



ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxv.

An Act to authorize the Enlargement and Maintenance of existing Waterworks in the Township of *Glossop* in the Parish of *Glossop* in the County of *Derby*, and the Construction of new Waterworks, and to authorize the Sale of such Waterworks and the Purchase thereof; and for other Purposes. [19th June 1865.]

WHEREAS the Right Honourable *Edward George Fitzalan Howard*, commonly and herein-after called "*Lord Edward Howard*," is, as Tenant for his own Life, seised of or otherwise well entitled to certain Lands and Streams of Water called the "*Blackshaw Stream*" and "*the Blackshaw Clough Stream*" situate in the Township of *Glossop* in the Parish of *Glossop* in the County of *Derby*, subject nevertheless to the Claims and Rights of certain Persons to use the Waters of the said Streams: And whereas certain Reservoirs and Waterworks constructed upon the said Lands and in connexion with the said Streams have for some Time past supplied the Town of *Glossop* or Parts thereof with Water: And whereas it will be of great Advantage to the said Town and certain Parts of the said Township of *Glossop* that the Supply of Water heretofore
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afforded shall be continued, and that an additional Supply of Water shall be afforded to the said Town and certain Parts of the said Township of *Glossop* and the Inhabitants thereof for domestic, manufacturing, and other Purposes: And whereas there is not as yet any Local Authority constituted for the said Town or Township of *Glossop* or any Part thereof: And whereas it is expedient for the Purposes of this Act that any Local Authority, as in this Act interpreted, should be empowered to become the Purchasers of the Undertaking hereby authorized, and to raise Money by borrowing on Mortgage of the said Undertaking, and of any Funds or Rates which such Local Authority may become possessed of or be empowered to levy: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: And whereas Plans and Sections showing the Lines, Situations, and Levels of the proposed Works, and the Lands required to be taken or used for the same, have been deposited with the Clerk of the Peace for the County of *Derby*, which Plans, Sections, and Books of Reference are herein-after referred to as "the deposited Plans, Sections, and Books of Reference:" May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may be cited for any Purpose as "*The Glossop Waterworks Act, 1865.*"

8 & 9 Vict.
c. 18.,
10 & 11 Vict.
cc. 16. & 17.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 93. & 118.
incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Commissioners Clauses Act, 1847," "The Waterworks Clauses Act, 1847," and "The Waterworks Clauses Act, 1863," shall be incorporated with and form Part of this Act, and the Provisions of the said Acts respectively shall be applicable to the Purposes of this Act, except so far as the same Provisions, or any of them, are inconsistent with the Provisions of this Act, or are herein-after declared not to extend thereto.

Same Meanings as in incorporated Acts.

3. The several Terms to which Meanings are assigned by the Acts incorporated with this Act have in this Act the same respective Meanings, except and unless herein otherwise declared.

Interpretation of Terms.

4. In construing this Act—
The Word "Undertaking" shall include all the Works hereby authorized, whether now existing and executed or hereafter to be executed:
The Word "Person" shall include the Heirs, Executors, Administrators, or Assigns of such Person, and shall include the Word "Corporation:"

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The Words "Local Authority" shall include any Corporate Body of Mayor, Aldermen, and Burgesses who may hereafter be incorporated for any Borough to be formed out of the said Township of *Glossop* or any Part thereof, or any Local Board which may be hereafter constituted pursuant to the "Local Government Act, 1858," for any District comprising the Hamlet of *Glossop* or any Part thereof, either alone or conjointly with any other Part of the said Township of *Glossop* :

The Word "Assigns" shall include any Local Authority as herein interpreted :

The Word "Lands" shall include Easements to be exercised in, under, or over Lands, and shall also include the existing Pipes, Mains, Branch Mains, and Service Pipes belonging to or connected with the said Reservoirs and Waterworks, and whether laid down or placed in, under, or upon Lands to which Lord *Edward Howard* is entitled for his Life as aforesaid, or in, under, or upon any public Highways or public Places, or in, under, or upon any other Lands whatsoever :

The Term "Superior Court" or "Court of competent Jurisdiction" shall be read and have effect as if the Debt or Demand with reference to which the Term is used were a common Simple Contract Debt, and not a Debt created by Statute.

5. The Limits of this Act shall comprise and include the Hamlets of *Glossop*, *Whitfield*, *Dinting*, and *Simmondley*, all within the said Township of *Glossop*. Limits of Act.

6. Subject and according to the Provisions of this Act and the Acts incorporated herewith, Lord *Edward Howard*, his Heirs and Assigns, may enter upon, take, and use such of the Lands described in the deposited Plans and Book of Reference, and such Rights and Easements in, upon, and over the same Lands, and the existing Pipes, Mains, Branch Mains, and Service Pipes, or any of them, as he or they may deem expedient, and he and they are hereby authorized, subject and according to the Provisions aforesaid, to carry this Act into execution, and to maintain, so far as already constructed, laid down, and executed, and further to make, enlarge, construct, lay down, and maintain, in the Situation and Line and according to the Levels shown in the said deposited Plans and described in the said Book of Reference, the several Works following ; (that is to say,) Power to maintain existing, and make and maintain new Works.

