



**CHAPTER lii.**

A.D. 1896.

An Act to empower the Corporation of Barnsley to obtain Water from Hagg Brook and other tributaries of the River Porter or Little Don in the Township of Bradfield for the supply of the Borough of Barnsley and other places and to borrow further Money to extend their Limits of Water Supply and for other purposes.

[2nd July 1896.]

**W**HEREAS the mayor aldermen and burgesses of the borough of Barnsley in the west riding of the county of York (herein-after called "the Corporation") are supplying water within the borough and township of Barnsley and certain adjacent parishes townships and places or parts thereof under the powers of

The Barnsley Waterworks Act 1853;

The Barnsley Local Board Act 1862; and

The Barnsley Local Board Amendment Act 1866;

as altered or amended by Provisional Orders of the Local Government Board relating to the borough of Barnsley made under the provisions of the Public Health Act 1875 and confirmed by Parliament by

The Local Government Board's Provisional Orders Confirmation (Alnwick Union &c.) Act 1880;

The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1884; and

The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1893;

and which said Acts and Provisional Orders are herein-after referred to collectively as "the recited Acts":

And whereas the demand for water within the said parishes townships and places or parts and also within the townships and parts of townships herein-after named has increased and is increasing and it is expedient that the Corporation be empowered to obtain a supply of water from Hagg Brook and other streams and tributaries

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of the River Porter or Little Don in the township of Bradfield in the parish of Ecclesfield in the west riding of the county of York and to construct and maintain the works herein-after described for the supply of the said parishes townships and places or parts :

And whereas it is expedient that such other provisions be made and powers be granted to the Corporation as are herein-after contained :

And whereas it is expedient that the agreement between the Corporation of Sheffield and the Corporation set out in the First Schedule to this Act and the agreement between the Corporation and Samuel Fox and Company Limited set out in the Second Schedule to this Act be confirmed :

And whereas estimates have been prepared by the Corporation showing that they will require to expend for new works and other purposes of this Act a sum or sums of money not exceeding in the whole one hundred and seventy thousand pounds such new works and purposes being permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the twenty-first day of November one thousand eight hundred and ninety-four after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the *Barnsley Chronicle* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate the district fund and general district rate the revenue of their water undertaking or other public funds or rates under the control of the council as should be determined:

And whereas such resolution was published twice in the said *Barnsley Chronicle* and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-second day of January one thousand eight hundred and ninety-five being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections of the said intended works showing the lines and levels thereof the plans also showing the lands

which are intended to be taken for the purposes thereof with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands respectively have been deposited with the clerk of the peace for the west riding of the county of York which plans sections and book of reference are herein-after respectively referred to as the deposited plans sections and book of reference :

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And whereas the objects of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited for all purposes as the *Barnsley Corporation (Water) Act 1896*. Short title.

2. The following Acts or parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (namely) :— Incorporation of general Acts.

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 (except the words in section forty-four "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" and the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) ;

The Waterworks Clauses Act 1863.

3. In this Act the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall have the same respective meanings unless there be something in the subject or context repugnant to such construction : Interpretation.

Provided always that in the said Acts wholly or partially incorporated with this Act for the purposes of this Act and also in this Act the words and expressions following shall have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

The words "undertakers" and "promoters of the undertaking" or other like expression shall mean the Corporation ;

The expression "the special Act" shall mean this Act ;

The expression "the borough" shall mean the municipal borough of Barnsley ;

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The expression "the Act of 1862" shall mean the Barnsley Local Board Act 1862;

The expression "the Act of 1866" shall mean the Barnsley Local Board Amendment Act 1866;

The expression "the improvement rate" shall mean the improvement rate authorised to be made and levied by the Act of 1862 as amended by the Act of 1866;

The expressions "district fund" and "general district rate" shall mean the district fund and general district rate of the borough;

The expression "the water undertaking" shall mean the existing waterworks undertaking of the Corporation and the waterworks undertaking by this Act authorised;

The expression "the revenue of the water undertaking" shall mean the rates rents and charges for water and other revenue of the Corporation arising from the water undertaking;

The expression "the limits of this Act" shall mean and include the several additional townships and parts of townships which the Corporation are by this Act authorised to supply with water;

The expression "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Council to execute Act.

4. The Corporation by the council are hereby empowered to carry this Act and the several powers thereof into execution.

Power to acquire lands.

5. Subject to the provisions and for the purposes of this Act the Corporation may enter upon take and use all or any of the lands described in the deposited plans and book of reference.

Corporation may acquire easements only in lands for certain purposes.

6. The Corporation may in lieu of acquiring any lands for the purpose of any conduits or catchwaters drains or lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts Provided always that nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the

lands in respect of which they have given notice to treat for the acquisition of an easement or right only and every notice to treat for the acquisition of an easement or right shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Corporation for the purpose of constructing or laying conduits or catchwaters drains or lines of pipes therein where such conduits or catchwaters drains or lines of pipes are laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements or rights therein) be required or (except where otherwise agreed with the owners and occupiers of such lands) entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being of such lands shall (except where otherwise agreed) at all times except during the construction cleansing renewal or repair of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

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7. Subject to the provisions of this Act the Corporation may make construct lay down and maintain in the situation and lines and according to the levels shown on the deposited plans and sections relating thereto and in and upon the lands described upon such plans the several works shown on the said plans together with all proper embankments bridges roads approaches ways wells tanks basins gauges filter-beds dams sluices bye-washes waste-weirs outlets outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes stand-pipes junctions valves telegraphs telephones and other means of electric communication engines constructions apparatus buildings houses works and conveniences connected with or ancillary to the said works or any of them or which the Corporation may consider necessary for inspecting maintaining cleansing repairing conducting managing and using the same The works shown on the deposited plans and sections comprise the following principal works (that is to say):—

Power to construct new works.

- (1) A reservoir (to be called the Midhope Reservoir) to be situate wholly in the township of Bradfield in the parish of Ecclesfield and to be formed by means of an embankment across the valley of Hagg Brook :
- (2) A conduit or catchwater (No. 1) to be situate wholly in the township of Bradfield in the parish of Ecclesfield :
- (3) A conduit or catchwater (No. 2) to be situate wholly in the township of Bradfield in the parish of Ecclesfield :
- (4) A drain (No. 1) to be situate wholly in the township of Bradfield in the parish of Ecclesfield :

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- (5) A drain (No. 2) to be situate wholly in the township of Bradfield in the parish of Ecclesfield :
- (6) Road Diversion (No. 1) A diversion of the road known in part as Gill Royd Lane and in part as Shaw Lane to be wholly situate in the said township of Bradfield in the parish of Ecclesfield :
- (7) Road Diversion (No. 2) A diversion of the road leading from Upper Midhope to Midhopestones and known in part as Midhope Lane and in part as Midhope Hall Lane to be wholly situate in the said township of Bradfield in the parish of Ecclesfield :
- (8) A line of pipes (No. 1) commencing in the said township of Bradfield in the parish of Ecclesfield in the Midhope Reservoir near the embankment thereof and terminating in the township of Wortley in the parish of Tankersley in the Wortley service tank next herein-after described :
- (9) A service tank (herein called the Wortley service tank) to be wholly situate in the township of Wortley in the parish of Tankersley in a field numbered 609 in the civil parish of Wortley on the Ordnance map ( $\frac{1}{2500}$  scale) :
- (10) A line of pipes (No. 2) commencing in the township of Wortley in the parish of Tankersley in the Wortley service tank and terminating in the borough and township of Barnsley in the parish of Silkstone at the junction of Sheffield Road with Park Road and Cemetery Road.

Power to deviate in construction of works.

