



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xxix.

An Act to enable the *Chesterfield* Waterworks and Gaslight Company to extend their Undertaking ; and for other Purposes. [25th May 1855.]

WHEREAS an Act was passed in the Sixth Year of the 6 G.4. c.lxvi.
Reign of King *George* the Fourth, "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," and by the said Act the *Chesterfield* Waterworks and Gaslight Company was incorporated : And whereas the same Company forthwith proceeded in the Execution of their Act, and they have for many Years supplied and are still supplying Water and Gas within the Limits prescribed by the said Act ; and inasmuch as the Population of *Chesterfield* and its Neighbourhood has greatly increased, it is expedient that the Powers of the Company should be extended, and that they should be enabled to make new Reservoirs and construct additional Works : And whereas Plans and Sections of the intended new Reservoirs and Works, and of the Lands in which the same are to be constructed, and a Book of Reference to such Plans, containing the Names of the Owners and Lessees, or of the reputed Owners and Lessees, and of the Occupiers of the said Lands, have been deposited for public Inspection with the Clerk of the Peace for *Derbyshire* :
[*Local.*] 4 N And

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And whereas the Capital authorized by the said Act to be raised in Shares is Eight thousand Pounds divided into Three hundred and twenty Shares of Twenty-five Pounds each, the whole of which Sum has been subscribed and paid, and has been applied to the Purposes of the said Act; and the Company are by the said Act authorized to raise on Mortgage a Sum of Four thousand Pounds, and they have, in pursuance of the said Power, borrowed the said Sum of Four thousand Pounds, and the same is now due from the Company, and charged upon their Undertaking: And whereas, in addition to the said Share Capital of Eight thousand Pounds, the Company did, in the Year One thousand eight hundred and forty-six, raise an additional Sum of Three thousand two hundred Pounds in Three hundred and twenty Shares of Ten Pounds each, for the Purposes of their Undertaking, which Shares were apportioned among and are now held by the Holders of the original Shares in the Company, at the Rate of One new Share for every original Share, and the Company have likewise devoted to the Extension of their Works, out of the Profits which might have been divided among the Shareholders, a Sum exceeding Eight thousand Pounds, and it is fitting that the said Shares of Ten Pounds each should be declared to form Part of the Capital of the Company, that the Sum so contributed as aforesaid should be secured as herein-after enacted, and that the Company should also have Power to increase their Capital: And whereas the Company long since became possessed of and now hold, through their Trustees, a certain Iron Foundry in the Parish of *Brampton*, and the Land whereon the same is built, with respect to which Works Provisions are contained in the Forty-eighth Section of the recited Act, and it is expedient that the same should be legally vested in the Company, and that they should be enabled to demise or to sell the same Premises: And whereas it is convenient that the before-recited Act should be repealed, and that the Provisions herein-after contained should be enacted instead thereof: But inasmuch as these things cannot be done without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act
repealed, but
not to affect
Purchases.

I. The herein-before recited Act is hereby repealed, and the Company thereby incorporated is dissolved: Provided always, that the repealing of the said Act shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Contract, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, or executed under or by virtue or in pursuance of the said repealed Act; but all such Purchases, Sales, Conveyances, Grants, Contracts, Securities,

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Securities, Acts, Matters, and Things shall be and the same are hereby declared to be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the said Act had not been repealed.

II. From and immediately after the passing of this Act, the several Persons who at that Time were Shareholders in the *Chesterfield Waterworks and Gaslight Company*, and all other Persons who shall hereafter subscribe to the Undertaking, and the Executors, Administrators, and Assigns of the said Persons respectively, shall be and they are hereby united into One Company and Body Corporate by the Name of "*The Chesterfield Waterworks and Gaslight Company*," and by that Name they shall have perpetual Succession, and may purchase and hold and may sell and convey Lands for the Purposes of this Act, and within the Restrictions herein contained.

Incorporation of new Company.

Style of Company.

