, and Assigns. Dated this  
 Day of in the Year of our Lord One thousand  
 eight hundred and

And every such Transfer shall within Thirty Days after the Date thereof  
 be produced to the Clerk of the said Company, who shall cause a  
 Memorial to be made thereof in the Books of the said Company, for  
 which the said Clerk shall be paid such Sum as the said Company shall  
 appoint, not exceeding Two Shillings and Sixpence; and after every such  
 Entry made, such Transfer shall thenceforth entitle such Assignee or  
 Assignees, his, her, or their Executors, Administrators, and Assigns, to the  
 full Benefit of the original Mortgage; and it shall not from thenceforth be  
 in the Power of any Person or Persons who shall have made such Assign-  
 ment, to make void, release, or discharge the original Mortgage, or any  
 Money thereby secured, or any Part thereof; but neither such Mortgagee  
 or Mortgagees, nor his, her, or their Assignee or Assignees, shall be deemed  
 a Proprietor in the said Concern, or be capable of acting in any respect  
 as such.



Power to  
make Water  
Works.

XXI. And be it further enacted, That for the Purpose of supplying with Water the said Town and Borough of *Chesterfield*, it shall be lawful for the said Company, by themselves, their Agents, Servants, Workmen, and Assistants, from Time to Time to make, place, and complete, open, cleanse, and maintain, pull down, take up, renew, replace, and alter in Situation, or otherwise improve, continue, repair, and use any Cisterns, Wells, and Reservoirs of Water, at or near the aforesaid Line of Aqueduct or Aqueducts, Channel or Channels of Water from the said Brook or River, and to place, lay, and make such Pipes, Drains, Aqueducts, and Conduits, underground Works, and other Conveniences above Ground, as they may think fit and proper for conveying the Water, or a sufficient Part thereof, from the said Brook or River towards or into the said Town and Borough of *Chesterfield*, and through the same, and the Streets, Highways, and Avenues thereof or leading thereto, and the Houses and other Places in the said Town and Borough, and such Reservoirs for lodging such Quantities of Water as shall be deemed necessary by the said Company for the Purposes of this Act, and to supply such Cisterns, Wells, and Reservoirs, Pipes, Drains, Conduits, Aqueducts and other Works, whilst laying and making, altering or repairing, and when laid and completed, altered or repaired, with a sufficient Quantity of Water from the aforesaid Brook or River for the Purposes of this Act; and from Time to Time to set and place such Posts, Stones, or other permanent Marks as the said Company may deem necessary for ascertaining and finding out the Line and Situation of the said Pipes, Drains, Conduits, and Aqueducts underground; and for better effectuating the Purposes aforesaid, from Time to Time, and as often as may be necessary, to enter into and upon the Lands or Grounds adjoining to the said Brook or River, and to break up the Soil in and through the several Closes and Inclosures, and the Highways, Avenues, and Places lying between the said Brook or River and the said Town and Borough of *Chesterfield*, as also of and in the said Town and Borough and the Streets and Passages thereof, and to take Levels, and ascertain and mark and stake out the Line of such Pipes, Drains, Conduits, and Aqueducts; and the Situation of the said Cisterns, Wells, Reservoirs, and other Works and Conveniences, and to bore, dig, cut, trench, and bank the Earth in any such Lands, Grounds, Highways, Streets and Places, and to remove, place, take and carry away, and use any Earth, Clay, Stones, Rubbish, Trees, Roots of Trees, Gravel or Sand, or any other Matters and Things which may hinder, prevent, or obstruct the laying and placing, working, altering, and amending, continuing and repairing such Wells, Cisterns, and Reservoirs, Pipes, Drains, Conduits, Aqueducts, and other Works and Conveniences as aforesaid, and from Time to Time to make, place, repair, conduct, alter, amend, continue, and use such other Pipes and Drains, and such Cocks, Valves, Branches, Plugs, Pumps, Machines, and other Implements, Utensils and Devices, in and about the aforesaid Works, as the said Company shall think proper, and from Time to Time to do, take, and use all such other Ways and Means for the Purpose of collecting, conveying, and bringing and lodging, affording and distributing a sufficient Quantity of fresh Water into and through the said Town and Borough of *Chesterfield*, for the Use of the Inhabitants of the said Town, from the aforesaid Brook or River, and for completing and using, amending, improving, preserving, and altering in Situation, or otherwise renewing, continuing, and repairing the Works and Conveniences authorized by this Act, as may be necessary and proper, and to resort, pass, and repass to  
and



and from the aforesaid Works, and carry and convey Materials and other Things to and from the same, from Time to Time as often as shall be necessary for the Purposes aforesaid; they the said Company, their Agents, Officers, Workmen and Servants, and all other Persons employed by them, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company laying and placing the aforesaid underground Pipes, Conduits, and Drains at least Two Feet below the Surface where practicable, and covering the same with Soil and otherwise, so as to restore the Surface of the Land and Ground, through which the said Pipes, Drains, Conduits, and Aqueducts shall pass, to its former Situation and Appearance, or as near thereto as may be, and as soon as may be; and the said Company making Satisfaction in manner herein-after mentioned to the Owners, Proprietors, and all other Persons interested in the Lands, Tenements, and Hereditaments respectively which shall be used for the Purposes of this Act, or which shall be injured or damaged by means of the Exercise of any of the Powers hereby granted, or be by them sustained by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company and their Committee, and their Agents, Officers, Servants, Workmen and Assistants, and all other Persons whomsoever, for what they or any of them shall do or cause to be done under or by virtue of the Powers hereby granted.

XXII. And be it further enacted, That in case any Close or Inclosure through which the Water from the said Brook or River shall be taken, shall by reason of such Water being taken in covered Drains, be deprived of the Benefit of such Water, the said Company shall and they are hereby required, within Five Days after Notice in Writing of such Deprivation from the Owner or Occupier of any such Close or Inclosure shall have been given to the said Company, to make, complete, continue, and keep in Repair such Troughs or Watering Places in each and every of such Inclosures, as may be necessary for supplying the Cattle or Stock therein with a sufficient Quantity of Water.

Watering  
Places to be  
made in  
certain Cases.

XXIII. And be it further enacted, That in case the said Company shall, for the Space of Five Days, neglect or refuse to make and complete the said Troughs or Watering Places or any of them, in any Close or Inclosure through which the Water from the said Brook or River shall be taken, for supplying the Cattle or Stock therein with Water, or after the same shall be made and completed shall neglect or refuse to continue and maintain in Repair such Troughs or Watering Places, for the Space of Five Days next after Notice shall have been given, by or on behalf of the Owners or Occupiers of such Closes or Inclosures who shall find themselves aggrieved by any such Troughs or Watering Places not being kept in good Repair and Condition, to the said Company, then and in every such Case the said Company shall forfeit and pay any Sum not exceeding Ten Pounds to every such Owner or Occupier so finding himself or herself aggrieved; or it shall and may be lawful for every or any of the Owners or Occupiers of such Closes or Inclosures, to make or to repair all or any of such Troughs or Watering Places, and to continue and keep the same in Repair from Time to Time, as Occasion shall require, so that in making or repairing such Troughs or Watering Places the said Aqueducts and other Water Works shall not be stopped or injured

If Company  
do not make  
Troughs, &c.  
Land Owners  
may do it at  
Company's  
Expence.



jured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by any Two or more Justices of the Peace for the County or Place in which the Close or Inclosure shall be situate, shall be repaid to the respective Owners or Occupiers of such Closes or Inclosures, who shall have so made or repaired such Troughs or Watering Places as aforesaid by the said Company; and upon Refusal or Neglect of the said Company to pay to the said Owners and Occupiers the said Costs and Charges as aforesaid, for the Space of Ten Days after Demand thereof made upon the said Company, such Costs and Charges shall or may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, by Warrant under the Hands and Seals of the said Justices, rendering to the said Company the Overplus after Payment of such Costs and Charges, and the reasonable Expences of such Warrant, Distress, and Sale, and which Warrant such Justices are hereby empowered to grant.

Map and Book of Reference to remain with Clerk of Peace.

XXIV. And whereas a Map or Plan, describing the Line and Situation of the said intended Aqueducts and Reservoirs, and the Lands through and in which the same are intended to be carried and made, and a Book of Reference containing a List of the Names of the Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace of the County of *Derby*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy, and all Persons shall at any reasonable Time have Liberty to inspect and peruse the same, and have a Copy thereof, or such Part thereof as such Person or Persons shall require, on paying to the said Clerk of the Peace or his Deputy the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Company shall not, in making such Aqueducts, deviate more than One hundred Yards of Three Feet each from the Line or Course so described, nor make any Reservoir in any other Lands, Grounds, or Situations than so described, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through or in whose Lands such Deviations or Reservoirs shall be made.

Houses, Gardens, &c. not to be injured.

XXV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting under or by their Authority, to enter, take, use, injure or damage in the Exercise of the Powers herein contained, any House or other Buildings which were erected and built before the passing of this Act, or any Land or Ground which at or before that Time was set apart and used as and for a private Yard, Garden, Orchard, Park, Paddock, Pleasure Ground, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being.