8. Subject to the provisions of this Act the Corporation may in the construction of the works by this Act authorised deviate from the lines or position thereof respectively as shown on the deposited plans relating thereto to any extent within the limits of deviation defined on those plans provided that in the construction of the road diversions by this Act authorised they shall not deviate more than one hundred and fifty yards from the lines or position thereof respectively as shown on those plans and where the line of any work is shown on those plans as passing along any road and no limits of deviation are marked on the deposited plans the Corporation may in making such work deviate laterally to any extent within the boundaries of such road and the Corporation may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards Provided that no such deviation upwards shall cause any part of any conduit or catchwater drain or pipe to be raised above the surface of any road or (except for the purpose of crossing any stream) ground Provided also that if it be found necessary or expedient in the construction

of the reservoir or the road diversions by this Act authorised to alter the situation of any embankment as shown on the deposited plans the Company may within the limits of deviation thereof marked on the deposited plans alter the same accordingly and may also in the construction of the works authorised by this Act deviate vertically from the levels of such embankment reservoir and road diversions or any of them as shown with reference to the datum line of such sections to any extent not exceeding twenty feet but the Corporation shall not construct any embankment of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment and three feet in addition.

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9. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall be incorporated with this Act. And for the purposes of this Act in the construction of the said provisions the expression "the company" shall mean the Corporation and the expression "the railway" shall mean the works authorised by this Act and expressions referring to the centre of the railway shall mean in the case of the conduits or catchwaters (No. 1) and (No. 2) and the drains (No. 1) and (No. 2) authorised by this Act the centre lines thereof respectively and in the case of the reservoir and service tank and the works immediately connected therewith authorised by this Act the boundaries thereof respectively and for the purposes of section thirty-two of that Act the prescribed limits shall be fifty yards in respect of the said reservoir and ten yards in respect of other works.

Temporary use of lands.

10. The Corporation may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding one hundred and fifty acres in addition to the lands which they are authorised by this Act to take by compulsion but the Corporation shall not create or permit the creation of any nuisance on any such lands and shall not erect or permit the erection or user on any such lands of any buildings other than farmhouses and farm buildings or buildings required for or used in connexion with the cultivation of the land or with the water undertaking.

Power to take additional lands by agreement.

11. The Corporation may hold any lands acquired by them under the powers of this Act and which may in their opinion be necessary for the purpose of protecting their waters and waterworks against pollution nuisances encroachment or injury and so long as such necessity shall in the opinion of the Corporation continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts. Provided that the Corporation shall not create or permit the creation of any nuisance thereon and shall not

Power to hold lands for protection of works

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erect or permit the erection or user on any such lands whilst so held by them of any buildings other than farmhouses and farm buildings or buildings required for or used in connexion with the cultivation of the land or with the water undertaking.

Power to take easements &c. by agreement.

**12.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which others than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

Agreements with land-owners as to drainage.

**13.** The Corporation if they think fit may enter into agreements with any owner lessee or occupier of any lands within the drainage area of the water to be taken into the Midhope Reservoir and the conduits or catchwaters and other waterworks by this Act authorised who are empowered to make drains for the improvement of the same for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters flowing to upon or from such lands directly or indirectly into such works in such manner and to such extent as such owner lessee or occupier and the Corporation may agree and the Corporation may apply to the purposes of this section to which capital is properly applicable any part of the moneys raised by them under the authority of this Act.

Sewage from drains No. 1 and No. 2 to be purified.

**14.** Any drainage from drains (No. 1) and (No. 2) by this Act authorised which contains sewage or other deleterious matter shall before it reaches any river be effectually purified.

Period for compulsory purchase of lands.

**15.** The powers by this Act granted to the Corporation for the compulsory purchase of lands shall cease as regards lands to be used for or in connexion with the works (except the conduits or catchwaters (No. 1) and (No. 2)) by this Act authorised after the expiration of three years from the passing of this Act and as regards the said conduits or catchwaters and works connected therewith after the expiration of seven years from the passing of this Act.

Restriction on taking houses of labouring class.

**16.** The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not



so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied : A.D. 1896.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

17. Upon the completion of the road diversions by this Act respectively authorised the Corporation may stop up and extinguish all rights of way over the portion of any existing road in respect of which such diversion shall have been made and the Corporation may stop up and discontinue any footpaths shown or stated on the deposited plans as to be stopped up or which it may be necessary to stop up in executing the purposes of this Act and may appropriate to and for their own use and as their own property the sites of so much of any such road or footpath so stopped up as shall be upon or adjoin on both sides any lands acquired by the Corporation for the purposes of this Act. On completion of road diversions sites of existing roads to vest in Corporation.

18. The road diversions respectively authorised to be constructed under the authority of this Act shall be maintained by and at the cost of the Corporation for one year after the completion of the same respectively of which completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and on the expiration of the aforesaid period of one year such road diversions respectively shall become and the same shall thenceforth be part of the public roads of the parish or district in which the same respectively are situate and shall be repairable as such accordingly. Maintenance of road diversions.

19. In carrying out and executing any of the works by this Act authorised so far as the same affect the railway and works of the Manchester Sheffield and Lincolnshire Railway Company (hereinafter called "the Sheffield Company") the following provisions shall apply unless otherwise agreed between the Sheffield Company and the Corporation in writing under their respective common seals (viz.) :— For protection of Manchester Sheffield and Lincolnshire Railway Company.

- (1) All works under or over the railways or works of the Sheffield Company shall be carried out and maintained to the reasonable satisfaction of that company and in accordance with plans sections and specifications to be previously approved.

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by the chief engineer for the time being of the Sheffield Company or failing his approval by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party :

(2) The Corporation shall not stop divert or alter or injure the railway or any of the works of the Sheffield Company nor interrupt or interfere with the safe passage of traffic over the railway and the Corporation shall not purchase and take any part of the said railway or works or any lands of the Sheffield Company but the Corporation may purchase and take and the Sheffield Company shall grant an easement over the lands of the Sheffield Company so far as may be necessary for making maintaining and using the works by this Act authorised under or over the railway and works of the Sheffield Company :

(3) The Corporation shall indemnify the Sheffield Company from and make good to them all losses damages costs charges and expenses which the Sheffield Company may sustain or be put to by reason or in consequence of the construction maintenance or failure of the said works by this Act authorised.

For protec-  
tion of  
Earl of  
Wharnccliffe.

**20.** For the protection of the Right Honourable Edward Montagu Stuart Granville Earl of Wharnccliffe his heirs and successors in estate and assigns (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed between the owner and the Corporation have effect (that is to say) :—

(a) The Corporation shall not exercise the powers of this Act for the supply of water in bulk to any sanitary authority company persons or person or themselves supply water for domestic or other purposes within any part of the Wortley and Carlton estates of the owner situate within the townships of Carlton Wortley and Tankersley if and so long as such estates are supplied with water from the waterworks of the owner without first obtaining the consent in writing of the owner :

(b) The Corporation shall not under the provisions of this Act except by agreement purchase and take any lands belonging to the owner which are required for the purposes of any lines of pipes but the Corporation may acquire and the owner shall grant to the Corporation such easements or rights in and upon such of the lands of the owner as may be necessary for the purposes of constructing laying down enlarging renewing maintaining cleansing repairing inspecting and affording access to any line or lines of pipes and works incidental thereto by this Act authorised to be constructed or laid down by the Corporation in or upon any lands or property of the owner the

Corporation paying to the owner and to the lessees and tenants of the land compensation for all such easements or rights and for all damage done to crops which he or they may sustain through the exercise by the Corporation of any of such easements or rights such compensation failing agreement to be settled between the parties in the manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and such easements or rights so to be acquired shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of any arbitration or the summoning of a jury :

- (c) The Corporation shall if required by the owner (but not otherwise) and to his reasonable satisfaction fence off the lands of the owner in or over which they acquire any easements or rights for the purpose of constructing or laying down any lines of pipes from the adjoining lands of the owner :
- (d) Unless the Corporation are required under the preceding sub-section to fence off or sever the lands in respect of which they acquire any such easements or rights the owner and his lessees and tenants for the time being subject to such easements and rights shall at all times after the completion of the works have the right to use and cultivate the lands affected by such easements and rights and shall retain and possess the same rights of passing over such lands in respect of which any such easements or rights are acquired for all purposes of or connected with the use cultivation and enjoyment of the adjoining lands as if such easements or rights had not been acquired and such lands had not been used by the Corporation :
- (e) The Corporation shall to the reasonable satisfaction of the owner and with all reasonable speed restore and make good the surface of the land of the owner in or under which any such line of pipes is constructed laid down or placed and if the Corporation interfere with any drains in or under such lands they shall before such interference make new drains in lieu of and of equal capacity to the drains so interfered with with all proper and necessary outfalls or other works for the discharge of the drainage :
- (f) If for the purpose of constructing the works by this Act authorised the Corporation shall find it necessary or expedient to raise sink or otherwise alter the position of any water pipes or other works laid down by or belonging to the owner such raising sinking or alteration shall be done with as little detriment and inconvenience to the owner as the circumstances will admit and under the superintendence and to the reasonable