III. The said Company shall be re-established for the Purpose of supplying with Water the Town and Borough of *Chesterfield*, the Parish of *Brampton*, and the Townships of *Newbold*, *Walton*, *Tapton*, and *Hasland* in the Parish of *Chesterfield*, or some Parts thereof, all which Places are in *Derbyshire*, and also for the Purpose of manufacturing and selling Gas, and of lighting therewith the said Places; and the Company may do all Acts necessary or usual for the Purposes aforesaid or incidental thereto, including the Conversion, Manufacture, and Sale of secondary Products arising from the Distillation or Manipulation of Coal or other Materials from which Gas may be produced or made.

Purposes of the Company.

IV. From and immediately after the passing of this Act, all Lands, Reservoirs, Buildings, Works, Machinery, Apparatus, Plant, Pipes, Meters, Chattels, Shares, Bonds, Deeds, Securities, Books, Writings, Maps, Plans, and all other Personal Estate and Effects of or to which the dissolved Company was at the Time of the passing of this Act or immediately previously thereto seised, possessed, or entitled, at Law or in Equity, shall be vested in and belong to the Company hereby incorporated, for their absolute Benefit; and all Persons and Corporations who at the Time of the passing of this Act or immediately previously thereto shall owe any Sum of Money to the said dissolved Company, or to any Person on its Behalf, shall pay the same, together with all Interest, if any, due or to accrue due for the same, to the Company hereby incorporated; and all Monies which at the Time of the passing of this Act or immediately previously thereto shall be due and owing by or recoverable from the said dissolved Company, or for the Payment of which the same Company was or but for the passing of this Act would have been liable, shall be paid, with all Interest, if any, due or to accrue due thereon, by or be recoverable from the Company hereby incorporated: and the Company hereby incorporated shall

Effects, &c. vested in the new Company.

be

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be subject to all Liabilities, Obligations, Contracts, Claims, Demands, and Penalties to which the dissolved Company was or might have been at the Time of the passing of this Act, or immediately previously thereto or at any Time thereafter, subject, in like Manner as the dissolved Company would have been subject to the same if this Act had not been passed.

Contracts
and Agree-
ments to re-
main in force.

V. All Conveyances, Bonds, Contracts, Agreements, Covenants, and Securities, Rights, Powers, and Liabilities, existing or made or entered into upon or before the passing of this Act, to, with, or in favour of or by or for the dissolved Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of or against and with reference to the Company hereby incorporated as they were in favour of or against and with reference to the dissolved Company.

Contracts to
be com-
pleted.

VI. In all Cases in which the dissolved Company shall have upon or previously to the passing of this Act entered into any Contract or Agreement for the Purchase or Sale of any Lands or Works, Powers, Rights, or Privileges, which upon or before the passing of this Act shall not have been effectually conveyed or transferred to or by the same Company, or the Purchase Money in respect whereof shall not have been duly paid, then and in every such Case such Contract or Agreement, provided the same shall be valid and subsisting on the said Day, shall be completed by or in favour of, and such Lands, Works, Powers, Rights, and Privileges shall be conveyed and transferred to or by, the Company hereby incorporated, as the Case may require; and all the Clauses and Provisions of the Act under which such Contract or Agreement may have been entered into, or such Lands or Works, Powers, Rights, or Privileges, purchased, sold, or taken, with reference to such Contract, Agreement, Sale, or Purchase, or with reference to the Payment and Application of the Purchase Money, shall be read and construed as though the Company hereby incorporated had been named or referred to therein, in lieu of the dissolved Company.

Rights and
Penalties
saved, and
Evidence
continued.

VII. All Rights and Remedies which upon the Day of the passing of this Act shall be vested in any Person under the said Act hereby repealed shall continue, and the same shall be enforced against the Company hereby incorporated, and all Penalties and Forfeitures to which any Person on the said Day shall be liable under the said Act hereby repealed shall continue, and the same shall be enforced by the Company hereby incorporated, and all Matters by the said Act made Evidence of any other Matter or Thing shall continue Evidence of such Matter or Thing as if the said Act had not been repealed.