To maintain, subject to the Enlargement and Reconstruction hereinafter mentioned, the Two existing Reservoirs of Water known as the *Swineshaw* Reservoirs situate in the Hamlet of *Glossop* in the Township of *Glossop* aforesaid, and to maintain so long as shall be deemed advisable the existing Conduit or Catch-water
Drain

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Drain commencing at the *Blackshaw Clough Stream*, above and near to the Weir on the same Stream, and terminating in the larger of the said *Swineshaw Reservoirs* :

To maintain and continue the Supply of Water to the said Two *Swineshaw Reservoirs* from the *Blackshaw Stream* and the *Blackshaw Clough Stream*, or any other Streams or Waters now supplying the same Two Reservoirs :

To maintain the existing Reservoir on the *Blackshaw Clough Stream* situate in the Hamlet of *Glossop* aforesaid, near to and immediately above the Goit leading to a Mill now in the Occupation of *Thomas Pattison Sykes* :

To enlarge the said Two *Swineshaw Reservoirs*, and to improve and alter the same Reservoirs, and increase the Depth thereof, and convert them into One Reservoir :

To make and maintain a Conduit or Catch-water Drain commencing from a Point on the said *Blackshaw Clough Stream*, near the Weir on the said Stream, at which the Waters thereof are now diverted into the existing Reservoirs, or One of them, and terminating at the most Easterly Corner of the said *Swineshaw Reservoir* as intended to be enlarged :

To make and maintain a new Reservoir situate on the *Blackshaw Stream* Six Chains or thereabouts above the North-westerly End of the existing *Swineshaw Reservoirs*, measured in a North-westerly Direction :

To construct, lay down, and maintain Lines of Pipes commencing from and out of the Southern Ends of the said *Swineshaw Reservoirs*, and terminating at the Northern End of the said Reservoir on the *Blackshaw Clough Stream* :

To maintain and to alter and improve the existing Aqueduct or Line of Pipes commencing at the Weir of the larger and more Westerly of the said *Swineshaw Reservoirs* at or near the lower End thereof, and terminating at or near the *Glossop Town Hall* :

To maintain all and singular other Pipes, Mains, Branch Mains, Service Pipes, and Waterworks of Lord *Edward Howard*, or to which he is now entitled for Life, now existing in the said Township of *Glossop* :

To make and maintain all Embankments, Filtering Beds, Dams, Sluices, Cuts, Channels, Drains, Pipes, Wells, Tanks, Engines, and other Conveniences necessary or desirable in connexion with the before-mentioned Works, and for collecting, cleansing, and storing up the Waters of the said Streams.

General
Works for
Collection
and Diver-
sion of
Water.

7. It shall be lawful for Lord *Edward Howard*, his Heirs and Assigns, to take, collect, and divert into the existing and into the enlarged and new Reservoirs and Works by this Act authorized, and therein

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therein to impound and thence distribute, the Waters of the Stream, Brook, or Watercourse known as *Blackshaw Stream*, and of all other Streams, Brooks, Springs, Watercourses, Surface and other Waters flowing directly or derivatively into the said *Blackshaw Stream*, and also One Half of the Waters of the *Blackshaw Clough Stream*, and of all other Streams, Brooks, Springs, Watercourses, Surface and other Waters flowing directly or derivatively into the same which will or can be intercepted by the proposed Works, and for the Purposes aforesaid to divert and alter the Course of any such Brooks, Streams, Springs, and Surface or other Water to the Extent and in the Manner shown on the deposited Plans, and use all the said Waters for the Purpose of supplying Water within the Limits of this Act in manner by this Act provided, and according to the Powers thereof, and the Water impounded in the Reservoirs and Works hereby authorized shall belong to Lord *Edward Howard*, his Heirs and Assigns: Provided always, that nothing in this Act contained shall authorize the said Lord *Edward Howard*, his Heirs or Assigns, to take or use any Part of the Waters flowing down the *Shelf Brook* or the *Shittern Clough Stream* respectively.

8. Provided always, That the said Lord *Edward Howard*, his Heirs and Assigns, shall and he and they are hereby required to divert and convey the other Half of the Waters of the said *Blackshaw Clough Stream*, and of the said other Streams, Brooks, Springs, Watercourses, Surface and other Waters flowing directly or derivatively into the said *Blackshaw Clough Stream*, past the Eastern Side of the Reservoir No. 32. on the deposited Plans, and to turn the same into the main Watercourse at a Point below the Compensation Gauge herein-after mentioned and provided.