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satisfaction of the engineer of the owner if he think fit to attend after receiving not less than forty-eight hours' notice for that purpose :

Provided always that it shall not be lawful for the Corporation to remove or displace any of the aforesaid pipes or other works belonging to the owner or to do anything to impede the passage of water into or through such pipes or other works until good and sufficient pipes and other works necessary or proper for continuing the supply of water as sufficiently as the same was supplied by the pipes and other works proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and be ready for use in a position as little varying from that of the pipes or other works proposed to be removed or displaced as may be consistent with the construction of the works by this Act authorised and to the reasonable satisfaction of the aforesaid engineer :

The Corporation shall make good all damage to the water pipes and other works of the owner by the disturbance thereof and shall make full compensation for any loss or damage which he may sustain by reason of any interference with any such pipes or works :

- (g) All differences which shall at any time arise between the Corporation and the owner as to the performance or observance of the provisions of sub-sections (c) and (e) of this section shall be determined by an arbitrator to be appointed by the Corporation and the owner or (if for one month after the difference arises the said two parties do not agree upon an arbitrator) by the Local Government Board upon the application in writing of both or either of the said parties and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference and the costs of the arbitration shall be in his discretion.

For protection of  
West Riding  
County  
Council.

**21.** In executing the works and exercising the powers by this Act authorised so far as they affect the main roads and county bridges of the west riding of the county of York the following provisions for the protection of the county council of the west riding (in this section called "the council") shall have effect unless otherwise agreed on in writing between the council and the Corporation (that is to say) :—

- (1) All conduits mains or lines of pipes to be laid in or along any main road shall be constructed and laid in such position at the side thereof as the council shall by writing under the hand of their surveyor direct and shall not be constructed or laid in

upon or across any county or main road bridge or any arch connected therewith but shall be carried over the stream crossed by such bridge by means of wrought iron riveted tubing or other suitable method to be agreed on between the parties entirely separate from and independent of such bridge or arch and the gradient of such bridge and of the respective approaches thereto shall not be altered :

- (2) All works to be constructed or laid in along or across or in any way affecting any main road or county or main road bridge or any approach thereto shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the surveyor to the council and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :
- (3) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto :
- (4) The Corporation shall pay to the council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this Act authorised :
- (5) Notwithstanding anything in this Act contained it shall be lawful for the council at any time or times to divert or improve any main road and also to remove alter or renew any such county or main road bridge or the approaches thereto in along-side or near to which any such conduit main or line of pipes is carried in the same manner as they might have diverted or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such conduit main or line of pipes had not been constructed or laid in alongside or near to such main road or bridge respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto in alongside or near to which the conduit main or line of pipes is laid being diverted or improved removed altered or renewed as aforesaid the Corporation shall at their own expense alter the position of the works by which such conduit main or line of pipes is carried

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alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor of the council. Provided that before and during such diversion improvement removal alteration or renewal of any such main road or bridge as aforesaid the council shall afford at the cost of the Corporation all reasonable facilities for temporarily carrying such conduit main or line of pipes along the main road or across the stream so as not to interrupt the continuous supply of water:

(6) If any difference arise between the Corporation and the council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

Corporation may discharge water from their works into streams or water-courses.

**22.** The Corporation may from time to time discharge water from any of the waterworks by this Act authorised into any streams or watercourses on the line of such works or near thereto or into any streams or watercourses with which such works may be made to communicate by means of works constructed or made under the powers of this Act. Provided that in the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Public Health Act 1875.

Power to take water from Hagg Brook and other streams.

**23.** Subject to the provisions of this Act the Corporation may from time to time take collect divert impound and use all the waters of Hagg Brook Edge Cliff Brook and Shaw Brook at and above the point at which the embankment of the Midhope Reservoir crosses Hagg Brook and of Thickwoods Brook at and above the point at which the same is authorised to be taken by means of the conduit or catchwater (No. 1) and of all tributary rivers streams brooks and springs and all other waters which flow into or upon the sites of the reservoir and conduits or catchwaters by this Act authorised.

For protection of millowners and others.

**24.** Before the Corporation shall be entitled to take and use for the purposes of supply any of the waters aforesaid they shall cause to be discharged out of the Midhope Reservoir into Hagg Brook at some point therein not more than two hundred yards below the foot of the embankment of that reservoir such quantity of water in such manner and at such times as is herein-after provided and such

quantity of water shall be accepted and taken as full compensation to the several owners lessees and occupiers of mills and works and other persons interested in the waters which the Corporation are hereby authorised to take and use other than and except Samuel Fox and Company Limited (for whose protection special additional provisions are made by the agreement set out in the Second Schedule to this Act) and except the owners lessees and occupiers of any lands situate between the foot of the said embankment and the gauge next herein-after mentioned or adjoining the River Porter or Little Don and its tributaries above the junction of Hagg Brook with that river who may be injuriously affected by the taking of such waters. The several owners lessees and occupiers aforesaid of mills and works (including Samuel Fox and Company Limited) and the Sheffield and South Yorkshire Navigation Company are herein-after referred to as and intended to be included in the expression "the millowners."

25. The quantity of water to be so discharged in a regular and uniform flow out of the Midhope Reservoir into Hagg Brook until the completion of the conduit or catchwater (No. 1) by this Act authorised shall during the respective periods herein-after mentioned be as follows:—

As to quantity and time of discharge of compensation water.

During the twelve hours of each day commencing at six o'clock in the morning (herein-after called "the period of day flow") from Monday to Friday inclusive not less than the total quantity of 317,887 gallons;

During the period of day flow of Saturday not less than the total quantity of 310,551 gallons;

During each period of twelve hours commencing at six o'clock in the evening (herein-after called "the period of night flow") from Sunday to Friday inclusive not less than the total quantity of 211,924 gallons;

And during the period between the cessation of the day flow on Saturday and the commencement of the night flow on Sunday not less than a total quantity of 190,734 gallons:

And after the completion of the conduit or catchwater (No. 1) by this Act authorised the quantity to be so discharged in the manner aforesaid and in the like period shall be as follows:—

During the period of day flow from Monday to Friday inclusive not less than a total quantity of 593,796 gallons;

During the period of day flow on Saturday not less than a total quantity of 580,093 gallons;

During the period of night flow from Sunday to Friday inclusive not less than a total quantity of 395,864 gallons;

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And during the period between the cessation of the day flow on Saturday and the commencement of the night flow on Sunday not less than a total quantity of 356,278 gallons:

Provided that if instead of constructing the said conduit or catchwater (No. 1) the Corporation shall take and use the waters of the Knoll Brook in manner provided for by the agreement between the Corporation of Sheffield and the Corporation set out in the First Schedule to this Act the quantity of water to be so discharged in the manner aforesaid and during the like period shall be as follows:—

During the period of day flow from Monday to Friday inclusive not less than a total quantity of 388,026 gallons;

During the period of day flow of Saturday not less than a total quantity of 379,072 gallons;

During the period of night flow from Sunday to Friday inclusive not less than a total quantity of 258,684 gallons;

And during the period between the cessation of the day flow of Saturday and the commencement of the night flow of Sunday not less than a total quantity of 232,818 gallons:

Provided always that during the period between six o'clock in the evening of the day preceding Christmas Day or Good Friday and six o'clock in the evening of Christmas Day or Good Friday as the case may be the quantity of water to be discharged in manner aforesaid shall be the quantity herein-before required to be discharged during the period between the cessation of the day flow on Saturday and the commencement of the night flow on Sunday.