VIII. Except

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VIII. Except where otherwise provided by this Act, the Company hereby incorporated shall be and remain responsible and liable at Law and Equity for all Acts, Matters, or Things done or omitted to be done by the Company hereby dissolved, or otherwise howsoever, in the same Manner and to the same Extent as the Company hereby dissolved would have been liable in respect of the same; and all Suits, Actions, and Proceedings which in any Court or before any Magistrate, but for the passing of this Act, might have been brought in the Name of the said dissolved Company, may be brought or prosecuted in the Name of the Company hereby incorporated; and all Suits, Actions, and Proceedings in any Court or before any Magistrate which but for the passing of this Act might have been brought or prosecuted against the said dissolved Company may be brought or prosecuted against the Company hereby incorporated; and the like Judgment and Remedy may be had and obtained for or against the Company hereby incorporated that might have been had and obtained for or against the dissolved Company if this Act had not been passed.

Suits liable to be brought by or against dissolved Company may be brought by or against the Company.

IX. No Action, Suit, Prosecution, or other Proceeding whatsoever, commenced or carried on by or against the dissolved Company previously to the Day of the passing of this Act, shall abate or be discontinued or be prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the Company hereby incorporated in the same Manner in all respects as if the said Action and Prosecution or Proceeding had originally been commenced by or against the Company hereby incorporated: Provided always, that any such Action, Suit, Prosecution, or other Proceeding shall be continued in the Name of the dissolved Company, and in the same Form as if this Act had not been passed.

Actions, &c. not to abate.

X. All Officers and Persons appointed under the recited Act shall hold their respective Offices and Employments according to the Terms of their Appointments until Appointments of other Officers and Persons shall be made under this Act, or until they shall be removed by the Directors of the Company hereby incorporated; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and shall be liable to the same Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed under this Act.

Officers under recited Act to continue until removed.

XI. All Officers or Persons who upon or after the Day of the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects, under or by virtue of any of the Provisions of the recited Act, shall be liable to account for and to deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the Company hereby

Officers under former Act to account.

[Local.]

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incorporated,

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incorporated, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act, and all Bonds, Guarantees, or Suretyships by any Person or Persons, for the faithful Execution by any such Officer or Person of his Office or Employment, already made and executed to the said dissolved Company, shall still continue and remain in force to the Company hereby incorporated, and be recoverable upon by such last-mentioned Company, as if actually made thereto.

8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 15. incor-
porated.

XII. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Waterworks Clauses Act, 1847," and "The Gasworks Clauses Act, 1847," shall be incorporated with and form Part of this Act: Provided always, that nothing contained in the said "Lands Clauses Consolidation Act, 1845," shall authorize the Company hereby incorporated to take or use any Land for the Purpose of their said Gasworks unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof, and that nothing herein contained shall authorize the Company to erect Works for the Manufacture of Gas upon any other Land than that now occupied by their Gasworks.

Capital.

XIII. Every Person who at the Time of the passing of this Act holds an original Share of Twenty-five Pounds and a Share of Ten Pounds in the Capital of the dissolved Company shall, upon delivering up the Certificates for the same Two Shares to be cancelled, receive in the Stead thereof a Certificate that he is the Proprietor of Thirty-five Pounds in the Capital Stock of the Company hereby incorporated, and shall be so registered accordingly, and such Stock shall be called the "Ordinary Stock" of the Company; and every Person in whom any Portion of the Stock of the Company hereby incorporated shall be vested, in pursuance of the Provisions in this Section contained, shall hold the same under the same Trusts and for the same Purposes and subject to the same Liens as affected the Shares in respect of which such Stock was issued: Provided always, that nothing herein contained shall oblige the Company hereby incorporated to see to the Execution of such Trusts or to the Satisfaction of such Liens.

Power to
create a new
Stock of
8,000*l.*, to
bear a per-
petual Divi-
dend of 5
per Cent.

XIV. And as to the said Sum of Eight thousand Pounds so expended on the Extension of the Works of the Company, be it enacted, That it shall be lawful for the Directors and they are hereby required, within Three Months after the passing of this Act, to create a Stock of like Amount, bearing a perpetual Dividend, not exceeding the Rate of Five *per Centum per Annum*, and to apportion the said Stock rateably

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rateably among the Proprietors at that Time of original Shares of Twenty-five Pounds in the Capital of the Company, and to grant to such Proprietors Certificates that they are the Holders of such new Stock, and to register such Proprietors accordingly.