As to Di-
version of
Portion of
Waters of
Blackshaw
Stream.

9. Lord *Edward Howard*, his Heirs and Assigns, in constructing the Works authorized by this Act, may deviate laterally from the Lines thereof delineated on the deposited Plans to any Extent within the Limits of Deviation defined on those Plans, and may also deviate vertically from the Levels shown on the deposited Sections to any Extent not exceeding Three Feet upwards or downwards in any Case.

Power to
deviate.

10. If the Works authorized by this Act are not completed within Five Years after the passing of this Act, then on the Expiration of that Time the Powers of this Act given to Lord *Edward Howard*, his Heirs and Assigns, for the Construction of those Works, or in relation thereto, shall cease to be exercised, except as to so much of the said Works as shall then be completed: Provided, that nothing in this Act shall restrict Lord *Edward Howard*, his Heirs or Assigns, from executing Works for the Storage, Distribution, or Supply of

Time for
Completion.

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Water,

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Water, or extending, enlarging, altering, or renewing or making any Reservoirs, Mains, or Pipes, or other Works, at any Time and from Time to Time as he or they may deem necessary for the Purposes of the Undertaking hereby authorized.

Compensa-
tion Supply.

11. Lord *Edward Howard*, his Heirs and Assigns, shall and they are hereby required, after the Expiration of Two Years from the passing of this Act, to discharge from and out of the said Reservoirs, or some or One of them, and the *Blackshaw Clough Stream*, below the said Reservoir No. 32. in the said deposited Plan, for the Supply of the Mills and other Works on the Rivers, Brooks, and Streams below the said Reservoirs, as Compensation to all Parties interested in the Supply of Water below the Works authorized by this Act, a Quantity of Water not being less than Twenty-one Cubic Feet *per Minute* in a regular, equal, constant, and continuous Supply, unless prevented by unavoidable Accident.

Gauges and
Access
thereto.

12. Lord *Edward Howard*, his Heirs and Assigns, is and are hereby required at his and their Expense, for the Purpose of equally dividing the Waters of the said *Blackshaw Clough Stream*, to make and construct, within Two Years after the passing of this Act, and for ever after maintain, a proper Gauge, with all necessary Works, at a Point within Fifty Yards of the Letter X. on the deposited Plan, so that One Half of the Waters of the said *Blackshaw Clough Stream* shall continue to flow down the same, and the other Half of the said Waters of the same Stream shall be abstracted and diverted for the Purposes of this Act, and he and they are hereby required, for the Purposes of ascertaining the actual Quantity of Water passing out of the said Reservoirs, some or One of them, for the Purpose of such Compensation Supply as aforesaid, to make and construct, within Two Years after the passing of this Act, and for ever hereafter maintain, within Fifty Yards from the Foot of the said Reservoir No. 32. in the said deposited Plan, a proper Gauge, with all necessary Works; and it shall be lawful for any of the Occupiers of the said Mills or Works, and for the Mayor for the Time being of the Borough of *Stockport*, by themselves, their Agents, Officers, and Servants, authorized in Writing, to have Access at all Times to the said Gauges for the Purpose of ascertaining the proper Division and Discharge of the said Waters, and of measuring and gauging the Quantity of Water from Time to Time passing through or over the same.

Penalty on
Failure to
supply Com-
pensation
Water.

13. In case Lord *Edward Howard*, his Heirs or Assigns, shall wilfully or after written Notice negligently fail to discharge the Quantity of Water required as aforesaid to be discharged from and out of the said Reservoirs, some or One of them, Lord *Edward Howard*, his Heirs or Assigns, shall, for and during every Day on which

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which such Failure shall occur, forfeit and pay by way of Penalty to the Occupier or Occupiers of any of the Mills and Works now existing which shall be affected thereby, and the Occupier or Occupiers of which shall actually have received Damage and incurred Loss by reason of such Failure, (such Mills or Works not being lower down the Stream of the River *Mersey* than the present *Heaton Mersey* Mills, now occupied by Mr. *Mortimer Lavater Tait*,) the Sum of Five Pounds, such Penalty or Penalties to be recovered in the Manner in which Penalties not otherwise provided for are directed to be recovered by "The Waterworks Clauses Act, 1847," and to be in full Satisfaction of all Damage and Loss as aforesaid.

14. It shall be lawful for Lord *Edward Howard*, his Heirs and Assigns, and his and their Agents, Servants, and Workmen, to draw and let off the Waters of the said Reservoirs or any of them when and so often as he or they shall deem expedient for the Purpose of reconstructing, altering, and enlarging or repairing either the existing Reservoirs and Works, or any of them, or any Reservoirs and Works to be hereafter made or enlarged or reconstructed: Provided always, that Lord *Edward Howard*, his Heirs or Assigns, shall continue the Supply of Compensation Water as aforesaid for the Use of the Occupiers of Mills and Works on the *Glossop Brook* during such Repairs. Provision for Repairs.