Gauge to be constructed for measuring compensation water.

**26.** For the purpose of measuring the quantity of water to be so discharged into Hagg Brook the Corporation shall cause to be erected a sufficient gauge to be made to the reasonable satisfaction of the millowners or of an engineer to be appointed by them and the said gauge shall for ever thereafter be maintained in a proper state of repair by and at the expense of the Corporation and to the reasonable satisfaction of the millowners or of such engineer.

Disputes as to gauge to be settled by an engineer.

**27.** In the event of any dispute at any time arising between the Corporation and the millowners or any of the millowners or between their respective engineers as to the sufficiency or accuracy of the said gauge or as to its state of repair or condition such dispute shall be settled and determined by some hydraulic engineer on whom the parties shall agree or in default of agreement by a hydraulic engineer to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties and the order or award of such engineer shall be final and binding on the parties:



Any such order or award may direct by whom the cost of reference shall be borne and paid and may be made a rule of the High Court and may be enforced in any manner in which any order or judgment of that Court may be enforced.

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**28.** The millowners and their officers or servants duly authorised on producing their authority if required shall at all reasonable times have the right of access to the said gauge for the purpose of ascertaining the state of repair and efficiency thereof and of gauging measuring and ascertaining the quantity of water from time to time passing over or through the same.

Millowners and their officers may inspect gauge.

**29.** If at any time the Corporation fail to cause to pass through or over the said gauge the quantity of compensation water which they are by this Act required to discharge out of the Midhope Reservoir into Hagg Brook in manner herein-before provided they shall for each and every day during which such failure shall have occurred forfeit and pay to the Sheffield and South Yorkshire Navigation Company and to the occupier of every mill or works below the said gauge and referred to in the previous section of this Act the marginal reference to which is "For protection of millowners and others" who shall sue for the same in any court of competent jurisdiction within one month after such failure shall have occurred the sum of five pounds but not exceeding in the whole one hundred and fifty pounds in respect of any one day on which such failure shall occur.

Penalty in case Corporation fail to supply the stipulated quantities of compensation water.

**30.** The agreement dated the fifth day of May one thousand eight hundred and ninety-six made between the Corporation of Sheffield and the Corporation set out in the First Schedule to this Act is hereby confirmed and made binding on the two Corporations.

Confirmation of agreement with Sheffield Corporation.

**31.** The agreement dated the sixth day of May one thousand eight hundred and ninety-six between the Corporation and Samuel Fox and Company Limited set out in the Second Schedule to this Act is hereby confirmed and made binding on the Corporation and the company respectively.

Confirmation of agreement with Samuel Fox and Company Limited.

**32.** If the Bill promoted by the corporation of Sheffield in the present session the short title of which is "Sheffield Corporation Water Bill" be passed into an Act and shall contain powers enabling them to construct among other works the reservoir therein described as the Langsett Reservoir the following provisions shall have effect (namely):—

Certain powers and obligations of Corporation to determine if Sheffield Corporation Bill be passed.

(a.) The powers herein-before contained for the construction of the conduits or catchwaters (No. 1) and (No. 2) shall not be exercised by the Corporation and the Corporation shall not be entitled to take collect or use any of the waters of Thickwoods Brook or its tributaries:

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- (b) Until the Corporation of Sheffield shall commence to discharge into the Little Don compensation water from the Langsett Reservoir in pursuance of the agreement set out in the First Schedule to this Act the Corporation shall unless and until Samuel Fox and Company Limited otherwise agree discharge out of their Midhope Reservoir into Hagg Brook (in addition to the compensation water which they are required to discharge out of their said reservoir into Hagg Brook as herein-before provided) the additional water mentioned in clause 2 of the agreement between the Corporation and Samuel Fox and Company Limited set out in the Second Schedule to this Act:
- (c) Provided always and it is hereby expressly declared that on the completion and bringing into use for the purposes of supply by the Sheffield Corporation of the Langsett Reservoir mentioned in the agreement set out in the First Schedule to this Act all the obligations of the Corporation under this Act to discharge compensation water from the Midhope Reservoir and under the agreement set out in the Second Schedule to this Act to discharge from the Midhope Reservoir the said additional water for the special use and benefit of Samuel Fox and Company Limited shall cease and determine and the Corporation of Sheffield shall thenceforward in addition to any other quantities of compensation water which they are by the intended Sheffield Act required to discharge out of the Langsett Reservoir discharge out of that reservoir into the River Porter or Little Don at the times and in the manner prescribed by the intended Sheffield Act for the discharge of compensation water out of the Langsett Reservoir a quantity of water equal to the quantity of compensation water which the Corporation but for this enactment would have been required to discharge out of the Midhope Reservoir and shall also unless and until Samuel Fox and Company Limited otherwise agree discharge into the River Porter or Little Don out of the Langsett Reservoir at the times and in the manner prescribed by the agreement set out in the Fourth Schedule to the intended Sheffield Act for the discharge of water out of the Langsett Reservoir a quantity of water equal to the quantity of additional water which the Corporation would but for this enactment have been required to discharge out of the Midhope Reservoir for the use and benefit of Samuel Fox and Company Limited. When and so soon as the said obligations of the Corporation to discharge compensation water and additional water from the Midhope Reservoir have ceased and determined the Corporation may remove the gauges constructed by them under this Act and the agreement set out in the Second Schedule to this Act

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for measuring the said compensation water and additional water Provided always that nothing in this section shall discharge or relieve the Corporation of Sheffield from their obligations under the agreement set out in the Fourth Schedule to the intended Sheffield Act to discharge water for the use of Samuel Fox and Company Limited :

(d) The Corporation shall not supply water within the townships of Hunshelf Langsett and Bradfield without the consent in writing of the Corporation of Sheffield.

**33.** The Corporation shall from time to time pay and make good to Samuel Fox and Company Limited and their lessees tenants clerks agents servants workmen and other persons employed by them all costs charges sums of money damages and expenses whatsoever and for all injury of what nature or kind soever as well immediate as consequential which the company or such persons as aforesaid may suffer incur pay expend or be put unto by reason or in consequence of the failure or giving way of the Midhope Reservoir or the embankment or other works immediately connected therewith and such payments shall be made out of any rates revenues or funds for the time being belonging to the Corporation.

Compensation to Samuel Fox and Company Limited for damage by giving way of reservoir &c.

**34.** The Corporation shall make full compensation to all persons other than persons entitled to compensation under the last preceding section of this Act for all damage and injury losses and expenses whatsoever which they may from time to time sustain by reason or in consequence of the bursting or giving way of the Midhope Reservoir by this Act authorised.

Compensation for damage caused by giving way of reservoir.

**35.** The waterworks by this Act authorised to be made by the Corporation shall form part of the water undertaking of the Corporation and the Corporation may use the water obtained by means thereof for the purpose of supplying water under the recited Acts and this Act.

New waterworks to form part of water undertaking of Corporation.

**36.** Subject to the provisions of this Act the Corporation may in addition to the parishes townships and places or parts thereof which they are by the Act of 1862 authorised to supply with water supply water to and within the following townships or such parts thereof as are not included within the limits of that Act (namely) Ardsley Monk-Bretton Worsborough Carlton Cudworth Royston Notton Woolley Stainborough Hunshelf Langsett Wortley Tankersley Brierley Havercroft-with-cold-Hiendley Hemsworth Ryhill Shafton South Hiendley South Kirkby and South Elmsall and so much of the township of Bradfield as lies within the watershed of the River Porter or Little Don all in the west riding of the county of York by means of the waterworks by the Act of 1862 and this Act

Extension of water limits of Corporation.

[Ch. lli.] *Barnsley Corporation (Water) Act, 1896.* [59 & 60 VICT.]

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authorised and may within such townships or parts sell and dispose of the water as they think fit Provided always that the Corporation shall not supply water within the district of the Stocksbridge urban district council without the consent in writing of that council.

Supply need not be constant.