XV. It shall be lawful for the Company hereby incorporated, from Time to Time, with the Consent of not less than Three Fifths of the Proprietors present, in Person or by Proxy, at any Extraordinary General Meeting (convened with Notice of the Matter to be discussed), to raise by the Issue of new Shares a further Sum or Sums of Money not exceeding in the whole Twenty thousand Pounds, and for that Purpose from Time to Time to issue Shares of such nominal Amount, in such Manner, and under and subject to such Terms and Conditions in all respects, as the said Meeting may determine, and to attach to such Shares or to any of them a fixed yearly Dividend, at a Rate not exceeding Five *per Centum*, to be paid in preference to the Payment of Dividend on any other Shares or Stock of the Company: Provided always, that the said Shares shall in the first instance be offered to Sale by public Auction in the Town of *Chesterfield*, after not less than Fourteen Days Notice of such Sale advertised once in not less than Two Papers circulated in the said Town; and any Premium paid for such Shares shall be applicable to the general Purposes of the Company hereby incorporated, but shall not be entitled to Dividend.

Power to raise additional Capital by Creation of new Shares.

XVI. Provided also, That if a preferential Dividend shall not be attached to the said new Shares, or with respect to such thereof as shall not have attached to them any preferential Dividend, no greater Dividend shall ever be paid thereon in any Year than at the Rate of Seven Pounds and Ten Shillings upon every One hundred Pounds paid up in respect of the said Shares, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate.

Limitation of Dividend on new Capital.

XVII. The several Persons in whom the Stock of the Company hereby incorporated shall be vested shall be entitled to One Vote at the Ordinary or Extraordinary General Meetings of the Company for every Thirty-five Pounds of Stock held by them; and any Persons entitled to any Shares by this Act authorized to be created shall, upon the like Scale of Amount paid up by them, be entitled to vote at such Meetings.

Manner of voting in respect of Stock or Shares.

XVIII. It shall be lawful for the Company hereby incorporated, and they are hereby empowered, when and as soon as the additional Capital of Twenty thousand Pounds shall have been subscribed, and One Third thereof paid up, to borrow on Mortgage or Bond any Sum of Money, so that the Sums due by the Company hereby incorporated,

Power to borrow on Mortgage.

on

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Not bound
to see to the
Execution of
Trusts of
Mortgages
or Bonds.

on Mortgage or Bond, (inclusive of the said Sum of Four thousand Pounds so due and owing upon the Mortgages of the dissolved Company,) shall not exceed in the whole the Sum of Ten thousand five hundred Pounds, and shall not at any Time exceed One Third of the Share Capital of the Company at that Time paid up; and the Company hereby incorporated shall not be bound to see to the Execution of any Trusts, whether express, implied, or constructive, to which any Mortgage or Bond may be subject: Provided always, that the Mortgages already granted by the dissolved Company shall during the Subsistence thereof rank before the Mortgages or Bonds granted by virtue of this Act.

Number of
Directors.

XIX. The Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession by him of Capital Stock to the Amount of One hundred and seventy-five Pounds at the least, or of Shares equivalent to the same Amount: Provided always, that the Persons who at the Time of the passing of this Act were the Committee of Management of the dissolved Company shall be the First Directors of the Company hereby incorporated; and provided also, that it shall be lawful for the Company, by the Vote of any General Meeting thereof, convened with due Notice of the Matter, to reduce the Number of Directors from Time to Time, but so that there shall not be at any Time fewer than Six Directors.

Remunera-
tion to
Directors.

XX. It shall be lawful for the Company hereby incorporated, at any of their General Meetings, to fix and determine what Remuneration (if any), not exceeding One hundred and twenty Pounds *per Annum*, shall be made to the Directors for the Time being, for their Time and Trouble in conducting the Affairs of the Company, and to direct the Amount of such Remuneration to be paid to such Directors out of the Funds of the Company hereby incorporated.

Power to
execute
Works
herein
named.