15. After the Expiration of Two Years from the passing of this Act, Lord *Edward Howard*, his Heirs and Assigns, shall not use, divert, interfere with, detain, or appropriate for the Supply of the Inhabitants within the Limits of this Act any of the Waters authorized to be hereby used, diverted, interfered with, detained, or appropriated, unless and until One or more of the Reservoirs delineated on the deposited Plans, other than the said *Blackshaw* Reservoir, shall be so far completed and so far filled with Water as that Water shall be capable of being discharged and be discharged therefrom into the Watercourse below the *Blackshaw* Reservoir in the Quantity and Manner herein-after provided. Water not to be diverted till Compensation Water can be discharged.

16. Any Person empowered to sell and convey or release Lands for the Purposes of this Act, other than and except Lord *Edward Howard*, shall have Power, in consideration of any yearly or other Rent or otherwise, to grant, and Lord *Edward Howard*, his Heirs and Assigns, shall have Power to purchase and hold accordingly, any Term, Estate, Right, Easement, or Interest in or over those Lands or any of them; and the Powers which, but for the above Exception, might under this Clause be exercised by Lord *Edward Howard*, may, during his Life, be exercised by the Person or Persons who, if Lord *Edward Howard* were dead, would from Time to Time be competent to exercise the same. Power for Grant of Term, &c.

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Applica-
tion of
23 & 24 Vict.
c. 106. as to
Easements.

17. For the Purposes of this Act the several Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to Lands and Rentcharges, so far as the same respectively are applicable in that Behalf, shall extend and apply to Easements and Rentcharges reserved by Grants of Easements respectively.

Vesting of
Lands.

18. All Lands and Hereditaments from Time to Time purchased for the Purposes of the said Undertaking shall be conveyed to and vested in Lord *Edward Howard*, his Heirs or Assigns, as the Case may be, and as the Execution of the Undertaking shall then be vested in him or them.

Conveyances
of such
Lands.

19. The Form of Conveyance of Lands prescribed by "The Lands Clauses Consolidation Act, 1845," may be used, with the requisite Alterations thereof, for all Conveyances of Lands, Hereditaments, or Easements authorized by this Act.

Power to
take addi-
tional Lands
for extra-
ordinary
Purposes.

20. Lord *Edward Howard*, his Heirs and Assigns, may from Time to Time purchase by Agreement and hold, in addition to the Lands described in the deposited Plans and Book of Reference, any Lands not exceeding in Quantity in the whole at any One Time Ten Acres for extraordinary Purposes, that is to say, for the Purpose of making, enlarging, altering, or improving any Reservoirs, Drains, or Pipes, or any other Works which Lord *Edward Howard*, his Heirs or Assigns, may think beneficial for the Purposes of the Undertaking: Provided always, that the said Lord *Edward Howard*, his Heirs and Assigns, shall not by this Clause acquire any Rights or Powers to take, divert, or impound Water other than as authorized by this Act.

On Sale of
Lands Re-
strictions
may be im-
posed.

21. On any Sale by Lord *Edward Howard*, his Heirs or Devisees, of any Lands acquired under this Act, the Vendor or Vendors may reserve to himself or themselves all or any Part of the Water or Water Rights, and other Easements belonging thereto, and may make the Sale subject to such Reservation accordingly, and also subject to such other Reservations, special Conditions, Restrictions, and Provisions with respect to Use of Water, Exercise of noxious Trades, or Discharge or Deposit of Manure, Sewage, or impure Matter, as he or they think fit.

Provision as
to Pressure.

22. Water supplied under this Act need not be constantly laid on under Pressure, or be continuously supplied.

As to Level
at which
Water is to
be supplied.

23. Lord *Edward Howard*, his Heirs and Assigns, shall not be bound to supply Water in any Case at a Level above that at which Water can be supplied by Gravitation from the larger of the said *Swineshaw* Reservoirs until the same are reconstructed and made
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into One Reservoir, and after such Reconstruction from the Reservoir at *Swineshaw* aforesaid so reconstructed.

24. Lord *Edward Howard*, his Heirs and Assigns, may demand and take for a Supply of Water for domestic Purposes, including a Watercloset, in any House of which the annual Value exceeds Twenty Pounds, but not otherwise, the following Rates, according to the yearly Value of every Dwelling House or Part of a Dwelling House so supplied, such yearly Value to be estimated according to the Amount at which such Dwelling House or Part of a Dwelling House is let at Rackrent to any Tenant, or in case of the same not being so let, according to the last Rate for the Time being for the Relief of the Poor of the Township of *Glossop*; (that is to say,)

Scale of Rates.