Time limited for Completion of the Works.

XXVI. Provided also, and be it further enacted, That in case the Works for supplying the said Town and Borough with Water shall not be completed so as to answer the Purposes thereof within Three Years from and after



after the passing of this Act, all the Powers and Authorities herein contained relative thereto shall cease and determine, save only as to so much thereof as shall have been completed.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, lessen, prejudice, or affect the Right or Rights of any Person or Persons whomsoever, who now is or are, or who at any Time hereafter shall be Proprietor or Proprietors, Lessee or Lessees of any Mines, Beds, or Seams of Coal, or any Mines of Iron, Ironstone, or other Minerals whatsoever, in or under any of the Lands or Grounds in or through which any of the Pipes, Aqueducts, or Conduits for conveying Water are intended to be laid or carried to or through the same, or to prevent him, her, or them, or his, her, or their Agents or Servants, from entering or continuing upon such Lands or Grounds for the Purpose of searching, sinking for, and working the said Coal, Iron, Ironstone, and other Minerals, and loading and carrying away the same, and doing all such other Acts and Things, either now in use or hereafter to be invented, as may be necessary and convenient for the full and complete Enjoyment thereof, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he, she, or they could or might have done in case this Act had not passed, doing thereby, as little Damage as may be to the said Pipes, Aqueducts, or Conduits.

For Protection of Minerals.

XXVIII. Provided also, and be it further enacted, That the said Company shall and they are hereby required, from Time to Time, as often as the Cases herein-after mentioned shall occur, to pay to the Proprietor or Proprietors of such Mines, on Demand, such Sum or Sums of Money as shall be a full Remuneration to such Proprietor or Proprietors, or his Lessee or Lessees, for the breaking or bursting of the said Pipes, and the consequent Admission of the Water of a certain Brook called *The Holme Brook*, into and amongst their said Coal and Ironstone, and also for the additional Trouble, Inconvenience, and Expence which they or any of them shall be put to in searching, sinking for, and working the same Coal and Ironstone, by reason or in consequence of such Water Pipes, Aqueducts, or Conduits having been made, together with all such Costs, Charges, and Expences as such Proprietor or Proprietors, Lessee or Lessees, shall be put to in ascertaining the Amount of such full Remuneration and in the Recovery thereof, and also the Costs, Charges, and Expences of recovering the same; and in case the said Company shall not pay such Sum and Sums of Money within Two Calendar Months next after Service of Notice in Writing on the said Company, specifying the Amount of the Remuneration demanded, then the same shall and may, after the Expiration of the said Two Calendar Months, be sued for and recovered from the said Company or their Treasurer, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, in which no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; but in case the said Company shall within Two Calendar Months as aforesaid make tender to any such Proprietor or Proprietors of any other Sum or Sums of Money which in the Judgment of the said Company may be the fair Amount of such Remuneration, and the Costs, Charges, and Expences then incurred by him, her, or them, and the said Proprietor or Proprietors shall

Recompence to be made by the Company for Damages to Mines, by bursting of Pipes, &c.



shall not agree to accept the same, then such Remuneration and Costs shall be respectively ascertained and determined by a Jury, in the same Manner, and by the same Ways and Means, and subject to the same Regulations respecting the Costs of the Trial, as is herein-after provided respecting any disputed Value of Land to be taken and used for the Purposes of this Act.

Sufficient Water to be left in Holme Brook to supply Steam Engines, and Stock on Holme Farm.

XXIX. And be it further enacted, That in case the Owner of a certain Farm called *The Holme Farm*, situate in the Township of *Newbold*; shall at any Time hereafter erect a Steam Engine for working and getting the Coal in and under the said Farm, the said Company of Proprietors shall and they are hereby required to leave in the said Brook called *Holme Brook* a sufficient Quantity of Water for the Purpose of working the said Steam Engine in as effectual a Manner as they could have done if the said Water Works by this Act authorized had not been made: Provided always, that there shall for ever be a sufficient Quantity of Water left in the said Brook for supplying the Stock within the Lands and Grounds of the said Farm called *Holme Farm*; any thing herein contained to the contrary in anywise notwithstanding.

Power to contract for Purchase of Lands.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Company (or their Committee of Management), and they are hereby empowered to treat, contract, and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the Townships of *Brampton*, *Newbold*, and *Chesterfield*, which shall be necessary for the Purposes of this Act, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Trustees, Executors, Administrators, Husbards, Guardians, Lords of Manors, or Committees of or for Lunatics or Idiots, or other Trustees whomsoever, or with any Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or with any other Person or Persons whomsoever, who shall be willing to sell the same for the Uses and Purposes of this Act; and it shall and may be lawful to and for the said Company to hold any such Lands, Tenements, and Hereditaments so to be purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever; and also at any Time or Times thereafter to sell or dispose of the said Lands, Tenements, or Hereditaments, or any of them, as they shall think proper, and from Time to Time to purchase and hold other Lands, Tenements, or Hereditaments, more suitable for the Uses and Purposes of this Act, and again to sell the same in like Manner; and also to treat, contract, and agree with the Proprietors and Occupiers of any Lands or Grounds wherein any Springs or Streams now are or may hereafter be found, discovered, or flow, for the Purchase of such Lands or Grounds, for enabling the said Company to convey the Water of such Springs or Streams to any Reservoir or Drain, or other Works of the said Company, or for the Purchase of any Springs or Streams, or any Interest therein, or Claim or Demand of any Person or Persons, Bodies Politic or Corporate or to the exclusive or other Use of any Springs or Streams, or of any Rights, Interests, or Easements necessary to enable the said Company to have and enjoy the Use and



and Benefit of any such Springs and Streams, for the Purpose of increasing the Supply of Water for the Benefit of the said Town and Borough, and Improvement of the said Water Works for the Purposes of this Act.

XXXI. Provided always nevertheless, and be it hereby further enacted and declared, That it shall not be lawful for the said Company to purchase or hold, for the Purpose of erecting Gas Works, or any other Purpose, except for making and constructing Reservoirs, Aqueducts, and other Works necessary for supplying the said Town and Borough with Water, more than Three Statute Acres of Land.

Limiting the Quantity of Land to be purchased for Gas Works.

XXXII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Company to be purchased as aforesaid for the Use and Purposes of this Act, to treat, contract, and agree with the said Company for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Company for the Purposes of this Act.

Bodies Politic, &c. empowered to sell.

XXXIII. And be it further enacted, That it shall be competent to the Lord or Lords, Lady or Ladies of the Manor, where any waste Lands or Road or Roads may be taken or used, or be cut through, or any Privileges wanted to be exercised therein for the Purposes aforesaid, or any of them, to make such Agreements, Contracts, Conveyances, and Grants of such last-mentioned Lands and Grounds, or the Privileges required therein for the Purposes aforesaid, without any Commoner or Commoners, or other Person or Persons interested in such waste Lands or Roads joining therein; and the Receipt or Receipts of such Lord or Lords, Lady or Ladies, for the Purchase Money or Satisfaction to be made in respect thereof, shall be good and sufficient Discharge and Discharges to the said Company; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person or Persons, is, are, and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Consent of Lords of Manors to be sufficient in certain Cases.



Provision in  
case of Refu-  
sal or Inabi-  
lity to sell.

XXXIV. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Corporation whether Aggregate or Sole, or any Feme Covert, or any Tenant for Life, or Tenant in Tail, General or Special, or for Years determinable on any Life or Lives, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any Lands or Hereditaments which are described or intended so to be in the said Map or Plan and Book of Reference, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of such Premises, whereof or wherein or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid, or of their respective Rights, Titles, Claims, or Interests into or upon the same, or any Part thereof, unto the said Company, or to such Person or Persons as they shall nominate for the Purposes, and according to the Tenor, true Intent and Meaning of this Act, or shall not or cannot produce or make out a clear Title to such Premises whereof they are in the Possession, or to the Interest they claim therein to the Satisfaction of the said Company (as the Case may be); or if any Dispute or Difference shall arise touching the Value or Amount of the Compensation to be made on such Purchase or Purchases, or touching any Damages to be occasioned in the Execution of this Act; then and in every such Case the said Company are hereby empowered and authorized, Fourteen Days at least before any General or Quarter Sessions of the Peace to be holden for the County of *Derby*, to give or cause to be given to the Owner or Proprietor of the Lands or Hereditaments intended to be purchased, or to the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to leave or cause to be left at the House of the Tenant in Possession of such Lands or Hereditaments, Notice in Writing, denoting and particularly describing the Lands or Hereditaments intended to be purchased, or the Nature of the Damage sustained, and purporting that such Value, Compensation, or Damage is intended to be adjusted and settled by a Jury at such Sessions, or at some Adjournment thereof; and the Justices at the said Sessions or any Adjournment thereof, upon Proof to them made of such Notice having been given or left, are hereby authorized and required to swear and charge the Grand Jury at such Sessions assembled, or the Jury to try Prisoners at such Sessions, well and truly upon their Oaths to assess the Value of the said Lands or Hereditaments comprised in the Notices so given, and the Damages and Recompence to be awarded or given to such respective Parties according to their respective Interests, and to which said Jury the said Company and all Persons interested shall have their lawful Challenges; and the Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Matter in question, shall by their Verdict assess the Value, Damages, and Recompence to be given to the respective Parties, according to their respective Interests; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall be final, binding, and conclusive to the said Company, and to all Person and Persons interested in the Lands and Hereditaments or Matter in question; and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions of the said County of *Derby*, and the same or true Copies thereof shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the



same *gratis*, and take Copies thereof, paying Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words.