XXI. It shall be lawful for the Company (subject to the Provisions contained in this Act and in the Acts incorporated therewith) to make and maintain, upon the Lands delineated on the said Plans and described in the said Book of Reference, the following Works; namely,

A Reservoir upon a Stream called *Linacre Brook* or *Holme Brook* in *Linacre Wood*, the Property of his Grace the Duke of *Devonshire*, at about Half a Mile above the Point where the said Brook is now diverted by the Company, together with all necessary Dams, Banks, Bye Channels, Mains, Sluices, and other Works connected therewith, for the Purpose of impounding therein the Waters, or a Portion thereof, of the said Brook, and which said Reservoir and other Works connected therewith will be wholly situate in the said Parish and Township of *Brampton*:

One

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One other Reservoir, a short Distance North-eastward of "*Club Mill*," and between the said Mill and *Newbold Back Lane*, with all such Works as aforesaid connected therewith, which Reservoir will be wholly within the said Township of *Newbold* :

And also Aqueducts or Conduits to communicate with the said Reservoirs :

And it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for that Purpose, or to agree for a Lease of such Lands, and to impound the Waters of *Holme* or *Linacre Brook* at the Place shown on the said Plan, and to use so much of the said Waters as may be necessary for the Supply of the Inhabitants within the Limits herein-before defined.

XXII. Whereas the Construction of the Works by this Act authorized will seriously interfere with certain Property of the Most Noble *William Spencer* Duke of *Devonshire* : And whereas, for the Purpose of settling the Compensation to be made to the said Duke for such Interference, and to make Provision for certain Matters required by the said Duke as the Condition of his Assent to the same, a certain Deed of Agreement was entered into, bearing Date the Sixteenth Day of *March* One thousand eight hundred and fifty-five, made between the Company dissolved by virtue of this Act of the one Part and the said Duke of *Devonshire* of the other Part : Be it enacted, That the said Agreement of the Sixteenth Day of *March* One thousand eight hundred and fifty-five, and all and every the Clauses, Matters, and Things therein contained, shall be binding upon the said Company hereby incorporated, their Successors and Assigns, who are hereby empowered and required to carry the same into effect, and at all Times hereafter to abide by, perform, and fulfil the same in all respects whatsoever,

As to interfering with certain Property of the Duke of Devonshire.

XXIII. The Reservoirs hereby authorized to be made shall be completed within Three Years from the passing of this Act, and after the Expiration of the said Period the Powers granted to the Company for the Execution of the same or in relation thereto shall cease to be exercised, except as to so much thereof as shall then be executed ; and it shall not be lawful for the Company to declare any Dividend upon their Ordinary Stock or Capital after the Thirty-first Day of *December* One thousand eight hundred and fifty-eight, until the said Reservoirs and Works shall be completed to the Satisfaction of Sir *Joseph Paxton*, or in case of his Death, Refusal or Incapacity to act, then of some Engineer to be mutually named by the said Duke of *Devonshire*, or the Person or Persons who for the Time being shall be entitled to the Benefits of the said Agreement of the Sixteenth Day of *March* One thousand eight hundred and fifty-five, and the said Company, or in case they cannot agree, then of some Engineer

Period for Completion of Works.

[*Local.*]

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to

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to be named by the Recorder of *Derby*, on the Application of either of the said Parties, after Three Days Notice in Writing given to the other of such Parties, and all Costs of the Reference to the said *Sir Joseph Paxton* or such Engineer, or in anywise relating thereto, shall be borne and paid by the Company.

Power for
Justices to
order Repair
of Reservoirs,
and in cer-
tain Cases to
direct the
Water
therein to be
lowered.

XXIV. In order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That whenever it shall be represented to Two Justices, by the Owners or Occupiers of any Dwelling House, Mill, or Factory situate below any such Reservoir, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that the Embankment by which the Water is retained in such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if they shall be satisfied that such Embankment is in a dangerous State, they shall, by Writing under their Hands, order and require the Company, within a Time to be specified in such Writing, to put such Embankment into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Company shall not within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order or of any other Two Justices, have repaired the said Embankment or constructed the said Works, or in case, upon receiving such Representation as aforesaid, the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands, order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom they may think proper, to enter upon the Premises of the Company, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir as may be necessary to remove the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Embankment shall have been repaired, or such Work as aforesaid shall have been constructed, to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices, and which Two Justices shall signify their Satisfaction by Writing, superseding such Order, or until such Order shall be superseded, upon Appeal, as herein-after mentioned; and such Order may be in the Form or to the Purport and Effect following; that is to say,