**37.** The water supplied by the Corporation within the limits of this Act need not be constantly laid on under pressure and the Corporation shall not be required to supply such water at a greater elevation than can be reached by gravitation from the reservoir or service tank of the Corporation from which the supply is for the time being afforded.

Rates for supply of water for domestic purposes.

**38.** The Corporation may demand and receive for water supplied by them for domestic purposes within the limits of this Act such rates as they may think fit not exceeding by more than one-third those which they for the time being charge for a supply of water for domestic purposes within the borough under the Act of 1862 but without the limitation contained in that Act of the maximum yearly sum which they may receive for such supply and they shall not be obliged or compellable to furnish a supply to any person within the limits of this Act for a less yearly sum than thirteen shillings.

Corporation if required to supply water in bulk to sanitary authorities within limits of this Act.

**39.** If any sanitary authority whose district is wholly or in part within the limits of this Act shall desire to obtain from the Corporation after the completion of the Midhope Reservoir water in bulk for the supply of the whole or the portion (as the case may be) of its district within those limits and shall give notice thereof in writing to the Corporation naming a reasonable time for the commencement of such supply the Corporation shall unless prevented by frost unusual drought or other unavoidable accident or during necessary repairs supply and such sanitary authority shall take in perpetuity from the Corporation so much water in bulk as shall from time to time be requisite for providing the inhabitants of the whole or the part (as the case may be) of their district within the limits of this Act with a proper and sufficient supply of water for all public and private purposes at a price (exclusive of meter rent) of tenpence per thousand gallons subject to reduction as herein-after provided and on such terms and conditions as failing agreement shall be settled by arbitration in accordance with the provisions of sections one hundred and seventy-nine and one hundred and eighty of the Public Health Act 1875 :

Any difference between any such sanitary authority and the Corporation as to whether the water supplied to such sanitary authority is sufficient for the purposes for which it is required shall be settled by arbitration in manner aforesaid :

Provided always that if when any such notice is given to the Corporation by any sanitary authority the Corporation shall have laid down within the district of such authority pipes for the supply of the district or part of the district of such authority to which such demand relates the Corporation shall be under no obligation to comply with such demand except on terms of the sanitary authority purchasing the pipes works meters and fittings of the Corporation within the district of such authority used exclusively for the supply of such district or part at a price failing agreement to be determined by arbitration in manner aforesaid :

After the Corporation shall have commenced to supply water to such sanitary authority under this section or shall have entered into an agreement with a sanitary authority under this section they shall not without the consent in writing of such sanitary authority supply water to or within any part of the district of such authority within the limits of this Act otherwise than under this section or under such agreement and the restriction on the construction of waterworks contained in the fifty-second section of the Public Health Act 1875 shall in the case of such sanitary authority cease to apply within the limits of this Act :

Provided always that the said price shall be subject to reduction in the case of any and every such sanitary authority who shall on a day not earlier than the first day of January one thousand nine hundred and twenty-five in writing demand a reduction of such price if a competent person to be appointed by the Corporation and the sanitary authority making the demand or failing agreement by the President of the Institution of Civil Engineers on the application of the sanitary authority shall decide that the Corporation are in a position to supply water under this section to such sanitary authority at a less price than tenpence per thousand gallons having regard amongst other things to the amount expended by the Corporation upon their water undertaking (exclusive of their disused pumping station reservoir and goit situate at Smithies) up to the date of the demand and to the prospective additional capital expenditure upon and the existing and prospective working expenses and cost of maintenance of their water undertaking (exclusive as aforesaid) and the person so appointed shall determine the amount if any of such reduction and if such person shall decide that such price ought to be reduced the Corporation shall thereafter supply such sanitary authority with water at such reduced rate :

Provided always that in lieu of paying the price herein-before prescribed for water supplied under this section any such sanitary authority who shall by notice in writing to the Corporation before the expiration of twelve months after the passing of this Act elect

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to pay for such water in manner herein-after provided shall be entitled to pay and shall make the following payments to the Corporation for or in respect of the water so supplied to them (that is to say) :—

(1) The actual interest paid by the Corporation from time to time upon such proportion of the capital expenditure upon and in connexion with the obtaining and passing of this Act and the construction of the works authorised by this Act and all other works which may be employed by the Corporation in storing filtering conveying and measuring the water supplied from the works authorised by this Act (exclusive of the works mentioned in sub-section (4) hereof the interest on the entire cost of which is to be paid by the sanitary authority) as is equal to the proportion which the quantity of water from time to time supplied to such authority bears to the total quantity of water for the time being taken from the Midhope Reservoir for the purposes of supply ;

(2) A similar proportion of the equal yearly or half-yearly instalments of principal or of the payments into the sinking fund for the discharge or redemption of the moneys borrowed by the Corporation for and in connexion with the construction of the works specified in sub-section (1) hereof ;

(3) Interest at the rate of one quarter per centum per annum upon the proportion of capital expenditure aforesaid ;

(4) The actual interest paid by the Corporation on the entire cost of any main pipes service tanks meters and other works which shall from time to time be required for the purpose of conveying the water from the lines of pipes (No. 1) and (No. 2) by this Act authorised or either of them to the point at which such water is delivered to such sanitary authority or for storing or measuring the same and the equal yearly or half-yearly instalments of principal or the payments into the sinking fund for the discharge or redemption of the moneys borrowed by the Corporation for defraying such costs ;

(5) In respect of the cost of management and maintenance rates rents and taxes and working expenses of and in connexion with the works from or by means of which the supply of water may be afforded an annual sum to be calculated after the rate of three thousand pounds per annum for each million gallons of water per day and so in proportion for a greater or less quantity supplied to such sanitary authority ;

(6) All interest and other sums payable under sub-sections (1) (2) (3) (4) and (5) hereof shall be paid to the Corporation on the usual quarter days :

The Corporation and any such sanitary authority may at any time after the passing of this Act enter into revoke or alter agreements for the purposes of this section and any such agreement may provide for the supply of water being commenced so soon as the works authorised by this Act are in the opinion of the Corporation so far completed as to enable the Corporation to supply water thereunder :

Except so far as the purposes of this section are carried out by any sanitary authority under a local Act empowering such authority to construct waterworks and supply water the purposes of this section shall be deemed to be purposes of and may be carried out by such sanitary authority under the powers of the Public Health Acts :

Notwithstanding anything in this Act any sanitary authority within the limits of this Act who have not entered into agreement with the Corporation for the supply of water prior to the thirtieth day of May one thousand eight hundred and ninety-five may on giving the notice herein-after mentioned construct waterworks for supplying their district with water or may obtain water from any corporation company body or person for use within their district Provided always that notice in writing of the intention of any sanitary authority so to construct waterworks or obtain water shall be given to the Corporation within one year from the passing of this Act and thereupon the obligation of the Corporation to supply water to or within the limits of such sanitary authority shall cease and determine.

40. The Corporation may agree with any company persons or person to supply them or him (but subject and without prejudice to the supply of water by the Corporation for domestic purposes and to the provisions of the last preceding section of this Act) with water for other than domestic purposes for use within the limits of this Act at such price and on such terms and conditions including payment of meter rent as the Corporation may think fit The Corporation shall at all times at their own expense keep all meters and other instruments for measuring water let by them for hire to any such company persons or person in proper order for correctly registering the supply of water and shall for that purpose have access to and be at liberty at all reasonable times to remove test inspect and replace any such meter or other instrument.

Supply of water for other than domestic purposes.

41. The Corporation may enter into and carry into effect any contract or arrangement with any sanitary authority exercising powers beyond the limits of the Act of 1862 and of this Act for a supply of water in bulk to such sanitary authority for use beyond those limits on such terms and for such period as the Corporation

Agreements with sanitary authorities for supply of water in bulk outside limits.

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may think fit and may from time to time by mutual consent vary suspend or rescind any such contract Provided that no water shall either directly or indirectly be supplied under this section for use within the district of supply of any body company or person supplying water under statutory authority without the consent in writing of such body company or person Provided also that no such authority shall be entitled to a supply of water under any such contract or arrangement whenever and so long as such supply will interfere with a proper supply of water for all purposes within the limits of the Act of 1862 and of this Act.