XXXV. Provided always, and be it further enacted, That in case the Sum or Sums so assessed by the Jury, or awarded by a Justice as herein-after mentioned, and ordered and adjudged to be paid by the said Company as a Satisfaction or Compensation to the Owners, Occupiers, or others for their respective Interests, shall not be paid, tendered, left, or deposited, according to the true Intent and Meaning of this Act, within Three Calendar Months after the same shall have been so assessed, ordered, and adjudged or awarded, then and in such Case the Verdict of the said Jury or Award of such Justice shall not be binding upon the said Parties, any thing herein contained to the contrary thereof in anywise notwithstanding.

Verdict of Jury not to be binding, unless the Money be paid within Three Calendar Months.

XXXVI. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Company, for the Purchase of any Lands, Grounds, or Hereditaments described, or intended so to be, in the said Map or Plan and Book of Reference, as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and of taking such Inquest, and the Expence of Witnesses, shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the County or Place in which the Lands shall be situate, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties therein to attend for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the County or Place aforesaid, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Company, or if no Verdict shall be found for Damages where the whole Dispute shall be whether any Damage has or has not been done, then and in every such Case, One Moiety of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Company shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace for such County or Place as aforesaid, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to  
and

Expences of Jury, how to be paid.



and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

Application  
of Compensation  
Money  
amounting to  
200*l*.

1 G. 4. c. 35.

XXXVII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, *ex parte* the *Chesterfield* Water Works and Gas Light Company, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall when so paid in there remain until the same shall by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall upon the like Application be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name

in



in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

XXXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands of the Parties nominating such Trustees, and under the Common Seal of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

XXXIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Application of Compensation Money when less than 20*l.*



In case of  
not making  
out Titles, or  
Persons en-  
titled not be-  
ing found.

XL. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of  
questionable  
Title of Per-  
sons in Pos-  
session.

XLI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such



such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XLII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by the Company.

XLIII. And be it further enacted, That in case the Value or Amount of any Compensation to be made for any of the Lands, Tenements, or Hereditaments aforesaid, or for any such Damages, shall be alleged to amount to any Sum under Twenty Pounds, then such Value, Compensation, or Satisfaction shall or may be ascertained and settled by any Justice of the Peace of the County or Place where the Lands, Tenements, or Hereditaments shall be situate, and shall and may be levied and recovered by Warrant under the Hand and Seal of any such Justice, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justice, by Distress and Sale of the Goods and Chattels of the said Company, or of their Treasurer, unless such Treasurer shall pay and discharge the same, which he is hereby authorized and empowered to do out of any Monies received or to be received by him as such Treasurer as aforesaid.

If Damages less than 20*l.* same to be settled by a Justice.

XLIV. And be it further enacted, That every Sum of Money which shall be agreed to be paid by the said Company for the Purchase of any Lands, Tenements, or Hereditaments from any Person or Persons who shall be desirous of selling the same to the said Company, and every Sum of Money which shall be awarded, assessed, ascertained, or settled by a Jury as aforesaid, shall be paid by the said Company or their Treasurer, and upon Payment thereof to the Party or Persons respectively entitled to such Monies or their Agents, or depositing the same in the Bank of *England* (as the Case may be), in manner by this Act directed, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons to whose Credit or Use the same shall have been paid, in, to, and out of such Lands, Tenements, or Hereditaments, shall vest in the said Company for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and

Provision for Payment of Purchase Money.



and Demand of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but shall also extend to and be deemed and construed to bar the Dower of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue of such Person and Persons claiming under them, as effectually as Fines and Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Possession to  
be delivered  
up.

XLV. And be it further enacted, That upon Payment of the Purchase Money, all and every Person and Persons, Body and Bodies Politic, Corporate and Collegiate, in Possession of any such Lands, Tenements, or Hereditaments, or any Part thereof, shall at the End of Six Calendar Months next after Notice shall be given to him, her, or them for that Purpose, under the Common Seal of the said Company, peaceably and quietly deliver up the Possession of the said Premises to the said Company, or to such Person or Persons as shall be authorized by the said Company to take Possession thereof, they the said Company making such Satisfaction or Compensation to every such Person or Persons, Bodies Politic, Corporate, or Collegiate, in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Company shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction or Compensation shall be settled and ascertained by a Justice of the Peace, in case the Damages shall be alleged to be under Twenty Pounds; and in case any such Person, or Body Politic, Corporate, or Collegiate, shall thereupon refuse to give up such Possession, it shall and may be lawful for the Sheriff of the County of *Derby* to issue his Precept or Warrant, signed by him, to the Constable of *Chesterfield*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same; and the said Constable is hereby required to take and deliver such Possession accordingly, and to levy such Costs as shall accrue upon the issuing or Execution of such Precept or Warrant, on the Person or Persons so refusing to give such Possession, by Distress and Sale of his, her, or their Goods, returning the Overplus (if any) to the Owner thereof on Demand.

Power to  
resell Lands  
not wanted.

XLVI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, and by Indenture or Indentures under their Common Seal to grant and convey, by way of absolute Sale in Fee Simple, for a competent Consideration in Money, all or any Part or Parts of the Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall and may be lawful for the Treasurer (if only One, or if more than One, for the Treasurers, who, if engaged in Partnership together, may sign in their Style or Firm by any One of such Firm) for the Time being to the said Company, to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge to any Purchaser or Purchasers for the Money therein and thereby expressed or acknowledged



acknowledged to be received; and such Purchaser or Purchasers having *bonâ fide* paid the same, and obtained such Receipt or Receipts for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

XLVII. Provided always nevertheless, and be it hereby further enacted and declared, That in case the said Company shall purchase the said Three Acres of Land or Ground, or any Part thereof, of or from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and shall at any Time afterwards sell the Whole or any Part of such Land or Ground so purchased from any such incapacitated Parties or Persons, it shall not be lawful for the said Company again to purchase any Land or Ground in lieu of the Land or Ground so sold as last aforesaid of or from the same, or of or from any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity; nor shall it be lawful for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of such Three Statute Acres of Land or Ground, or any Part thereof, so sold or disposed of by the said Company.

Limiting the Quantity of Land to be purchased from or sold by incapacitated Persons, &c.

XLVIII. And be it further enacted, That in case the Proprietor or Proprietors of a certain Iron Foundry, situate near to the said Town of *Chesterfield*, and carried on under the Firm of *Ebenezer Smith* and Company, shall at any Time or Times hereafter be of Opinion that the Forge belonging to the said Iron Foundry shall sustain any Damage through a Diminution in the Supply of Water to the said Forge, in consequence of the Water Works hereby authorized or intended to be made, and shall give Notice thereof to the said Company, specifying in such Notice the Amount of Damage alleged to be sustained, then the said Company shall immediately pay to such Proprietor or Proprietors the fair Amount of Compensation for such Damage; and in case the said Company shall be of Opinion that the Amount claimed shall be more than sufficient Compensation, and the Parties shall not agree thereupon, then the Amount thereof may and shall be ascertained and determined by any Two or more Justices of the Peace for the County or Place in which the said

Satisfaction for Loss of Water to a certain Forge.



Iron Foundry is situate, after hearing all Parties interested, or in case of Neglect or Refusal of the said Company or their Clerk or other authorized Agent to attend, then upon Proof on Oath made before such Justices that Notice had been served upon the said Company Ten Days at least before the Day of such Hearing, specifying the Intention of applying to such Justices for the Purpose of ascertaining and determining such Amount; and the Determination of such Justices shall be binding and conclusive on the said Parties; the whole Expence of such Hearing to be paid by the Proprietors of the said Water Works which may occasion the Necessity of such a Reference being made.

No Water to be employed for Machinery used about any Manufactory.

XLIX. And be it further enacted, That nothing in this Act contained shall enable the said Company to apply or use, or suffer to be applied or used, any Part of the aforesaid Water to be conveyed as aforesaid, in supplying Power to or for any Manufactory, Engine, or Machinery, or in and about working any Machinery employed in or about any Manufactory; and that no Inhabitant or Inhabitants of the said Town and Borough of *Chesterfield*, or other Person or Persons whomsoever, shall so use or employ any Part of the said Water, upon pain of forfeiting to and for the Use of the Person complaining thereof from Time to Time, for and upon each Occasion of so doing, any Sum not exceeding Fifty Pounds, to be recovered by Action of Debt or on the Case.

Owners and Inhabitants of Houses, &c. may lay Pipes to those of the Company.

