



ANNO DECIMO SEXTO & DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## Cap. cvii.

An Act for the Maintenance of the existing Works of the Company of Proprietors of the *Barnsley* Waterworks, and for the Purchase of Lands by them; to repeal their Act, and make other Provisions in lieu thereof. [4th August 1853.]

**W**HEREAS by the (Local and Personal) Act of the First 7 W. 4. & Year of the Reign of Her present Majesty, Chapter 1 Vict. Eighty-two, the Company of Proprietors of the *Barnsley* c. lxxxii. Waterworks (in this Act called "the Company") were incorporated to supply Water to the Town and Neighbourhood of *Barnsley* in the Parish of *Silkstone* in the West Riding of the County of *York*, and were empowered to make and maintain Reservoirs, Cuts, Conduits, Aqueducts, and other Works on certain Lands in that Act mentioned or referred to, and also to take and use for the Purposes of that Act Water from the River or Stream called the *Dearne* in the said Parish of *Silkstone*: And whereas the Company have made Two Reservoirs upon Lands other than those mentioned or referred to in the said Act, with the Consent of the Persons upon whose Lands the same were made, and have supplied the same with Water from a Goit or Mill-stream in the Township of *Monk Bretton*, otherwise *Burton*, in the

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Parish of *Roystone* in the said West Riding, leading from the River *Dearne*, and the Company have also made certain Weirs, Feeders, Conduits, and other Works in connexion with the said Reservoirs, and have laid down certain Mains and Supply Pipes for the Distribution of Water to the said Town and Neighbourhood: And whereas the Company have also made for the Purposes of the said Reservoirs and other Works, a Cut or Channel for diverting the Waters of the River *Dearne* on the South-east Side of *Smithy Mill Lane* in the said Township of *Barnsley*, and a Bridge for carrying the said *Smithy Mill Lane* over the said Cut or Channel: And whereas it is expedient that the Company should be empowered to maintain the Works so made by them as aforesaid, and to purchase certain Lands, Streams, and Water Rights in the Neighbourhood of those Works: And whereas by the said recited Act the Company were empowered to raise a Capital not exceeding Seven thousand Pounds in Shares of Ten Pounds each, and to borrow on Mortgage of their Undertaking any Sum not exceeding Two thousand five hundred Pounds: And whereas the Company have raised Six thousand eight hundred and sixty Pounds in Six hundred and eighty-six Shares of Ten Pounds each, and have borrowed on Mortgage the Sum of Two thousand five hundred Pounds, and have expended those Sums upon their Works: And whereas, in addition to the aforesaid Sums, the Company have also expended upon their Works the Sum of Three thousand five hundred and eighty-eight Pounds advanced by Shareholders in the Company, and the Sum of Eight hundred and ninety-four Pounds, or thereabouts, advanced by the Banker of the Company: And whereas it is expedient that the Company should be empowered to pay off the Monies so advanced by their Bankers, and also to capitalize or pay off the said Sum of Three thousand five hundred and eighty-eight Pounds, and to raise further Capital for those Purposes, and for the Purchase of such Land, Streams, and Water Rights, as aforesaid: And whereas, in order to avoid Inconveniences arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the recited Act should be repealed, and that some of the Powers and Provisions thereof should be amended and re-enacted or continued by this Act, and that further Powers should be given to the Company: And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

I. That in citing this Act for any Purposes, it shall be sufficient to use the Expression "*Barnsley Waterworks Act, 1853.*"

II. That

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II. That this Act shall commence and have effect on and from the Fourth *Wednesday* next after the passing thereof.

Commence-  
ment of Act.

III. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall be incorporated with this Act.

8 & 9 Viet.  
cc. 16. & 18.  
and  
10 & 11 Viet.  
c. 17. incor-  
porated with  
this Act.

IV. That the several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, and except also that the Word "Lands" in those Acts and in this Act respectively shall include for the Purposes of this Act Streams and Waters.

As to Mean-  
ings of cer-  
tain Words,  
&c. in Acts  
herein incor-  
porated and  
this Act.

V. That upon the Fourth *Wednesday* next after the passing of this Act the said recited Act of the First Year of the Reign of Her present Majesty shall be and the same is hereby repealed.

Recited Act  
repealed.

VI. That, notwithstanding the Repeal of the recited Act, the Company shall be and continue incorporated by the Name of "The Company of Proprietors of the *Barnsley Waterworks*," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to construct and maintain Waterworks, and to supply Water, and to purchase, take, hold, and dispose of Lands and other Property, for the Purposes but subject to the Restrictions of this Act.

Company to  
continue in-  
corporated.

VII. That, notwithstanding the Repeal of the recited Act, the Company shall remain and be seised and possessed of and entitled to all the Monies, Property, Effects, Claims, and Demands whatsoever of or to which the Company shall by virtue of the recited Act, or otherwise howsoever, be immediately before the Commencement of this Act seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act were not passed.

Company  
to remain  
entitled to  
their Pro-  
perty.

VIII. That, notwithstanding the Repeal of the recited Act, the several Clauses and Provisions whatsoever, in favour of, relating to, or affecting the Company, or the Committee of Management, Officers, or Servants of the Company, contained in any Act or Acts other than the recited Act, and which shall immediately before the Commencement of this Act be in force, shall, on and from the Commencement of this Act, apply to the Company, and the Directors, Officers, and Servants of the Company, and shall continue and be in full Force accordingly;

Company to  
continue  
entitled to  
Powers  
under other  
Acts.

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accordingly; and the Company, and their Directors, Officers, and Servants, may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and enjoy, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever as, if this Act were not passed, the Company, and the Committee of Management, Officers, and Servants of the Company, under or by virtue of the same, might be entitled to, or might have, exercise, or enjoy: Provided always, that so far as such Clauses and Provisions respectively apply to the Committee of Management of the Company, they shall, after the Commencement of this Act, apply to the Directors of the Company.