Incorporation of certain sections of the Act of 1862.

42. Sections thirty thirty-one (except the words "water-closets or") thirty-two and thirty-four of the Act of 1862 are hereby incorporated with and shall form part of this Act and shall apply in respect to water supplied by the Corporation within the limits of this Act Provided always that the provisions of section thirty-four of that Act shall only be of force or effect within such part or parts within their limits of supply in which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and that no rules and regulations made thereunder shall be of any force or effect unless and until they have received the approval of the Local Government Board.

Meters not to be repaired except under direction or with consent of Corporation.

43. No meter whether supplied by or the property of the Corporation or the consumer shall be altered or repaired except under the direction or with the consent of the Corporation and the Corporation shall be entitled to keep all meters which may be supplied by the consumer in repair at his cost and may recover such cost from him as water rent is recoverable.

Fittings.

44. The Corporation may on the request of any person supplied or about to be supplied by them with water furnish to him and from time to time fix repair alter or remove any pipes valves cocks cisterns baths soil pans water-closets apparatus and receptacles and may provide all materials and do all works necessary or proper in that behalf and their charges for providing any such pipes valves cocks cisterns baths soil pans water-closets apparatus or receptacles or materials and executing such works shall be paid by the person requiring the same and shall be recoverable from such person in the same manner as water rates or rents are recoverable by the Corporation.

Prevention of plumbism.

45. All water supplied by the Corporation under this Act shall be properly and efficiently filtered or otherwise treated so as to prevent it from acting on lead in such manner as to endanger the health of the consumer :



Provided that in case the Corporation shall make default under this section they shall be liable to a penalty not exceeding ten pounds for every day during which such default shall continue and such penalty shall be recoverable before any court of summary jurisdiction. A.D. 1896.

**46.** For the prevention of the pollution of the reservoirs and conduits or catchwaters of the Corporation and of the brooks streams watercourses and waters over which the Corporation for the time being for the purposes of their water supply have any power of user or in which for the like purposes they are for the time being interested and in the event of the sanitary authority for the district within which the pollution occurs refusing or neglecting within the space of one month after being requested by the Corporation by notice in writing under the hand of the town clerk so to do to enforce with respect to such pollution the provisions of the Rivers Pollution Prevention Act 1876 the Corporation shall in respect of such pollution have and may if they think fit from time to time exercise beyond the borough such and the like powers as may for the time being be exercised by a sanitary authority under that Act and the provisions of that Act shall for the purposes aforesaid extend and apply mutatis mutandis to the Corporation. Provisions for preventing fouling of water.

**47.** In addition to the sums which the Corporation are now authorised to borrow they may from time to time for the purposes of this Act and of the agreements set out in the First and Second Schedules to this Act borrow and take up at interest on the credit of the revenue of the water undertaking or on the credit of the revenue of the water undertaking and of the improvement rate any sums not exceeding in the whole one hundred and seventy thousand pounds and such further sum as shall be required for paying the taxed costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining and passing of this Act including their opposition to the Sheffield Corporation Water Bill of the present session And for securing the repayment with interest of the moneys so borrowed they may mortgage the revenue of the water undertaking or the revenue of the water undertaking and the improvement rate (as the case may be) The district fund and general district rate shall be a collateral security for the payment of the principal and interest of any moneys borrowed under this Act and in so far as the revenue of the water undertaking or the revenue of the water undertaking and the improvement rate (as the case may be) shall be insufficient to discharge such principal and interest such principal and interest shall be deemed to be and be charged upon the district fund and general district rate and be paid out of the Power to borrow.

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same. Any limitation imposed on or in respect of the said rates or either of them by any of the recited Acts is hereby repealed.

Incorporation of certain provisions of Public Health Act 1875.

48. The following provisions of the Public Health Act 1875 (that is to say) :—

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages); and
- Section 238 (Transfer of mortgages);

shall extend and apply mutatis mutandis to and in relation to mortgages made under the powers of this Act.

Certain regulations of Public Health Act 1875 as to borrowing not to apply.

49. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Discharge of borrowed moneys.

50. The Corporation shall out of the revenue of the water undertaking the improvement rate and the general district rate or some or any of them discharge or make provision by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other for the discharge or redemption of the moneys borrowed by the Corporation for the purposes of this Act within the following periods (namely) :—

As regards moneys borrowed for the purpose of paying the taxed costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act including their opposition to the Sheffield Corporation Water Bill of the present session the period of ten years after the same are borrowed; and

As regards moneys borrowed for other purposes of this Act the period of sixty years after the same are borrowed:

And such respective periods are herein-after referred to as "the prescribed period."

Regulations as to sinking fund.

51. The following regulations shall be observed by the Corporation in relation to any sinking fund formed under this Act :—

- (1) Such equal yearly sums shall be paid by the Corporation out of the revenue of the water undertaking and so far as the same is insufficient out of the improvement rate and the general district rate or one of them into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum will be sufficient to pay off and redeem the moneys for the discharge and redemption of which the sinking fund is created within such period not exceeding the prescribed period as the Corporation may in each case

determine with power for the Corporation from time to time to increase such payments into the sinking fund so as to accelerate the payment off and redemption and discharge of such moneys Provided that if in any year the income arising from the investments of such sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the revenue of the water undertaking the improvement rate and the general district rate or any of them :

- (2) The first payment into the sinking fund in respect of moneys borrowed before the expiration of seven years from the passing of this Act shall be made within one year after the expiration of such period of seven years and in respect of moneys borrowed after such period of seven years shall be made within one year after the same are borrowed :
- (3) All sums paid into the sinking fund shall be as soon as may be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages debenture stock or other securities authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Corporation and not being securities transferable to bearer and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and invested by the Corporation in like manner :
- (4) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys borrowed under the powers of this Act in such order and manner as they deem proper Provided that whenever any principal moneys have been so paid off or redeemed the Corporation shall thenceforward until the whole of such principal moneys have been paid off or redeemed pay out of the revenue of the water undertaking the improvement rate and the general district rate or any of them into the sinking fund every year in addition to the other sums herein-before required to be paid into the sinking fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based :
- (5) Whenever and so long as the securities in the sinking fund taken at the market value of the day are equal to the amount of debt outstanding for the repayment of which the sinking

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fund was formed the Corporation may in lieu of investing the yearly income thereof apply the same in payment of the interest on the debt and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Appoint-  
ment of a  
receiver.

**52.** (1) The mortgagees of the Corporation under this Act may enforce payment of the arrears of interest or of principal or of principal and interest due to them by the appointment of a receiver. The amount of principal in arrear to authorise the appointment of a receiver shall not be less than two thousand pounds in the whole. -

(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit.

(3) The Court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

Power to  
reborrow.

**53.** The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can reborrow at a lower rate of interest and so from time to time. Provided as follows:—

The times for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the periods respectively prescribed for repayment of the original loans;

For the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan;

The Corporation shall not reborrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys.

Priority of  
existing  
mortgages.

**54.** All mortgages of the revenue of the water undertaking and of the improvement rate and of the district fund and general district rate or any of them heretofore made by the Corporation and subsisting at the passing of this Act shall during their continuance and as regards the fund rate rates or revenue thereby assigned have priority over all mortgages made by the Corporation under this Act.

Application  
of moneys  
borrowed.

**55.** All moneys borrowed under the authority of this Act shall forthwith after the receipt thereof be paid to the Treasurer of the borough and be carried by him to the proper account and shall be

applied only to the purposes for which they are by this Act authorised to be borrowed and to which capital is properly applicable.

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**56.** A person lending money to the Corporation shall not be concerned to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Protection of lenders from inquiry.

**57.** If any money is payable under this Act to a mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation for the same.

Receipt in case of persons not sui juris.

**58.** No notice of any trust express implied or constructive shall be entered in any register of or be receivable by the Corporation in relation to any mortgage under this Act or any other Act granted by them after the passing of this Act nor shall they be affected by express implied or constructive notice of any such trust although the same be contained in any document registered by them or tendered to them for registration.