L. And be it further enacted, That such of the Owners of Buildings within or Inhabitants of the said Town and Borough of *Chesterfield* as shall be desirous of having Water conveyed in Pipes into their Houses, Yards, or Offices, may and are hereby authorized and empowered, at their own Expence, (having first obtained the Consent in Writing of the Owners, Occupier or Occupiers of any inclosed Lands or Grounds in which such Pipes shall be placed,) to open the Ground between the said Company's Wells, Reservoirs, Main Pipes, Aqueducts, and the respective Houses, Buildings, and Yards of such Owners or Inhabitants; and to lay down Leaden or other proper Pipes of the Bore of Three Quarters of an Inch, or of a greater Bore, from such Houses, Yards, or Offices, to communicate with the said Wells, Reservoirs, Aqueducts or Main Pipes, such respective Owners of Buildings or Inhabitants agreeing to pay and paying to the said Company yearly, or at shorter Periods, such Rate or Rates, Sum or Sums of Money for such Privilege and Water as shall be charged by the said Company, not exceeding the Rates herein-after mentioned; and in case of Default in Payment of any such Sum or Sums of Money which may be so fixed by the said Company, or agreed to be paid, the same shall be recovered by the said Company, with Costs, by Distress and Sale of the Goods and Chattels of the Person or Persons respectively liable to pay the same, in the same Manner as Rents in arrear upon common Demises may be recovered, or by Action of Debt or on the Case, with full Costs of Suit.

Compelling the Company to supply Water, and fixing Rates.

LI. Provided also, and be it further enacted, That it shall not be lawful for the said Company to refuse to any Inhabitant wishing for the same, and being willing to comply and complying with the Terms and Conditions in this Act contained, a Supply of Water from the said Works; nor shall the said Company be at liberty to charge, or directly or indirectly take or receive, any greater Rate or Rates for the Supply of the said Water than



herein-after mentioned; (that is to say), where the annual Rack Rent or Value of the House or Building, Yard or Offices to be supplied with Water shall not exceed Ten Pounds, at and after the Rate of Twenty Shillings *per* Year; and where the annual Rack Rent or Value shall be above Ten Pounds, and shall not exceed Twenty Pounds, at and after the Rate of Two Pounds *per* Year; and where the annual Rack Rent or Value shall be above Twenty Pounds, and shall not exceed Thirty Pounds, at and after the Rate of Two Pounds and Sixteen Shillings *per* Year; and where the annual Rack Rent or Value shall be above Thirty Pounds, and shall not exceed Forty Pounds, at and after the Rate of Three Pounds and Fifteen Shillings *per* Year; and where the annual Rack Rent or Value shall be above Forty Pounds, and shall not exceed Sixty Pounds, at and after the Rate of Five Pounds *per* Year; and where the annual Rack Rent or Value shall be above Sixty Pounds, and shall not exceed Eighty Pounds, at and after the Rate of Five Pounds and Twelve Shillings *per* Year; and where the annual Rack Rent or Value shall be above Eighty Pounds, and shall not exceed One hundred Pounds, at and after the Rate of Six Pounds and Five Shillings *per* Year; and where the annual Rack Rent or Value shall be above One hundred Pounds, at and after the Rate of Seven Pounds *per* Year; except for each House, Building, Yard, or Office occupied by any Innkeeper, Maltster, Brewer, Distiller, Dyer, Hatter, Woolcomber, or other Person who shall use large Quantities of Water, and in every such Case such Sum as the said Company shall think reasonable, not exceeding after the annual Rate of Eight Pounds.

LII. Provided always, and be it further enacted, That where several Messuages, Cottages, or Dwelling Houses, or Tenements in the Occupation of several Persons, shall be supplied by One common Branch Pipe, to be laid to and introduced into the Wells, Reservoirs, Main Pipes, or Aqueducts of the said Company, the several Owners or Occupiers of such Messuages, Cottages, Dwelling Houses, or Tenements shall be respectively liable to pay for such Supply of Water at and after the same Rate as he, she, or they would be liable to pay for the same if each of such several Messuages, Cottages, Dwelling Houses or Tenements was separately supplied with Water by a distinct Branch Pipe from the Works of the said Company; such several Rates or Rents, in case of Nonpayment, to be recovered as herein mentioned.

LIII. And be it further enacted, That it shall be lawful for the Engineer, or other Person or Persons acting by or under the Authority of the said Company, or of their Committee of Management, at all reasonable Times in the Day-time, between the Hours of Eight in the Forenoon and Four in the Afternoon, upon giving Twenty-four Hours previous Notice of his, or their Intention, to enter into any House, Building, or other Premises supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company, or if the Pipes or Cocks for supplying such House, Building, or other Premises be in good and proper Repair; or if such Engineer or other Person acting by or under the Authority of the said Company, or their Committee of Management, shall at any such Time or Times be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid,

or

In case  
several  
Houses are  
supplied by  
One Pipe

For prevent-  
ing undue  
Waste of  
Water.



or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case the Proprietor or Occupier of such House, Building, or Premises, or other Person or Persons so refusing Admittance, or obstructing such Examination as aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and levied as hereinafter mentioned.

Penalty for  
not supplying  
Water to  
Inhabitants.

LIV. And be it further enacted, That in case the said Company shall neglect or refuse to supply any of the said Inhabitants, occupying any private Dwelling in any Road, Street, or Place where the Pipes of the said Company shall be laid, with Water for the Use of his or her own Family at the Rate aforesaid, for the Space of Five Days (after Demand in Writing shall have been made by such Inhabitant to the said Company for such Supply of Water, and Tender made to the said Company of the Amount of the Rate for One Year for such Supply), the said Company shall forfeit and pay to such Inhabitant Treble the Amount of the Rate so tendered, to be levied and recovered by virtue of a Warrant under the Hands and Seals of any Two of His Majesty's Justices of the Peace, by Distress and Sale of the Goods and Chattels of the said Company, or of the Treasurer of the said Company, and also the further Sum of Twenty Shillings for every Day the said Company shall continue to refuse such Supply, to be recovered as any Penalty may by virtue of this Act be recovered.

Cisterns and  
Stopcocks  
to be pro-  
vided, if  
required by  
the Company.

LIV. And be it further enacted, That every Person or Persons supplied with Water by virtue of this Act shall, upon having One Calendar Month's Notice in Writing from the said Company or their Committee of Management for such Purpose, have a Cistern for receiving Water, and in such Cistern or Receptacle for Water shall attach and fix a Ball Cock, or other self-acting Cock, to the Pipe conveying Water from the Reservoirs or Pipes belonging to the said Company into such Cistern or other Receptacle, and shall repair and renew the same as often as shall be necessary, in order to prevent the Water running to waste when such Cistern and other Receptacle shall be full; and the Person or Persons neglecting to attach and fix, and repair or renew such Ball Cock or self-acting Cock, shall forfeit to the said Company any Sum not exceeding Five Pounds for every Offence; and any Officer specially authorized by the said Company or their Committee of Management shall have free Access in the Day-time, after having given Twenty-four Hours Notice of his Intention, to view the Premises to be supplied as aforesaid, to see that such Ball Cocks or other self-acting Cocks are kept in proper and sufficient Repair and Condition; and such Penalty of Five Pounds shall and may be recovered before any One or more of His Majesty's Justices of the Peace acting for the County or Place in which such Premises shall be situate.

Penalty on  
Persons not  
repairing  
Pipes, &c.

LVI. And be it further enacted, That if any Person or Persons shall negligently suffer any of his, her, or their Pipe or Pipes, Drains, or Aqueducts, which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said Company, or the Cocks belonging thereto, to be out of Repair so as to let the Water run waste and useless, or shall neglect to repair the same within Twenty-four Hours after being required



so to do by any of the Agents or Workmen of the said Company, then the Person or Persons so offending or neglecting shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also be liable to pay to the said Company full Compensation for any Injury or Damage which may be claimed by the said Company by reason of Loss of Water or otherwise, together with full Costs of Suit attending the Recovery thereof.

LVII. And be it further enacted, That in case it shall at any Time be found necessary by the said Company, for the Purpose of making any Alteration or Amendment of the Pipes or Works of the said Company, to cut off or stop the running or issuing of Water from their Main Pipes or otherwise, then it shall be lawful for the said Company to cause any Pipes, Drains, or Aqueducts communicating with any of the Reservoirs, Pipes, or Aqueducts of the said Company, to be separated from the Reservoirs, Aqueducts, and Pipes of the said Company, and the Water to be stopped from issuing or running therefrom into such Pipes, Drains, or Aqueducts so authorized to be separated: Provided always, that whenever the said Company shall cause any such Pipes, Drains, or Aqueducts, which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said Company, to be separated, and the Water to be stopped from issuing or running therefrom into such Pipes, Drains, or Aqueducts, by reason of any Alteration or Amendment of the Pipes or Works of the said Company being necessary, the said Company shall make such Alteration or Amendment, and at their own Expence restore the Communication of such Pipes, Drains, or Aqueducts, with the Reservoirs, Aqueducts, and Pipes of the said Company, and permit the Water to issue therefrom and run again into such Pipes, Drains, or Aqueducts as soon as conveniently may be.