‘ To *A.B.*

WE, the undersigned, Two of Her Majesty's Justices of the Peace acting in and for the County of *Derby*, do hereby order and
‘ direct you, and such Person or Persons as you may require to aid
‘ and assist you herein, forthwith to do all such Acts as may be
‘ necessary to lower the Water in the Reservoir constructed by you
‘ under

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under the Powers of the Chesterfield Waterworks and Gaslight Com-
pany's Act by the Space of Feet, or thereabouts, and to
keep the same at that Level until you shall be further instructed by
us, or by Two other Justices of the Peace, acting in and for the said
County; and you shall do as little Injury as possible to the Property
of the Company; and in acting in obedience to the Premises this shall
be your sufficient Warrant. Given under our Hands this
Day of in the Year of our Lord .

‘ (Signed) C.D.
‘ E.F.’

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser; and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any Act in contravention of such Order, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: Provided always, that, except where the Urgency of the Case will not admit of the Delay, the Justices, before making an Order to repair any such Embankment, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Company, and shall hear and consider any Evidence that may be tendered on behalf of the Company against the making of such Order.

XXV. Provided also, That if the Company shall consider themselves aggrieved by any such Order they may appeal against the same to any Quarter Sessions, upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal; and the Court of Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices as they may think proper; but until such Order shall be superseded it shall continue in full Force; and all the Costs, Charges, and Expenses of applying for, obtaining, and enforcing such Order shall be borne by the Company, unless the Justices making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do; and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Court of Quarter Sessions.

Power to
Company to
appeal from
Order of
Justices.

XXVI. In addition to the Lands authorized to be purchased as aforesaid, it shall be lawful for the Company to contract with any Party willing to sell or lease the same for the Purchase or Lease of any Land not exceeding in Quantity Ten Acres, and any Easement, Power, or Authority in or over the same which shall be deemed proper or expedient for the Purposes of the Undertaking: Provided always, that it shall not be lawful for the Company to hold and use, for the Purpose of their Gasworks, more than Three Acres; and

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it shall be lawful for all Persons who, under the Provisions herein-before contained, would be enabled to sell or convey or to grant a Lease of Lands required for the said Undertaking, to sell and convey or to grant a Lease of such additional Quantity of Land to the said Company; and a certain Lease already granted to the Company by the Most Noble *William Spencer* Duke of *Devonshire*, and bearing Date the Sixteenth Day of *June* One thousand eight hundred and twenty-eight, is hereby confirmed.

Owners may grant Lands, in consideration of an annual Rent-charge.

XXVII. The Persons empowered by "The Lands Clauses Consolidation Act, 1845," to convey Lands shall have full Power to grant any Lands for the Purposes of this Act, or any Easement, Power, or Authority in or over such Lands, in consideration of a fixed and invariable annual Rentcharge, and the Company may subsequently purchase the Discharge thereof from the Rents and Covenants reserved or contained in any such Grant.

In case of a Purchase from Parties under Disability, in consideration of an annual Rent-charge, the best yearly Rent to be Reserved.

XXVIII. Provided always, That in every Case of a Purchase under the Provisions of this Act (otherwise than for a Sum in gross) of any Lands or Springs, or of any Easement, Liberty, Privilege, Power, or Authority in or over the same, from any Party under any Disability or Incapacity, and not having Power to sell or convey the same, except under the Provisions of this Act and of "The Lands Clauses Consolidation Act, 1845," there shall be reserved and made payable by the Company the best yearly Rent in respect of the Subject Matter of such Purchase, but no Fine, Premium, or Foregift shall be paid by the Company.

As to Forge Works.

XXIX. It shall be lawful for the Company to accept from their Trustees a Transfer or Conveyance of and to hold, and it shall also be lawful for them or for their Trustees (with the Consent of the Company, testified by their Common Seal,) to demise for a Term of Years or in perpetuity, or to sell, a certain Iron Foundry situate near the Town of *Chesterfield*, and formerly carried on under the Firm of *Ebenezer Smith* and Company, late in the Occupation of *William Waller* the younger, but now void.

Limitation as to constant high Pressure.

XXX. The Water to be supplied by the Company need not be constantly laid on under Pressure in such Parts of the Townships and Places which they are herein-before required to supply as are above the Level of the intended Service Reservoir of the Company shown on the said deposited Plans.