Corporation not to be affected by notice of trusts.

**59.** All water rents and other moneys from time to time received by the Corporation on revenue account under this Act shall forthwith after the receipt thereof be paid to the treasurer of the borough and be carried by him to the credit of the account of the revenue of the water undertaking.

Water rents received under this Act to be carried to revenue account.

**60.** All provisions of the recited Acts in force at the passing of this Act which provide for the application of the moneys received by the Corporation from the improvement rate and from the water rates and other revenue from time to time received by them under those Acts or any of them are hereby repealed and from and after the passing of this Act the Corporation shall apply all moneys received by them from the revenue of the water undertaking and (if and when levied) from the improvement rate as follows:—

Application of revenue of water-undertaking.

First in payment of the expenses of and incidental to the raising levying and recovering of the improvement rate if and when levied and of borrowing or reborrowing moneys under the powers of the recited Acts and this Act;

Secondly in payment of the interest on moneys from time to time borrowed under the powers of the Act of 1862;

Thirdly in payment of the interest on moneys from time to time borrowed under the powers of the Act of 1866;

Fourthly in payment of the interest on moneys borrowed under the recited Act of 1880 and the Barnsley Order (2) confirmed thereby and the recited Act of 1893 and the Barnsley Order confirmed thereby;

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Fifthly in payment of the interest on moneys from time to time borrowed under this Act;

Sixthly in payment of the expenses of managing and maintaining the water undertaking and carrying the several powers and provisions of the Act of 1862 the Act of 1866 and this Act into execution;

Seventhly in providing for the discharge of moneys borrowed or reborrowed under the powers of the recited Acts or any of them;

Eighthly in providing for the discharge of moneys borrowed or reborrowed under the powers of this Act; and

Any surplus shall be applied in payment of any charges or expenses for the time being payable out of the district fund and general district rate or otherwise for the public benefit of the inhabitants and improvement of the borough and any deficiency in such moneys shall be made good out of the district fund and general district rate.

Annual  
return to  
Local  
Govern-  
ment Board  
with respect  
to sinking  
fund.

**61.** The town clerk of the borough shall within twenty-one days after the thirty-first day of March in each year, during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the twelve months preceding such thirty-first day of March and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the sinking fund or the interest thereof has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act:

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or any interest thereof or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and

invested by the Corporation as part of the sinking fund and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1896.

**62.** No telegraph telephone or other means of electric communication constructed under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 : For protection of postal telegraphs.

The Corporation may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or otherwise) in any rural district in connexion with the works authorised by the Act of 1862 or this Act and any expenses incurred by the Corporation under such undertaking may be defrayed out of the revenue of the water undertaking.

**63.** A justice or a judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water or meter rent or charge or interested in any contract with the Corporation for a supply of water under this Act. Liability to water rent not to disqualify justices &c.

**64.** Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums. Contents of summons.

**65.** Every penalty imposed by this Act or by any regulation under this Act shall (except where otherwise expressly provided and except where the Corporation shall be the party by whom the penalty has to be paid) be paid to the Corporation and carried to the credit of the revenue of the water undertaking. Application of penalties.

**66.** Penalties imposed on the Corporation for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act wholly or partially incorporated with this Act shall be deemed several Acts. Penalties not cumulative.

**67.** All the costs charges and expenses of and incident to the applying for obtaining and passing of this Act or otherwise in relation thereto including the opposition of the Corporation to the Sheffield Corporation Water Bill of the present session as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of the moneys borrowed under the authority of this Act. Expenses of Act.

A.D. 1896.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

AN AGREEMENT made the fifth day of May one thousand eight hundred and ninety-six between the Mayor Aldermen and Citizens of the City of Sheffield in the county of York (herein-after called "the Sheffield Corporation") of the one part and the Mayor Aldermen and Burgesses of the Borough of Barnsley in the same county (herein-after called "the Barnsley Corporation") of the other part.

WHEREAS the Bill for the Act to which this agreement is scheduled was opposed by the Sheffield Corporation and negotiations between the two Corporations resulted in the withdrawal of such opposition on the terms and conditions herein-after contained :

It is hereby agreed by and between the two Corporations parties to these presents as follows :—

1. The Sheffield Corporation shall before using any of the waters of the Little Don for their own purposes provide and send down all the compensation water for the time being required by the Barnsley Corporation Water Bill now pending in Parliament (herein-after referred to as "the Barnsley Act") to be sent down into the Hagg Brook and by the Sheffield Corporation Water Bill now pending in Parliament (herein-after referred to as "the Sheffield Act") to be sent down into the Little Don and also the additional water which they are by the agreement between the Barnsley Corporation and Samuel Fox and Company Limited set out in the Second Schedule to the Barnsley Act required to discharge into the Hagg Brook (herein-after called "additional water") and the Barnsley Corporation shall within three months after the Sheffield Corporation have completed their Langsett Reservoir in a condition to store water pay to the Sheffield Corporation the sum of nineteen thousand one hundred and forty-eight pounds as representing the saving to the Barnsley Corporation by reason of the Sheffield Corporation relieving them of their obligation under the Barnsley Act to send down compensation water and to meet the increased cost to the Sheffield Corporation of the enlargement of the Langsett Reservoir necessary to provide for such increased compensation out of such reservoir such sum of nineteen thousand one hundred and forty-eight pounds being apportioned as follows namely ten thousand and thirty-five pounds in respect of the cost of the enlargement of the said reservoir and nine thousand one hundred and thirteen pounds the capitalized cost of the maintenance due to such enlargement :

Provided that if the Midhope Reservoir authorised by the Barnsley Act be completed and brought into use for the purposes of supply before the completion and bringing into use of the Langsett Reservoir for the purposes of supply then



the Barnsley Corporation will until the last-mentioned reservoir is completed and so brought into use send down out of the said Midhope Reservoir such quantity of compensation water and additional water as they may be required to send down in order to comply with the requirements of the Barnsley Act and the said agreement and the Sheffield Corporation shall pay to the Barnsley Corporation in respect of the compensation water and additional water so sent down the sum of four pounds per working day in the first year of such supply such payment to be increased annually by the sum of one pound in each succeeding year in respect of each working day on which such water shall be so sent down. All such payments to be made half-yearly on the 1st day of March and the 1st day of September in each year.

2. The Sheffield Corporation shall within five years from the passing of the Sheffield Act commence and shall within twelve years from the same date complete the Langsett Reservoir and commence to discharge therefrom all the compensation water and additional water which they are for the time being required to send down into the Little Don. And if they shall fail to complete the said Langsett Reservoir within such period of twelve years they shall indemnify and hold harmless the Barnsley Corporation from all claims demands penalties damages losses costs liabilities and obligations upon or against them or which they may incur or become liable to by reason or in consequence of such failure.

3. The Barnsley Corporation will further pay the sum of one thousand five hundred and eighty-nine pounds being their proportion of the sum of seven thousand seven hundred and forty-eight pounds payable by the Sheffield Corporation to Samuel Fox and Company Limited under the agreement between the Sheffield Corporation and Samuel Fox and Company Limited in that behalf in respect of loss of water power and will also pay to the Sheffield Corporation on the completion and bringing into use of the Langsett Reservoir the sum of two thousand two hundred and thirty-one pounds in respect of the capital outlay to be incurred by them in constructing the works necessary for pumping the additional water and on the commencement of pumping the further sum of four thousand four hundred and fifty-eight pounds in respect of the capitalized value of the working expenses including rates and the maintenance and renewal of such works.