Company may cut off Pipes where necessary for Repairs.

LVIII. And be it further enacted, That the said Company shall and they are hereby required, upon the carrying into and laying down any Main Pipe in any Street, Passage, or Place for supplying the same with Water, to fix and place, or cause to be fixed and placed, at the Time of laying down such Main Pipe, One or more proper and sufficient Fire Plug or Fire Plugs in each Street, Passage, or Place supplied with Water from such Main or Mains, for the Supply of Water for the extinguishing of Fires; and when and so soon as any such Fire Plugs shall be finished, the said Company shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each and every House or Place in the said Town or Borough wherein any Engine shall be kept for the extinguishing of Fire.

Requiring the Company to make Fire Plugs in every Street, &c.

LIX. And be it further enacted, That in case any of the Inhabitants of the said Town or Borough of *Chesterfield* shall be desirous of, and shall apply to the said Company for a Key or Keys of the Mains, Plugs, or Services belonging to the said Water Works, in order that such Key or Keys may be kept in some proper Place, to be agreed upon at a Vestry of the Inhabitants of the said Town or Borough, to the End that thereby, in cases of Fire, the Supply of Water from the said Works may be the more easily and readily obtained, the said Company shall be bound and obliged to furnish such Key or Keys to the Persons applying, in order to their being so kept; and in case the said Company shall refuse such Key or Keys to the Person so applying, they shall forfeit and pay for

Requiring the Company to deliver Keys of Pipes, &c.

[*Local.*]



every such Refusal the Sum of Five Pounds, which Penalty shall and may from Time to Time be recovered, together with full Costs of Suit, by Action, Plaint, or Suit, in any Court of Law.

Penalties for hindering or injuring the Company's Works or fouling the Water;

LX. And be it further enacted, That if any Person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Company, or their Agents, Officers, Servants, or Workmen, or any of them, in doing or performing any of the Water Works, or in the Exercise of any of the Powers and Authorities in this Act authorized or contained, for supplying the said Town and Borough of *Chesterfield* with Water; or if any Person whomsoever shall wilfully or maliciously let off or discharge any Water, so that the same shall run waste and useless to the said Company, or to any Person entitled thereto under an Agreement with them, out of or from any of the Cisterns, Reservoirs, or Wells, Pipes or Aqueducts hereby authorized to be made; or shall wilfully or maliciously break, throw down, injure, damage, or destroy any Wells, Cisterns, Reservoirs, Aqueducts, Water Pipes, Drains, Plugs, Cocks, Works, Matters or Things belonging to or the Property of the said Company, made or to be made and provided in pursuance of this Act, for the Purpose of the Execution of the Powers herein contained for supplying the said Town and Borough with Water; or if any Person shall bathe in any of the said Wells, Cisterns, or Reservoirs belonging to the said Company, to be made pursuant to the Powers herein contained, or shall wade into, or wash, cast, put, or throw any live or dead Dog or Cat, or other Animal, or any Cloth, Wool, Filth, Dirt, or other noisome or offensive Matter or Thing, or cause, permit, or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into any of the said Wells, Cisterns, or Reservoirs, Pipes, or Conduits, or otherwise wilfully foul or render noisome or impure, or cause or procure so to be, the Water running to or contained in any of such Wells, Cisterns, or Reservoirs, Pipes or Conduits; or if any Person or Persons supplied with Water by virtue of this Act shall wilfully permit any other Person or Persons not being so supplied to take any Water at the Pipes or Reservoirs of the said Company, or shall supply any such other Person or Persons with any Water from such Pipes or Reservoirs, or, excepting in case of the Pipe being out of Repair, shall, by negligently suffering his, her, or their Pipes or Aqueducts, or the Cocks belonging thereto, to be out of Repair, occasion the Water thereby supplied to run waste and useless; or if any Person not paying for or having agreed to pay for a Supply of Water from the said Works, shall take or use any of the Water supplied by means of the Works of the said Company, other than and except at the Reservoirs or Wells, or at the Place where the said Springs rise, or as near thereto as may be found convenient for such Purposes, and as hath heretofore been usual; then and in every such Case the Person so offending as aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, according to the Discretion and Decision of the Justice of the Peace before whom the same shall be recovered as herein-after provided; and such Persons shall pay to the said Company the full Amount of the Damage sustained by the said Company by the Acts or Means in respect of which such respective Penalties shall be incurred, in addition thereto: Provided always, that nothing in this Act contained shall prevent or be construed to extend to prevent any of the Water supplied or collected under the Authority of this Act from being used to extinguish any Fire or Fires whatsoever,

and on Persons supplied with Water supplying others;

or using Water without Consent of Company;

except for Purposes specified.



whatsoever, that may have communicated to any Building or Buildings, Rick or Ricks, Stack or Stacks of Hay, Corn, or other Produce, or any Waggon, Cart, or other Carriage, or any Matter or Thing therein contained, or shall be in danger of so communicating; and no Person supplied with Water under the Consent of and an Agreement with the said Company, shall be liable to any Penalty or Payment for supplying any other Person or Persons with Water for the Purposes last aforesaid: Provided always, that no Person shall be subject to any Penalty for supplying with Water any other Person or Persons entitled to the Water of the said Company, whilst the Pipes or Cisterns of such other Person or Persons shall be repairing.

Power to  
make and  
erect Gas  
Works, Re-  
torts, &c.

LXI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby fully authorized and empowered, by their Servants, Agents, Workmen, and others, from Time to Time to make and erect, subject to the Restrictions in this Act contained, such Buildings, Retorts, Gasometers, Receivers, Cisterns, Engines, Machines, or other Apparatus, upon any of the Lands, Tenements, or Hereditaments which the said Company may purchase for the Purpose, in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act (for making or producing Inflammable Air, Carburetted Hydrogen, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Essential Oil) into Execution, and also for the Purpose of lighting with Gas the public Streets, Roads, and other public Passages and Places, and any public Buildings and Places of public Exhibition, and any Taverns, Inns, Manufactories, Shops, private Houses, and other Buildings in the said Town and Borough, to break up the Soil and Pavements of any Streets, Highways, Roads, Ways, Lanes, Passages, or other Places, or any Part of them, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes, in, under, across, and along such Places as aforesaid, and in such Manner as shall be necessary for the said several Purposes, or supplying any such Light as aforesaid, and from Time to Time to alter the Position of, and repair, relay, and maintain such Pipes, Stopcocks, Syphons, and Plugs, or Branches; also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Road, Highway, Lane, Passage, or other Place by the said Company by virtue of this Act, into or through or against any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same, or any public or private Lamp, from any such Mains or Pipes, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring or ascertaining the Extent of such Supply, and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged in such Dwelling House or Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things as the said Company shall from Time to Time think necessary for completing, amending, repairing, and improving, supplying and using the same, provided that a proper Compensation be made for any Damage done thereby.

LXII. And



Company may contract for lighting any public or private Places with Gas, and may sell their Coke, &c.

LXII. And be it further enacted, That it shall be lawful for the said Company or their Committee to enter into or make any Contract or Contracts, or Agreements, with any Body or Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate, or any Surveyor of the Highways, or any other Person or Persons whatsoever, for lighting with Gas the said Town and Borough of *Chesterfield*, or any of the Streets, Roads, Lanes, Ways, or other public Passages or Places therein, or of any public Buildings or Places of public Exhibition, or for supplying with Gas any Inns, Taverns, Manufactories, or Shops, or private Houses therein, upon such Terms or for such Rents, Payments, or Sums of Money as shall be agreed upon by the said Company and the respective Parties and Persons so desirous of being supplied with Gas; and it shall also be lawful for the said Company to sell and dispose of all or any of the Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Essential Oil, and other Matters and Things produced in the Process of making the Gas.

Company not to lay or continue Gas Pipes without Consent.

LXIII. Provided always nevertheless, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company, or any of their Officers, Agents, or Servants, to carry, lay, or fix any such Pipe or Pipes into, through, or against any Dwelling House or Houses, Manufactories, public or private Buildings, Yards, or Grounds, or so to continue the same, without the Consent of the Owner and Occupier of every such Dwelling House or Houses, Manufactory, public or private Building, Yards, or Grounds, into, through, or against which any such Pipe or Pipes may be carried, laid, or fixed for the Purpose of conveying Gas as aforesaid.

Directing how Pipes shall be laid down.

LXIV. Provided always, and be it further enacted, That no Gas Pipes belonging to the said Company shall be laid down at a less Depth than Twenty Inches beneath the Pavement in any of the Streets or Places within the said Town and Borough (except in passing over Bridges and Vaults), and that the said Company shall be subject and liable to the Payment and Discharge of all Costs and Expences to be incurred by the breaking, taking up, relaying, reinstating, and making good all such Ground and Pavement in any of the Streets and Places within the said Town and Borough as shall be broken and taken up, either for the Purpose of laying down, or for repairing, relaying, and amending any Mains, Pipes, Cocks, or Plugs to be made or laid down by virtue and in pursuance of this Act, or afterwards repaired, relaid, or amended; and if the said Company shall neglect to repair, reinstate, and make good such Ground and Pavement with all convenient Speed, they shall for every such Offence forfeit and pay the Sum of Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety to the Poor of the Parish where any such Neglect shall happen; to be recovered by Action of Debt or on the Case in any Court of Law.