If there be not a Bath in the Dwelling House or Part of a Dwelling House, the following annual Rates, payable quarterly, according to the Provisions of the said "Waterworks Clauses Act:"

Where the yearly Value of such Dwelling House or Part of a Dwelling House does not exceed Nine Pounds, a Rate not exceeding Ten Shillings:

Where the yearly Value of such Dwelling House or Part of a Dwelling House exceeds Nine Pounds but does not exceed Twelve Pounds, a Rate not exceeding Twelve Shillings:

Where the yearly Value of such Dwelling House or Part of a Dwelling House exceeds Twelve Pounds but does not exceed Sixteen Pounds, a Rate not exceeding Sixteen Shillings:

Where the yearly Value of such Dwelling House or Part of a Dwelling House exceeds Sixteen Pounds but does not exceed Twenty Pounds, a Rate not exceeding Twenty Shillings:

Where the yearly Value of such Dwelling House or Part of a Dwelling House exceeds Twenty Pounds but does not exceed Thirty Pounds, a Rate not exceeding Twenty-five Shillings:

Where the yearly Value of such Dwelling House or Part of a Dwelling House exceeds Thirty Pounds but does not exceed Forty Pounds, a Rate not exceeding Thirty Shillings:

Where the yearly Value of such Dwelling House or Part of a Dwelling House exceeds Forty Pounds but does not exceed Fifty Pounds, a Rate not exceeding Forty Shillings:

Where the yearly Value of such Dwelling House or Part of a Dwelling House exceeds Fifty Pounds but does not exceed Seventy-five Pounds, a Rate not exceeding Three Pounds and Ten Shillings:

Where the yearly Value of such Dwelling House or Part of a Dwelling House exceeds Seventy-five Pounds but does not exceed One hundred Pounds, a Rate not exceeding Four Pounds and Ten Shillings:

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Where such annual Value shall exceed One hundred Pounds, a Rate for every One hundred Pounds, and proportionate Part of One hundred Pounds exceeding the First hundred Pounds, of not exceeding Four Pounds and Ten Shillings *per Centum per Annum* on such annual Value, in addition to Four Pounds and Ten Shillings for the First One hundred Pounds of annual Value.

If there be any Bath in the Dwelling House supplied, then in addition to those Rates the following Rates for any Bath therein :

Where the yearly Value of such Dwelling House does not exceed Twelve Pounds, a Rate not exceeding Five Shillings :

Where such Value exceeds Twelve Pounds but does not exceed Twenty Pounds, a Rate not exceeding Six Shillings :

Where such Value exceeds Twenty Pounds, a Rate not exceeding Eight Shillings :

Provided always, that if there be any Watercloset or Bath in any Manufactory or Place of Business in which more than Twenty Persons are employed, such Sum as may be deemed reasonable may be charged for such Supply :

That in Cases of Schools, Manufactories, Dyers, Printers, Bleachers, Brewers, Innkeepers, Livery Stable Keepers, Alehouse Keepers, and other Persons requiring a Supply of Water for other than domestic Purposes, or Persons requiring a Supply for Ponds or Pools, or for the Purpose of any Trade, Manufacture, or Business whatsoever, such Supply shall be furnished in such Cases at and after the following Rates for every Quarter of a Year ; (that is to say,) a Rate not exceeding Eightpence for every One thousand Gallons so supplied as aforesaid up to Twenty-five thousand Gallons ; and where the Water so supplied as aforesaid shall exceed Twenty-five thousand Gallons and not exceed One hundred thousand Gallons, a Rate not exceeding Sixpence for every One thousand Gallons so supplied as aforesaid ; and where the Water so supplied as aforesaid shall exceed One hundred thousand Gallons, a Rate not exceeding Fourpence for every One thousand Gallons so supplied as aforesaid ; and in the Case of any Person requiring Water for a High-pressure Engine, there may be demanded and taken an annual Rate of Twenty Shillings *per* nominal Horse Power of such Engine, payable quarterly, or such Rate may be charged by Meter, according to the Provisions herein before contained :

That for the Purposes of any Supply of Water otherwise than herein-before provided it shall be lawful for the said Lord *Edward Howard*, his Heirs and Assigns, to supply any Person or Body with Water at such Rate and upon such Terms and Conditions as shall be agreed upon between the said Lord *Edward Howard*, his Heirs and Assigns, and the Person or Body desirous of having such Supply of Water.

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25. All Water Rates, Sum and Sums of Money, Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid may be levied by Distress, and any Justice of the Peace shall issue his Warrant accordingly after due Summons and Hearing in that Behalf; and any Justice who shall issue any Warrant of Distress for the Recovery of any Rate or other Monies payable under this Act, or any Act or Acts or Parts of Acts incorporated herewith, may order that the Costs of the Proceedings for the Recovery of such Rates or other Monies shall be paid by the Person liable to pay such Rates or other Monies; and such Costs shall be ascertained by such Justice, and levied by Distress, and the Amount thereof shall be included in the Warrant of Distress for the Recovery of such Rates or other Monies.