Rates for the Supply of Water.

XXXI. The Company shall furnish to the Owner or Occupier of any House who shall be entitled to demand and who shall demand a Supply of Water for domestic Use, including Waterclosets, a sufficient Supply thereof at the following annual Rents or Prices, according

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according to the Poor Rate Assessment of such Houses for the Time being ; that is to say,

				£	s.	d.		
For any House of which the yearly Value does not amount to	£4	-		0	6	0		
And of which the yearly Value amounts to	} £4 and does not amount to £6	-		0	8	0		
"		£6	"	"	£8	-	0	10
"	£8	"	"	£10	-	0	12	0
"	£10	"	"	£12	-	0	15	0
"	£12	"	"	£15	-	0	17	0
"	£15	"	"	£20	-	1	0	0
"	£20	"	"	£25	-	1	5	0
"	£25	"	"	£30	-	1	10	0
"	£30	"	"	£35	-	1	15	0
"	£35	"	"	£40	-	2	0	0
"	£40	"	"	£45	-	2	5	0
"	£45	"	"	£50	-	2	10	0
"	£50	"	"	£55	-	2	15	0
"	£55	"	"	£60	-	3	0	0
"	£60	"	"	£65	-	3	5	0
"	£65	"	"	£70	-	3	10	0
"	£70	"	"	£75	-	3	15	0
"	£75	"	"	£80	-	4	0	0

XXXII. It shall be lawful for the Company to demand and take for a Year's Supply to every Bath in or belonging to a Dwelling House Payments not exceeding the following Rates, namely,

As to Supply of Water to Baths.

Where the annual Value of such Dwelling House does not exceed Ten Pounds, the Sum of Five Shillings ;
Where the annual Value of such Dwelling House shall exceed Ten Pounds but shall not exceed Twenty Pounds, the Sum of Six Shillings ;
Where the annual Value of such Dwelling House shall exceed Twenty Pounds but shall not exceed Fifty Pounds, the Sum of Seven Shillings ;
Where the annual Value of such Dwelling House shall exceed Fifty Pounds but shall not exceed One hundred Pounds, the Sum of Eight Shillings and Sixpence ;
And for each additional private Bath, if more than One, in any of the aforesaid Cases, the Sum of Four Shillings *per Annum* :
Provided always, that the Company shall not be compelled to supply any Watercloset or Bath in any House, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air and other noisome or impure Matter into the Mains or other Pipes of the Company.

XXXIII. A Supply of Water for domestic Purposes shall not include a Supply of Water for Machinery, Railways, or for any Trade or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

What shall be deemed domestic Purposes.

[Local.]

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XXXIV. It

The Chesterfield Waterworks and Gaslight Company's Act, 1855.

Rate for
Water for
other than
domestic
Purposes.

XXXIV. It shall be lawful for the Company, so long as they can do so without interfering with the due Supply, in pursuance of the Provisions of the Waterworks Clauses Act, of the Inhabitants within the Limits of this Act, and the Company are hereby required, to supply Water for other than domestic Purposes to all Persons who shall demand the same, and who, according to the Provisions of this Act and of the said Waterworks Clauses Act, are entitled to demand a Supply of Water for domestic Purposes; and the Company may demand for any Quantity so supplied in any One Year not being less than Five hundred thousand Gallons at the Rate of Eightpence for every Thousand Gallons: Provided always, that for any smaller Quantity than Five hundred thousand Gallons supplied by the Company in any One Year for other than domestic Purposes it shall be lawful for the Company to charge such Rates and to supply the same upon such Terms and Conditions as may be agreed on between the Company and the Persons demanding the same, but so that in no Case the maximum Price for such smaller Quantity shall exceed the Sum of Sixteen Pounds Thirteen Shillings and Fourpence.

Price of Gas.

XXXV. The Price to be charged for a Supply of Gas shall not exceed Five Shillings and Sixpence for every Thousand Cubic Feet.

Expenses of
Act.

XXXVI. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company.

Short Title.

XXXVII. In citing this Act it shall be sufficient to use the Expression "*The Chesterfield Waterworks and Gaslight Company's Act, 1855.*"

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