Gas Pipes not to be laid within certain Distances from Water Pipes.

LXV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas, in, under, through, along, across, or round any Street, Square, Highway, Road, Bridge, Way, Lane, Market Place, Passage, or other Place in the said Town and Borough, shall be so laid at the greatest practicable Distance from any Water Pipe, and whenever the Width of the Carriageway in such



such Street or Place will allow thereof, at the Distance of Four Feet at the least from the nearest Part of any Water Pipe to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Squares, Highways, Roads, Bridges, Ways, Lanes, Market Places, Passages, and other Places in the said Town and Borough, (unless in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the Water Pipes, in which Cases the said Gas Pipes shall be laid over and above such Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a right Angle, and in such Cases the said Gas Pipes so crossing any such Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of any such Water Pipes than Four Feet at least); and that in laying down the said Gas Pipes the said Company shall in no case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or connecting therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom, and from any Part thereof, upon pain of forfeiting for every Offence the Sum of Ten Pounds.

LXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company, or any of their Officers, Agents, or Servants, to break up the Soil of all or any Part of any of the public Streets, Highways, Roads, Ways, Lanes, Passages, or other public Places in the said Town and Borough of *Chesterfield*, without the Consent of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having the Property of such Soil, in Writing for that Purpose.

Pavements, &c. not to be taken up without Consent of Persons having the Property thereof.

LXVII. Provided always, and be it further enacted, That in all Cases where any Consent is required to be and shall be obtained by the said Company, to break or take up or remove any Pavement, Soil, or Ground in or of any Street, Highway, Road, Way, Lane, Passage, or other public Place in the said Town and Borough of *Chesterfield*, in order to lay down any Main or Mains, Pipe or Pipes, to convey Gas, or for any other Purpose which may be required under this Act, nothing in this Act contained shall, after such Consent obtained as aforesaid, and after Twenty-four Hours previous Notice (or in case of Emergency after Three Hours previous Notice) in Writing from the said Company or their Clerk, given to or left at the Place of Abode of such Person or Persons, or at the Office of the Clerk or Agent, or at the other Place of transacting Business of such Body or Bodies Politic, Corporate, or Collegiate, having the Property of such Soil or Pavement, be deemed or construed to extend to prevent the said Company from repairing such Main or Mains, Pipe or Pipes, or from breaking or taking up, or removing any Pavement, Soil, or Ground in or of such Street, Highway, Road, Way, Lane, Passage, or other public Place, for the Purpose of laying down or repairing any such Main or Mains, or any Pipe or Pipes whatsoever, or for any other Purpose which may be required under this Act.

After Consent allowed for Company to break up Pavements, no further Consent necessary.

[*Local.*]

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LXVIII. And



Company to  
remove Pipes,  
&c. on private  
Property on  
Notice.

LXVIII. And be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Gas Main or Gas Pipe of the said Company into, or through, or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance of and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, into or through which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such their Desire shall give Notice in Writing to the said Company, then and in every such Case the said Company shall, at the Cost and Charge of the Parties requiring the same, within Seven Days after Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main or Pipe of the said Company as aforesaid; and in default thereof it shall be lawful for such Owner or Occupier, or any other Person or Persons acting under their Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require.

Workmen in  
laying Pipes  
to make good  
the Pavement.

LXIX. Provided always, and be it further enacted, That the Workmen employed in laying or repairing any Gas Mains, Gas Pipes, Plugs, Cocks, Syphons, or Branches, to be laid, placed, or fixed by virtue of this Act, shall do as little Damage as may be, and shall forthwith fill in the Trenches and make good the Pavement and Roads, and carry away the Rubbish occasioned thereby, and if after such Pavements or Roads shall have been so repaired and made good, the same shall within Six Calendar Months thereafter give way, settle, or lower, or require relaying or repairing, in consequence of such Pavements or Roads having been broken up for the Purpose of carrying this Act into Execution, the same shall be forthwith done and performed by and at the Expence of the said Company; and the said Company shall and they are hereby required in the meantime sufficiently to fence or guard and affix Lights during the Night at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages, and by and according to the Directions and Provisions contained in all or any of the Acts of Parliament which may or shall be in force for lighting the said Town and Borough of *Chesterfield*; provided also, that if there shall be any wilful or negligent Delay in the said Company, or any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling any such Ground, or removing Rubbish, or making good any such Pavements or Roads, or in case the same shall be imperfectly repaired, or in case the Ground so opened shall not be sufficiently fenced or guarded and lighted, then and in every such Case it shall be lawful for the Person or Persons, or Body or Bodies Politic or Corporate, in whom the Right of Soil of such Pavements or Roads shall be, or his or their Surveyor or Surveyors, or any other Person or Persons acting by or under their Authority, or the Surveyors of the Highways within the said Town and Borough of *Chesterfield* for the Time being, to fill in such Ground, and remove such Rubbish, and



to repair and make good the Pavement of any Street, Highway, Road, Way, Lane, Passage, or other Place so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night as to him or them shall seem necessary, and the reasonable Costs and Charges thereof shall be paid by the said Company or their Treasurer or Treasurers; and in default of Payment thereof for Thirty Days next after Demand made for the Payment thereof, (Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed, such Justice or Justices not being interested in the Matter in question), all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by a Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby empowered to grant; and such Penalties, Costs, Charges, and Expences shall be paid to the Commissioners or Trustees, or Persons having the Property in the Soil, as the Case may be.

LXX. Provided always, and be it further enacted, That no Person shall lay or place, or cause to be laid or placed, any Iron, Leaden, or other Pipe or Burner to communicate with any Gas Pipe belonging to the said Company, without the Consent in Writing of the said Company under their Common Seal first had and obtained, nor use any Burner or Burners of larger Dimensions, or of a different Form, or more in Number, or for a greater Space of Time than he, she, or they shall respectively contract or pay for, so as to waste or improperly increase the Consumption of Gas, on pain of forfeiting and paying to the said Company the Sum of Ten Pounds, and also the further Sum of Five Shillings a Day for every Day such Pipe or Burner shall so communicate, or such Burner or Burners of larger Dimensions or of a different Form, or more in Number than contracted for, shall be used, or such Excess be so committed; to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County or Place where the Offence shall be committed, and which Warrant such Justice or Justices is and are hereby required and empowered to grant; and the Surplus, after such Penalty or Forfeiture and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Forfeiture and Penalty shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Forfeiture, and all reasonable Charges, shall be sooner paid and satisfied; and it shall be lawful for the said Company, if they shall so think fit, also to take off the Supply of Gas from the House and Premises of the Person so offending, notwithstanding any Contract or Agreement which may have been previously entered into.

For preventing Persons laying Pipes of Communication without Consent of Company, or wasting Gas.

LXXI. And



Penalty for  
interrupting  
Company's  
Workmen.

Damaging  
Pipes, &c.

LXXI. And be it further enacted, That if any Person or Persons shall wantonly or maliciously hinder or interrupt the said Company, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing and performing any of the Works; or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done; or shall wilfully, wantonly, or maliciously remove, break, throw down, destroy, damage, or injure any or any Part of any Pipe, Pedestal, Plug, Lamp, Lamp Post, Lamp Iron, or other Apparatus, Matter, or Thing belonging to the said Company, or shall wilfully, wantonly, or maliciously waste any of the Inflammable Air or Gas supplied by the said Company, or shall wilfully extinguish the Light or Lights of or in any of the public Lamps, or shall wilfully or intentionally enlarge or alter any of the Burners so as to occasion more of such Inflammable Air or Gas to be consumed than has been contracted for, every Person so offending in any or either of the Cases aforesaid, and being thereof lawfully convicted on the Oath or Affirmation of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace; shall for each such separate and distinct Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, and also the full Amount of the Damage done, to be ascertained by such Justice or Justices; such Penalty and Damage, together with reasonable Costs, to be levied under the Warrant of such Justice or Justices by Distress and Sale of the Goods and Chattels of such Offender or Offenders, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels; or if it shall appear to the said Justice or Justices, either by Confession or otherwise, that the Offender or Offenders hath or have not any Goods or Chattels sufficient to levy such Forfeiture or Damage as aforesaid, such Offender or Offenders shall and may be forthwith committed to the Common Gaol or House of Correction, there to remain for any Time not exceeding Three Calendar Months, unless such Forfeiture, Damage, and Costs, shall be sooner paid and satisfied.

Accidentally  
damaging  
Pipes, &c.