Power of Distress in default of Payment of Rates.

26. A Contract with any local Authority for a Supply of Water under this Act shall not disqualify the Person contracting from holding any Office or Employment whatsoever.

Contracts for Supply of Water not a Disqualification.

27. From and after the Purchase by the said Lord *Edward Howard*, his Heirs or Assigns, of the said Reservoirs and Waterworks, Pipes, Mains, Main Branches, and Service Pipes, the whole of the Profits of the said Undertaking, and the Rates to be derived therefrom, shall be the Property of Lord *Edward Howard*, his Heirs and Assigns, for his and their absolute Use and Benefit, until the Sale, Conveyance, and Transfer of the said Undertaking to some local Authority, and after such Sale, Conveyance, and Transfer the same shall be subject to all such Provisions of "The Waterworks Clauses Act, 1847," as may be applicable thereto.

As to Profits of the Undertaking.

28. For preventing Waste, Misuse, or undue Consumption or Contamination of the Water, Lord *Edward Howard*, his Heirs and Assigns, may from Time to Time make such Regulations as they respectively think necessary to be observed by Persons supplied with Water by him or them respectively, and may from Time to Time alter or revoke any such Regulations.

Power to make Regulations.

29. By any such Regulations Lord *Edward Howard*, his Heirs and Assigns, may direct the Use, and prescribe the Size, Nature, Strength, and Materials, and the Mode of Arrangement, Alteration, and Repair, of the Pipes, Valves, Cocks, Cisterns, Baths, Soil Pans, Waterclosets, and other Apparatus or Receptacles, or any of them, to be used by such Persons respectively for conveying, delivering, and receiving Water, and may interdict any Arrangement and the Use of any Pipes, Valves, Cocks, Cisterns, Baths, Soil Pans, Waterclosets, and other Apparatus or Receptacles which, in the Judgment of Lord *Edward Howard*, his Heirs or Assigns, will be likely to occasion

Extent of Regulations.

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occasion Waste, Misuse, undue Consumption, or Contamination of the Water.

Cesser of Supply on Breach of Regulations.

30. Lord *Edward Howard*, his Heirs or Assigns, shall not be bound under any Agreement or otherwise to supply or continue to supply Water to any Person unless such Regulations as are for the Time being in force with respect to his Case are duly observed by him.

Repair, &c. in case of Neglect of Consumer.

31. In case of the Neglect or Refusal of any such Person to observe such Regulations as are for the Time being in force with respect to his Case, or any of them, Lord *Edward Howard*, his Heirs or Assigns, may, after Twenty-four Hours Notice in Writing, and by or under the Directions of his or their duly authorized Officer, repair, replace, or alter, or cause to be repaired, replaced, or altered, any Pipe, Valve, Cock, Cistern, Bath, Soil Pan, Watercloset, or other Apparatus or Receptacle belonging to or used by any Person supplied by Lord *Edward Howard*, his Heirs or Assigns respectively, and the Expense of every such Repair, Replacement, or Alteration shall be repaid to him or them respectively by the Person on whose Credit the Water is supplied, and may be recovered by Lord *Edward Howard*, his Heirs or Assigns respectively, as Damages for the Recovery of which no special Provision is made.

Power to sell Water in Bulk to Local Board, &c.

32. Subject and without Prejudice to the Right of the Inhabitants within the Limits of this Act to the prior adequate Supply of Water under the Provisions of this Act for all Purposes whatsoever, the said Lord *Edward Howard*, his Heirs or Assigns, may sell to any Local Authority constituted for any District situate wholly or in part within the respective Limits of this Act as herein-before defined, or to any Company, Local Authority, or Parties, for Use within such Limits, or within any Township adjoining thereto, such Quantity of Water in Bulk, at such Price, and on such Terms and Conditions, as may be agreed on.

Penalty for Trespass.

33. Any Person who shall trespass upon the Reservoirs, Embankments, Culverts, or other Works of the said Undertaking, or any Land adjacent thereto and held therewith, shall be guilty of an Offence, and for every such Offence shall forfeit any Sum of Money not exceeding Forty Shillings, such Sum to be recoverable in like Manner as Penalties imposed by "The Waterworks Clauses Act, 1847," are recoverable, and to be payable, when recovered, to Lord *Edward Howard*, his Heirs and Assigns.

Compulsory Provision for Sale to Local Authority.