4. The Sheffield Corporation will construct the Knoll Brook Works authorised by the Sheffield Act in accordance with plans approved by and to the satisfaction of Charles Hawksley or other the engineer for the time being of the Barnsley Corporation and will on their completion transfer the said works together with the necessary lands and easements to and for the use of the Barnsley Corporation at cost price and also their powers to take collect divert and use the waters of the Knoll Brook and its tributaries and any other brooks becks or streams of water or springs which will or may be intercepted by the said works. The Sheffield Corporation will also on the completion of the said works transfer to the Barnsley Corporation all then existing pipes tanks and other works with the right of access thereto for the inspection and maintenance thereof whereby any of the waters which but for such works would flow into the Knoll Brook are or might be diverted therefrom and the Barnsley Corporation will thenceforward undertake the obligation of maintaining the works for and affording the supply of water to the Barnside Cote and Barnside Farm Buildings and the agricultural supplies at present afforded by the Stocksbridge Urban District

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Council within the drainage area of the Knoll Brook so far as the waters thereof can be intercepted by the said Knoll Brook works and also the compensation water to the field east of and adjoining Windhill Wood. The two Corporations will at their joint and equal expense make an application to Parliament for the necessary powers for the purposes of this clause unless such powers shall be previously obtained by any Bill promoted by either Corporation.

5. If it shall appear to the engineers of the Barnsley Corporation and the Sheffield Corporation or either of them necessary or expedient in consequence of the modifications made in the Barnsley Act or in the Sheffield Act in pursuance of this agreement that any lands acquired or which may be acquired by the Barnsley Corporation under or for the purposes of the Barnsley Act be conveyed to the Sheffield Corporation or that any lands acquired or which may be acquired by the Sheffield Corporation under or for the purposes of the Sheffield Act be conveyed to the Barnsley Corporation all questions as to acquisition and conveyance of such land and the consideration for conveyance and other matters connected therewith (including agreements with landowners) shall be settled by agreement between the engineers of the respective Corporations or in default of agreement by arbitration.

6. If any difference occurs between the parties hereto as to the construction of this agreement or as to any matter or thing arising under its provisions such difference shall be referred to arbitration under the Arbitration Act 1889.

7. The Barnsley Corporation will not oppose but will support the passage of the Sheffield Act and similarly the Sheffield Corporation will not oppose but will support the passage of the Barnsley Act.

8. This agreement is subject to such alterations (if any) as Parliament may think fit to make therein and if the Sheffield Act shall not be passed in the present session shall become null and void.

HERBERT BRAMLEY

Town Clerk of Sheffield

for the Sheffield Corporation.

HENRY HORSFIELD

Town Clerk of Barnsley

for the Barnsley Corporation.

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## THE SECOND SCHEDULE.

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AN AGREEMENT made the sixth day of May one thousand eight hundred and ninety-six between the Corporation of Barnsley (herein-after called "the Corporation") of the one part and Samuel Fox and Company Limited (herein-after called "the Company") of the other part.

WHEREAS the Corporation are promoting in Parliament in the present session a Bill for an Act (herein-after referred to as "the intended Barnsley Act") to empower them to obtain water from Hagg Brook and other tributaries of the

River Porter or Little Don in the township of Bradfield for the supply of the borough of Barnsley and other places and for other purposes and power is sought in the said Bill to construct a reservoir therein called the Midhope Reservoir for impounding the waters of the said Hagg Brook and other tributaries of the said river And whereas the Company being the owners of large steel works situate on both sides of the said river at Stocksbridge and claiming to be entitled to the user of the whole of the waters of the said river are opposing the said Bill :

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And whereas the Corporation of Sheffield are also promoting in Parliament in the present session a Bill for an Act (herein-after referred to as "the intended Sheffield Act") to empower them to construct works for impounding the waters of the said River Porter or Little Don and its tributaries and the Company also opposed the last-mentioned Bill :

And whereas the Company have agreed to withdraw their opposition to the said Bill of the Corporation of Sheffield upon the terms and conditions set forth and contained in certain heads of agreement entered into between the Corporation of Sheffield and the Company and intended to be scheduled to the intended Sheffield Act :

And whereas the Corporation of Sheffield and the Corporation have entered into an agreement by which it is provided that neither Corporation shall further oppose the Bill of the other Corporation and that the Corporation shall in part fulfil the terms and conditions contained in the said heads of agreement between the Corporation of Sheffield and the Company in the manner herein-after provided And whereas the Company have also agreed with the Corporation to withdraw their opposition to the said Bill of the Corporation on the terms and conditions herein-after contained Now these presents witness that it is agreed by and between the Corporation and the Company parties to these presents as follows :—

1. The Corporation shall before commencing to impound any of the waters of any tributary of the Little Don under the powers to be contained in the intended Barnsley Act or within five years from the passing of that Act whichever event shall first happen pay to the Company the sum of one thousand five hundred and eighty-nine pounds as full compensation and satisfaction for the loss of water power and diminished use of turbine and all injury consequent thereon The said sum of one thousand five hundred and eighty-nine pounds shall be accepted and taken by the Company in part payment of the sum of seven thousand seven hundred and forty-eight pounds agreed to be paid to the Company by the Corporation of Sheffield under the provisions of the herein-before recited agreement between the Corporation of Sheffield and the Company Provided always that if the said intended Sheffield Act shall not be passed then the amount to be paid to the Company by the Corporation as full compensation and satisfaction as aforesaid shall be the sum of one thousand nine hundred pounds instead of the before-mentioned sum of one thousand five hundred and eighty-nine pounds.

2. When and so long as the Corporation shall be required under the provisions of the intended Barnsley Act to discharge compensation water out of their Midhope Reservoir into Hagg Brook they shall for the special use and benefit of the Company unless and until otherwise agreed with the

A.D. 1896. Company also discharge into the said Hagg Brook in each working day the additional water herein-after prescribed (that is to say) :—

- (a) Until the completion of the conduit or catchwater No. 1 in the intended Barnsley Act described a quantity of additional water in each such working day not less than 100,664 gallons :
- (b) After the completion of the said conduit or catchwater No. 1 (if the same be constructed) a quantity of additional water in each such working day not less than 188,037 gallons :
- (c) If instead of constructing the said conduit or catchwater No. 1 the Corporation shall take and use the waters of the Knoll Brook in manner provided for by the said agreement between the Corporation of Sheffield and the Corporation a quantity of additional water in each such working day not less than 122,875 gallons :
- (d) Such respective quantities of additional water shall be discharged in a regular and uniform flow during the twelve consecutive hours of each working day commencing at six o'clock in the morning or the twelve consecutive hours of the night following such working day as the Company from time to time in writing prescribe provided that not less than three days notice in writing shall be given by the Company to the Corporation of any alteration which the Company may require in the hours for the discharge of such additional water and there shall be an interval of not less than one month between any two such notices.

3. Notwithstanding anything contained in the clause of the intended Barnsley Act the marginal reference to which is "For protection of millowners and others" the Corporation during the first filling of the Midhope Reservoir shall deliver into Hagg Brook out of the said reservoir a quantity of water not less than that required to be discharged therefrom as compensation water and additional water so long as there shall be in the said reservoir or entering the same sufficient water to enable them to comply with this requirement but whenever and so long as there shall not be sufficient water in or entering the said reservoir to enable them to comply with this requirement they shall not be required to discharge therefrom a greater quantity of water than is entering the said reservoir.

4. The Corporation shall before commencing to impound water in their Midhope Reservoir at their own cost construct to the satisfaction of the Company or their engineer within 200 yards of the foot of the bank of the said Midhope Reservoir a gauge for the purpose of measuring the additional water hereby agreed to be given and the Company shall by their duly authorised officers or servants have access to such gauge at all reasonable times for the purpose of inspecting the same.

5. The Corporation in the construction of any of their pipe lines intended to be authorised by the intended Barnsley Act shall not unnecessarily interfere with or disturb the Company's gas mains and pipes laid in the public roads and if any alteration in such mains shall be necessary the Corporation shall execute such work to the reasonable satisfaction of the engineer for the time being of the Company And the Corporation shall keep the Company indemnified against all loss costs damages and expenses as well immediate as consequential

[59 & 60 VICT.] *Barnsley Corporation (Water) Act, 1896.* [Ch. lii.]

which the Company may at any time incur or sustain by reason of the construction maintenance or failure of any such pipe line or the works connected therewith. A.D. 1896.

HENRY HORSFIELD

Town Clerk of Barnsley

for the Barnsley Corporation.

REGD. BENSON

Solicitor and Agent

for Samuel Fox & Co. Limited.

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