LXXII. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, remove, destroy, damage, or otherwise injure any or any Part of any Pipe, Plug, Lamp, Lamp Post, Lamp Iron, or other Apparatus, Matter, or Thing set up by or belonging to the said Company, or belonging to any Person or Persons, and set up by him, her, or them at his, her, or their private Expence, and shall not immediately upon Demand by the said Company or their Committee of Management, or their Clerk or Engineer, or other Person or Persons authorized by the said Company or their Committee, make Satisfaction for the Damage done, then and in every such Case it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed, and he or they is and are hereby required, upon Complaint to him or them made, to summon before him or them the Party or Parties against whom such Complaint shall be preferred, and upon hearing the Allegations and Proofs on both Sides, or on Non-appearance of the Party or Parties so complained against, to award such Sum or Sums of Money by way of Satisfaction to the said Company, or to such other Person or Persons (as the Case may require) for such Damages as such Justice or Justices shall think reasonable; and in case of Refusal or Neglect to pay any Sum or Sums of Money so awarded, within Four Days after Demand, it shall and may be lawful



lawful to and for such Justice or Justices, and he or they is and are hereby required to cause the same, with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels.

LXXIII. Provided always, and be it further enacted, That the Branch or Service Pipes which shall be put up by the said Company for lighting any public Lamps under any Contract or Agreement with the said Company, shall be kept fully charged with Gas, and the Stopcocks shall be so formed and turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same public Lamps shall be lighted.

Service Pipes to be kept fully charged.

LXXIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company, or by any Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough, for lighting any Street, Highway or Place, or any House, Manufactory, or other Building therein, the said Company, or Body or Bodies, Person or Persons as aforesaid, shall at their own Expence immediately after Notice, either by Parol or in Writing, of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent, and shall stop and prevent such Gas from escaping; and in case the said Company, or Body or Bodies, Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company, or Body or Bodies, Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace of the Borough of *Chesterfield* or County of *Derby*, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, or Body or Bodies, Person or Persons as aforesaid, by the Warrant of any such Justice or Justices of the Peace as aforesaid, in like Manner as other Penalties are herein directed to be recovered from the said Company; and the same shall, when recovered, be paid to the Guardians or Overseers of the Poor of the Parish in which such Escape of Gas shall take place.

Stopping Escape of Gas.

LXXV. Provided always, and be it further enacted, That in case the said Company shall at any Time hereafter contract with any Person or Persons, Body or Bodies Politic or Corporate, for lighting any of the public Lamps in any of the public Streets, Roads, Lanes, Ways, or other public Places within the said Town and Borough, the said Company shall and they are hereby directed and required to supply such public Lamps

Gas to be supplied cheaper than Oil.



Lamps, which they shall so contract to light, with Gas of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil Lamps; and whenever the said Company shall fail so to do, the Power and Authority hereby given to the said Company further to break up the Soil or Pavement of any such public Street, Road, Square, or Market Place, or other public Place in the said Town and Borough where such public Lamps shall be situated, shall from thenceforth during such Refusal cease and determine; and every Contract or Agreement which shall be entered into for lighting with Gas such public Lamps by the said Company shall contain a Clause, providing that it shall be obligatory on the said Company that such public Lamps shall at all Times be better and cheaper lighted by the said Company than could be done by Oil Lamps.

To prevent  
Contamina-  
tion, &c. of  
Water.

LXXVI. And be it further enacted, That whenever the Water of any Conduit, or any Water to be supplied by the said Company, or by any other Party or Person, for the Use of the Inhabitants of the said Town and Borough of *Chesterfield*, shall be contaminated or affected by the Gas of the said Company, or of the Body or Bodies Politic or Corporate, or other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Company, Body or Bodies, Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and in case any such Water shall be contaminated or affected in any way whatsoever by the Gas of the said Company, Body or Bodies, Person or Persons as aforesaid, then and in every such Case and Cases the said Company, Body or Bodies, Person or Persons as aforesaid, shall within Twenty-four Hours next after Notice thereof in Writing signed by any Inhabitant of the said Town and Borough, or by any Party or Person interested in or using any Water which shall be so contaminated or affected, to be left at the usual Office or Place of transacting Business of the said Company, or Body or Bodies Politic or Corporate, or the last or usual Place of Abode of such other Person or Persons as aforesaid, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting such Water; and in case the said Company, Body or Bodies, Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Company, Body or Bodies, Person or Persons as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated, tainted, or affected by such Gas.

For ascer-  
taining if  
the Water is  
contami-  
nated.

LXXVII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Company, or of the Body or Bodies Politic



Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein; be it therefore enacted, That in every such Case it shall and may be lawful to and for the Inhabitant, or Party or Person so complaining, after giving Notice in Writing to the Commissioners or Trustees respectively under whose Care, Superintendence, or Controul any public Streets, Highways, Roads, Ways, Lanes, Passages or other public Places within the said Town and Borough of *Chesterfield* may be, or to the Party or Person having the Property in the Soil (as the Case may be), and having an Order signed by any Justice or Justices of the Peace for the said Town and Borough, (which Order such Justice and Justices is and are hereby required to grant, on Oath made before him or them that such Water is believed to be so contaminated,) to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company, Body or Bodies, Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or be occasioned by the Gas of the said Company, Body or Bodies, Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of such Gas, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets, or such Part or Parts thereof which shall be so taken up or disturbed, and the filling in of the Soil so broken up, shall be borne and paid by the said Company, Body or Bodies, Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice or Justices, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the said Company, Body or Bodies, Person or Persons as aforesaid, then and in such Case the said Inhabitant, or Party or Person so complaining, shall bear and pay all the Costs and Expences of such Examination and Search, and shall also forthwith pay and make good to the said Commissioners or Trustees respectively, under whose Care, Superintendence, or Controul any such Streets, Highways, Roads, Ways, Lanes, Passages, or other Places, or any Part thereof, or the Owner of the Soil, as the Case may be, which shall or may have been so broken up for the Purpose aforesaid, all Costs, Charges, and Expences which shall or may be incurred by such Commissioners or Trustees, or Parties or Persons respectively, in repairing, restoring, and making good any Street, Highway, Road, Way, Lane, Passage, or other Ground or Place, or any Part thereof which may have been so broken up; and such Inhabitant, or Party or Person so complaining, shall also, in the Case aforesaid, forthwith pay and make good to the said Company, Body or Bodies, Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company, Body or Bodies, Person or Persons as aforesaid, in and by such Search and Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined in the said Cases respectively, if necessary, by such Justice or Justices of the Peace as aforesaid.

LXXVIII. Provided always, and be it further enacted, That if the said Company, or any Body or Bodies Politic or Corporate, or any other

Penalty on Washings draining into Rivers, &c.



Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which may arise or be produced in the Prosecution of the Gas Works of the said Company, into any River, Brook, or running Stream, or into any Sewer, Drain, Passage, or Channel, by means whereof any such Washings or other waste Liquid, or noisome or offensive Liquids, Substances, or Things as aforesaid, shall be drained, conducted, or conveyed into any River, Stream, Brook, or into any Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in each and every such Case the said Company, Body or Bodies, Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Forfeiture or Penalty shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than one Imparlance, shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Forfeiture, Penalty, or Costs shall be recoverable unless the Suit or Action be commenced within Twelve Calendar Months from the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that (over and above and in addition to the said Penalty of Two hundred Pounds, and whether the same shall have been sued for or recovered or not), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or into any Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Body Politic, Corporate, or Collegiate, or Person or Persons whomsoever, to the said Company, Body or Bodies, Person or Persons as aforesaid, and the said Company, Body or Bodies, Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Company, Body or Bodies, Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid,



aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be levied and recovered in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be levied and recovered, and shall be paid to the Informer, or to such Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

LXXIX. And be it further enacted, That all the Materials of which the aforesaid Wells, Reservoirs, Cisterns, Gas Apparatus, and Gasometers, as well as the Pipes, Cocks, Conduits, and other Utensils, Matters, and Things furnished and provided or to be furnished and provided for carrying any of the Purposes of this Act into Execution by the said Company, or their Officers or Servants, at the Expence of the said Company, shall be and be considered to all Intents and Purposes vested in and be the Property of the said Company.

Materials,  
&c. to be  
provided, to  
be the Pro-  
perty of the  
Company.

LXXX. And be it further enacted, That in case any Person or Persons who shall contract with the said Company or their Committee of Management, or agree to take, or shall use or enjoy the Benefit of the said Water or of the said Gas Light in any Buildings or Premises, or their private Dwellings, Shops, Inns, Taverns, or other public or private Buildings or Manufactories, shall refuse or neglect for the Space of Ten Days after Demand to pay the Sum or Sums of Money then due for the same to the said Company, according to the Terms and Stipulations of the Contract or Agreement with the said Company, it shall be lawful for the said Company, or their Clerk or Clerks, or Engineer, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place where the Premises shall be situate (which Warrant such Justice is hereby empowered and required to grant upon Application made to him for that Purpose), to levy the said Sum or Sums of Money in respect whereof such Refusal or Neglect shall happen, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, together with the Costs and Charges attending such Application, Distress, and Sale, rendering the Overplus (if any) on Demand, to such Person or Persons so neglecting or refusing; or the same with Costs of Suit may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than one Impar lance, shall be allowed; and also that after such Refusal or Neglect as aforesaid, it shall and may be lawful to and for the said Company, their said Committee of Management, or their Clerk or Engineer, or any other Person or Persons acting by or under their or either of their Authority, to cause the Water or Gas so supplied to any such private Dwellings, Shops, Inns, Taverns, or other public or private Buildings, Manufactories, or Places as aforesaid, to be withheld, in such Manner as the said Company, or their Clerk or Engineer, shall for that Purpose think proper, notwithstanding any Contract or Agreement shall have been previously entered into.