34. When and so soon as any Local Authority, as interpreted by this Act, shall be constituted for any District or Borough comprising the

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the Hamlet of *Glossop*, or any Part thereof, either alone or conjointly with any other Part of the said Township of *Glossop*, then and in such Case, and whether the said Undertaking shall be in its existing State, or the Works thereof hereby authorized to be executed shall have been partially or wholly executed, as the Case may be, it shall be lawful for Lord *Edward Howard*, his Heirs and Assigns, and he and they is and are hereby required, upon receiving Notice in Writing so to do, at any Time within Five Years after the passing of this Act, from any such Local Authority as aforesaid, in case he or they shall then have purchased the said Lands or any of them, to sell, convey, and transfer to such Local Authority the said Undertaking in its then State and Condition, together with the Lands, Powers, Rights, and Privileges hereby conferred on him or them, and the Lands so already purchased as last aforesaid, and such Local Authority may purchase and accept a Conveyance and Transfer of, and hold, enjoy, use, and exercise, the same Undertaking, Lands, Powers, Rights, and Privileges for the Purpose of supplying Water to the Inhabitants residing within the Limits of this Act: Provided always, that such Undertaking, Lands, Easements, and Premises shall be purchased by such Local Authority under and subject to the Provisions of "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863;" and such Local Authority shall in all respects be deemed to be in the Position of the Promoters of the Undertaking under the said Lands Clauses Consolidation Acts, and liable to all such Costs and Charges to which such Promoters are by the same Acts made liable; and such Sale may be subject to the Exception and Reservation to the Owners and Occupiers of the several Lands through which the said Streams hereby authorized to be diverted flow of the Right and Liberty of using the Waters of the said Streams respectively above the respective Points at which the same are hereby authorized to be diverted, in such Manner and to such Extent as such Owners or Occupiers might have used the same before the passing of this Act.

35. Such Sale, Conveyance, and Transfer shall be evidenced sufficiently and conclusively by a Deed of Conveyance and Transfer under the Hand and Seal of Lord *Edward Howard*, his Heirs or Assigns, and the Seal of the said Local Authority.

Evidence of
Sale and
Conveyance.

36. Upon the Execution of such Deed of Conveyance and Transfer all the Rights, Powers, and Privileges hereby vested in Lord *Edward Howard*, his Heirs and Assigns, (except the Reservation herein-after authorized,) shall immediately be vested in the said Local Authority, and all Liability hereby created shall immediately attach to such Local Authority as though the same Local Authority were expressly named throughout this Act in lieu of Lord *Edward Howard*,

Rights to
vest in Local
Authority on
Execution of
the Deed.

[Local.]

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his

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his Heirs and Assigns, and such Local Authority shall thenceforth become the Promoters of the said Undertaking.

Local Authority may become Promoters previously to Lord Edward Howard having purchased the Lands required.

37. In case any Local Authority shall, previously to Lord *Edward Howard*, his Heirs or Assigns, having purchased any of the said Lands required for the Purposes of the said Undertaking, give Notice in Writing to Lord *Edward Howard*, his Heirs or Assigns, expressing the Intention of the said Local Authority to purchase the said Lands, then and in such Case the said Local Authority shall become the Promoters of the said Undertaking and the Purchasers thereof, and all the Rights, Powers, and Privileges hereby vested in the said Lord *Edward Howard*, his Heirs and Assigns, for the Purposes of the said Undertaking, shall immediately be vested in such Local Authority, and all Liabilities hereby created shall immediately attach to such Local Authority as though such Local Authority were expressly named throughout this Act in lieu of the said Lord *Edward Howard*, his Heirs and Assigns, subject to the same Reservations and Exceptions as are hereby provided in case of a Conveyance and Transfer of the said Undertaking from the said Lord *Edward Howard*, his Heirs or Assigns, to any Local Authority.

Rights of Sporting to be reserved in Conveyance.

38. In any Conveyance to any Local Authority as hereby authorized and required it shall be lawful to reserve to Lord *Edward Howard*, Lord of the Manor of *Glossop*, and other the Lord or Lords or Owner or Owners for the Time being of the said Manor of *Glossop*, or of the Lands adjoining the Lands described in the said deposited Plans, for himself and themselves, and his and their Servants, and all other Persons by them or him authorized and permitted, the sole and exclusive Right of entering on, and angling in, and shooting over the several Reservoirs and Waterworks by this Act authorized, and of keeping a Boat or Boats thereon for the Purposes aforesaid, or so much and such of the Privileges aforesaid as shall be deemed expedient.

Provision in case of Sale of Undertaking.

39. Provided always, That in case the said Undertaking shall be sold, conveyed, and transferred to any Local Authority, then and thenceforth this Act shall be carried into execution by such Local Authority only: Provided also, that in case the said Undertaking be sold, conveyed, and transferred to any Corporate Body of Mayor, Aldermen, and Burgesses, then and in such Case the Acts for the Regulation of Municipal Corporations, and all other Acts for the Time being in force affecting such Corporation as such, shall, so far as the same are applicable for the Purposes of and are not inconsistent with the Provisions of this Act, apply to such Corporation, and its Estate, Effects, Powers, Authorities, and Duties under this Act; or in case the said Undertaking be sold, conveyed, and transferred to any Local Board which shall be hereafter established under and in pursuance

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suance of the "Local Government Act, 1858," then and in such Case the said "Local Government Act, 1858," and other the Acts for the Regulation of such Local Board incorporated therewith, shall, so far as the same Acts affect such Local Board and are applicable for the Purposes of and are not inconsistent with the Provisions of this Act, apply to such Local Board, and its Estate, Effects, Powers, Authorities, and Duties under this Act.