Recovery of  
Rent.



In case of Nonpayment of Compensation for Materials or Damage by the Company, &c. the same to be levied by Distress of the Goods of such Company, &c.

LXXXI. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Company, or by any Persons acting by or under their Authority; and such Sum and Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, and delivered to the said Company, or to their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices; then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Action at Law against the said Company or their Treasurer; or by Distress and Sale of the Goods and Chattels of the said Company, or of their Treasurer for the Time being, or of the Goods and Chattels of the said Party or Person required to pay the same Sum or Sums of Money, as the Case may be, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Surplus shall be returned on Demand to the said Company, or their Treasurer for the Time being, or to such Party or Person, as the Case may be.

Damages and Charges in Cases of Dispute to be settled by Justices.

LXXXII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in Manner directed by this Act for the levying of any Penalties or Forfeitures.

Recovery and Application of Penalties.

LXXXIII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, or against any Rule, Order, or Bye Law made in pursuance thereof, in relation to which the Manner of convicting the Offenders, or recovering of such Penalties and Forfeitures, is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace in a summary Way; and such Justice is hereby authorized and empowered to convict the Offender or Offenders upon Information by the Oath or Affirmation of any Person or Persons, (which Oath or Affirmation such



Justice is hereby authorized to administer), or on the Confession of the Party offending; and in default of Payment of such Penalties and Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Guardians or Overseers of the Poor of the Township within the said Town and Borough of *Chesterfield*, wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Township, unless such Penalties shall be incurred by Persons committing Offences against the said Company, in which Cases the other Moiety as aforesaid shall be paid to the Treasurer of the said Company, and shall be applied for the general Purposes of this Act; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction of the said Town and Borough, for any Time not exceeding Three Calendar Months, unless such Offender or Offenders shall have sooner paid and satisfied such Penalties, and all Costs and Expences incident to and attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall be otherwise discharged by due Course of Law.

LXXXIV. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (*videlicet*.)

to wit. } BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
of \_\_\_\_\_ in the \_\_\_\_\_ Year of the Reign Form of  
eight hundred and \_\_\_\_\_ and in the Year of our Lord One thousand \_\_\_\_\_ Conviction.  
is [or are] convicted before me,  
[or



‘ [or us, as the Case shall be], of His Majesty’s Justices of the  
 ‘ Peace for by virtue of an Act passed in the Sixth  
 ‘ Year of the Reign of King George the Fourth, intituled [here insert the  
 ‘ Title of this Act] of having [specifying the Offence, and the Time and Place  
 ‘ when and where the same was committed, as the Case shall be], contrary  
 ‘ to the said Act; and for which Offence I [or we, as the Case shall be]  
 ‘ do hereby adjudge the said to have forfeited  
 ‘ the Sum of Given under my Hand and Seal  
 ‘ [or, as the Case may be, our Hands and Seals,] the Day and Year first  
 ‘ above written.’

Informations  
to be laid  
within Three  
Calendar  
Months.

LXXXV. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any Penalty, Fine, or Forfeiture imposed by this Act for any Offence or Offences against the same, or any Order or Bye Law made in pursuance thereof, herein-before made cognizable before any Justice or Justices of the Peace, unless Information respecting such Offence or Offences shall have been lodged before some Justice or Justices of the Peace within Three Calendar Months next after the committing of such Offence or Offences.

Appeal.

LXXXVI. And be it further enacted, That if any Body or Bodies Politic or Corporate, or any Person or Persons, shall think himself, herself, or themselves aggrieved by any thing done or to be done in pursuance of this Act, or by any Bye Law, Rule, or Order to be made in pursuance thereof (and for which no particular Method of Relief is herein-before appointed), such Body or Bodies Politic or Corporate, or such Person or Persons, may appeal to the Justices of the Peace for the County of *Derby*, at their General or Quarter Sessions of the Peace to be held for the said County, within the Space of Four Calendar Months next after the Cause of Appeal shall have arisen, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Respondent or Respondents, and within Ten Days next after such Notice given entering into Recognizance before One of His Majesty’s Justices of the Peace for the said Town and Borough or County (as the Case may be), with Two sufficient Sureties, conditioned to try such Appeal at such General or Quarter Sessions, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to either Party as they shall think proper; and the Determination of the Justices at such Sessions once made, shall be final, binding, and conclusive upon all Parties.

Compelling  
Attendance  
of Witnesses.

LXXXVII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecution or on behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and



and Placé to be for that Purpose appointed, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing, or appearing shall refuse to be examined upon Oath, or in case of a Quaker or Quakers, on solemn Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer), and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered as herein-before directed as to other Penalties imposed by the Authority of this Act.

LXXXVIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied under the Authority of this Act, or any Order or Bye Law made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceeding relating thereto, nor a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for special Damages by Action on the Case.

Distress not unlawful for Want of Form.

LXXXIX. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act, or any Order, Rule, or Bye Law made in pursuance thereof, nor any Judgment or Determination to be made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form, or removed by Certiorari.

XC. And be it further enacted, That it shall and may be lawful for any of the said Proprietors, or their Surveyors or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Proprietors, Surveyors, or other Officers), who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence shall have been committed; and such Justice and Justices shall, and is and are hereby required to proceed and act with respect to such Offender, or Offenders according to the Provisions of this Act.

For securing transient Offenders.

XCI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Chairman of the said Committee of Management for the Time being, or left at his last or usual Place of Abode, or upon the Clerk to the said Company for the Time being, or at the Office of such Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or Service upon

Directing what shall be deemed Service of Notice, &c. on the Company.

[Local.]

18 O—P

any



any Member of the Committee of Management for the Time being, or left at his last or usual Place of Abode, or upon any Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode; shall be deemed good and sufficient Service of the same respectively on the said Company.

Expences of the Act, how to be paid.

XCII. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act, or otherwise incurred in relation to the same, shall be paid and discharged by the said Company, or their Committee of Management, out of the Monies already subscribed or to be subscribed by virtue of this Act.

The Company liable to be indicted.

XCIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Company, or any of their Officers, Servants, or Workmen, or any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, in respect of any Gas Works, or the Means which shall be employed in making or producing any Gas, or using the same, or furnishing such Light as aforesaid, as a public or private Nuisance; or from bringing any Action or Actions against the said Company, or any of their Officers, Servants, or Workmen, or any such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

General Savings to His Majesty's Justices of the County of Derby.

XCIV. 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, or Customs, due and of right belonging to His Majesty's Justices of the Peace for the County of Derby, but that all and every such Rights, Privileges, Jurisdictions, Immunities, and Customs may be lawfully exercised, demanded, exacted, received, and enjoyed in as full and ample Manner, to all Intents and Purposes, as the same were or could be enjoyed before the passing of this Act.

General Saving of all other Rights.

XCIV. Provided always, and be it further enacted, That nothing in this Act contained shall (except so far as Authority is expressly given by this Act) extend or be construed or deemed or taken to extend to affect, extinguish, defeat, abridge, impeach, annul, prejudice, or destroy the Right, Title, or Interest of the Most Noble William Spencer Duke of Devonshire, Lord of the Manor of Chesterfield, or the Lord of the Manor of Chesterfield for the Time being, of, in, or to the Seigniories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Liberties, Privileges, Powers, and Authorities appendant, appurtenant, incident, or belonging to the said Manor of Chesterfield, or to any Rents, Tolls, Pickage, Stalling, free Customs, Dues, Duties, Profits, or Advantages belonging, due, or in anywise appertaining to the said William Spencer Duke of Devonshire, Owner of the Markets within the Town of Chesterfield, or the Owner of



such Markets for the Time being, but that the said *William Spencer* Duke of *Devonshire*, Lord of the said Manor, and the Lord of the Manor for the Time being, shall (except in this Act expressly excepted) have, hold, use, exercise, take, and enjoy all and every the Seigniories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Powers, Authorities, Liberties, Privileges, Advantages, and Emoluments whatsoever, to the said Manor belonging, appendant, appurtenant, or usually exercised, holden, or enjoyed therewith; and the said *William Spencer* Duke of *Devonshire*, Owner of the said Markets, and the Owner of the said Markets for the Time being, shall and may demand, exact, take, and enjoy ~~all such Rents, Tolls, Pickage, Stallage, free Customs, Dues, Duties, Profits, and Advantages,~~ with all Powers and Remedies for enforcing Payment thereof, in such and the like Manner and as fully and effectually to all Intents and Purposes as if this Act had not been passed.

XCVI. And be it further enacted, That this Act shall be deemed **Public Act.** and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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