40. Subject to the Rights of Purchase herein-before provided, it shall be lawful for Lord *Edward Howard*, his Heirs or Devisees, at any Time after the passing of this Act, to convey and transfer, by way of Mortgage, the Powers, Rights, and Privileges hereby conferred on him or them, and the Lands (if any) then already purchased by him or them under the Powers herein contained, or any Part thereof, to any Person or Persons whomsoever, or to charge the same with the Payment of any Sum or Sums of Money to be borrowed upon Security thereof.

Power to mortgage.

41. Any Local Authority which may hereafter agree to purchase the said Undertaking from Lord *Edward Howard*, his Heirs and Assigns, may, in addition to any Sums which such Local Authority is independently of this Act authorized to borrow, and either before or subsequently to the Conveyance and Transfer of the said Undertaking, borrow such Sum or Sums of Money as may be necessary for the Purpose of the Purchase of the said Undertaking and the Completion of the Works thereof, and other the Purposes of the said Undertaking, not exceeding in the whole the Sum of Twenty thousand Pounds, upon the Credit of the Estate and Interest in the Lands and Undertaking so purchased, and the Water Rents to be derived therefrom, and such other Funds and Rates as such Local Authority may in anywise be empowered to raise or levy.

Power to Local Authority to borrow Money.

42. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall, so far as those Provisions are applicable for the Purposes and are not inconsistent with the Provisions of this Act, be incorporated with this Act; and the several Expressions "the Commissioners," and "the Clerk to the Commissioners," and "the Office of the Commissioners," in that Act, shall, for the Purposes of this Act, be taken to mean the Local Authority, whether Corporation or Local Board, and the respective Town Clerk or Clerk of such Local Board, and the Office of such Town Clerk or such Local Board, as the Case may be.

10 & 11 Vict. c. 16. to apply as to Mortgages.

43. Such Local Authority so borrowing shall either pay off the Money borrowed by annual or other Instalments within Forty Years reckoned from the Expiration of Seven Years after the passing of this Act, or else appropriate as a Sinking Fund every Year, beginning with

Payment by Instalments or Sinking Fund.

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with the Expiration of the same Term of Years, and until the Money borrowed is fully paid off, a Sum equal to One Fortieth Part of the Money borrowed.

Power to
reborrow.

44. When the Local Authority pays off any Money by such Instalments or a Sinking Fund as herein-before directed, their respective Powers of borrowing under this Act shall, to the Extent of the Money so paid off, be determined, but such Local Authority may from Time to Time reborrow any Money paid off otherwise than by such Instalments or Sinking Fund.

Arrears may
be enforced
by a Re-
ceiver.

45. Mortgagees under this Act may enforce the Payment of Principal and Interest due to them by the Appointment of a Receiver, and the Amount in arrear to authorize the Requisition for a Receiver shall be Two thousand Pounds.

Form of
Mortgages,
&c.

46. Mortgages and Transfers of Mortgages may be respectively according to the Form in the Schedule of "The Commissioners Clauses Act, 1847," as nearly as the Circumstances of the Case will permit.

Mortgages of
Local Autho-
rity to be
accepted in
Payment of
Purchase
Money.

47. Any Local Authority to whom the said Lands may hereafter be sold, conveyed, and transferred is hereby empowered to grant, and any Trustee or Trustees empowered to sell all or any Part of the said Lands hereby authorized to be sold is and are hereby empowered to accept, the Mortgage or Mortgages of such Local Authority as a Payment for the whole or any Part of the Purchase Money; and such Mortgage or Mortgages shall be for such Term of Years as the said Trustees or Trustee and the said Local Authority shall determine, and shall be given in like Manner, and subject to the same Provisions, as the Mortgages herein-before authorized to be given to secure the Money lastly herein-before authorized to be borrowed by the said Local Authority; and the Amount of Money secured by any Mortgage or Mortgages so to be given and accepted shall be deemed Part of the Monies hereby authorized to be borrowed by the said Local Authority under the Powers of this Act.

Expenses of
Act.

48. The Local Authority to whom the said Undertaking shall be hereafter sold, conveyed, and transferred, or which shall agree to purchase the same, shall pay all the Costs, Charges, and Expenses of and incidental to the preparing and passing of this Act, in addition to the Consideration Monies herein-before provided to be paid as the Price of the said Undertaking.

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