Conveyances, &c. to remain in force.

IX. That, notwithstanding the Repeal of the recited Act, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, Arbitrations, Awards, and other Acts and Things before the Commencement of this Act done, entered into, executed, or instituted, under or by virtue of the recited Act, or with reference to the Purposes of the same, shall be as good, valid, and effectual, to all Intents and Purposes, for, against, and with reference to the Company, as if this Act were not passed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

X. That, notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect both in favour of and against the Company in like Manner in all respects as the same would continue and take effect if this Act were not passed; and all Offences against the Provisions of the recited Act committed before the Commencement of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act were not passed.

Water Rates due at Commencement of this Act to be recovered by Company.

XI. That, notwithstanding the Repeal of the recited Act, all Water Rates which immediately before the Commencement of this Act shall be due and payable, or accruing due and payable, to the Company, shall be payable to and may be collected and recovered by the Company in like Manner as if this Act were not passed.

Debts due to and by Company to be paid to and by them.

XII. That, notwithstanding the Repeal of the recited Act, all Persons who immediately before the Commencement of this Act shall owe any Sum of Money to the Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue due for the same,

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same, to the Company; and all Debts and Monies which immediately before the Commencement of this Act shall be due or owing by or recoverable from the Company, or for the Payment of which the Company are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Company.

XIII. That, notwithstanding the Repeal of the recited Act, all Books and other Documents by that Act directed or authorized to be kept, and which if that Act were not repealed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly. Books to be Evidence.

XIV. That, notwithstanding the Repeal of the recited Act, all Certificates, Sales, Transfers, and Dispositions, before the Commencement of this Act made or executed under the recited Act, of or with respect to any Shares in the Company, shall remain in full Force and continue and be available in all respects. Certificates and Transfers to remain in force.

XV. That, notwithstanding the Repeal of the recited Act, every Clerk or other Officer and Servant appointed by virtue of or acting under the Authority of that Act, shall hold and enjoy his Office and Employment with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from such Office and Employment, and shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever as if he were appointed under this Act. Officers to continue until removed.

XVI. That the Share Capital of the Company, inclusive of their now existing Share Capital of Six thousand eight hundred and sixty Pounds, shall be Twenty thousand seven hundred and forty Pounds. Capital.

XVII. That Six thousand eight hundred and sixty Pounds, Part of that Capital, shall be divided into Six hundred and eighty-six Shares of Ten Pounds each, and those Shares shall be deemed fully paid up, and shall belong to the several Persons who immediately before the Commencement of this Act were the Shareholders of the Company, and in proportion to and as substituted for and representing their then Shares in the now existing Share Capital of Six thousand eight hundred and sixty Pounds. Shares to represent existing Shares.

XVIII. That, subject to the Provisions of this Act, the Company may from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Shareholders present, in Person or by Proxy, at any Special Meeting of the Company convened for that Purpose, Power to borrow Money by Creation of new Shares.  
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raise by the Creation and Issue of new Shares such Part of the rest of the Capital as for the Time being shall not be raised, and may create the new Shares either of one Class and with the like Privileges, or of several Classes and with different Privileges, and of the same or different Amounts, and respectively with any fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other Dividend not exceeding Five Pounds in the Hundred on the Amount from Time to Time paid up thereon, as the Company from Time to Time think fit, and may from Time to Time fix, as they think fit, the Amounts and Times of Payment of the Calls on the new Shares: Provided always, that all the Shares of the same Class shall be of like Amount, and all the Shares of the same Class shall confer like Privileges and bear the like Dividend or Interest.

Nothing to  
affect Rights  
of Preference  
Shares.

XIX. Provided always, That any Preference or Priority in the Payment of Interest or Dividend, which may from Time to Time be granted in respect of any new Shares or Stock, in pursuance of this Act, shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been previously granted by the Company by or in pursuance of this Act, or any previous Act of Parliament, or which may have been confirmed by any Act passed prior to the passing of this Act, or which may otherwise be lawfully subsisting.

Allotment  
of new  
Shares in  
satisfaction  
of Debts.

XX. That, subject to the Provisions of this Act requiring new Shares to be offered to Subscribers and Shareholders respectively, the Company from Time to Time may, by Agreement with any Person entitled to any Part of the Three thousand five hundred and eighty-eight Pounds so advanced by Shareholders, or to the Eight hundred and ninety-four Pounds, or thereabouts, so advanced by the Bankers, or any Part thereof, allot to him any new Shares in satisfaction of all or such Part as is mutually agreed on of his Debt, with Interest thereon, and upon every such Allotment the new Shares so allotted shall be deemed fully paid up, and the Debt or Part of Debt in respect whereof those Shares are so allotted, and the Interest thereon, shall thereupon be extinguished: Provided always, that the Company shall not allot to any such Person any such new Shares of a nominal Amount exceeding the Amount of his Debt or Part of Debt and Interest so extinguished.

Creation of  
new Shares  
to raise  
Money for  
Satisfaction  
of Debt.

XXI. That the Company shall forthwith raise by the Creation and Issue of Shares any Sums not exceeding in the whole Four thousand five hundred Pounds, which may be required for the Discharge of so much of those Sums of Three thousand five hundred and eighty-eight Pounds, and Eight hundred and ninety-four Pounds, or thereabouts, and Interest thereon respectively, as shall not be satisfied by such  
Allotment

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Allotment of new Shares, and shall apply the Monies so raised in Discharge thereof accordingly.

XXII. That the new Shares so respectively allotted and created for satisfying and paying off those Sums and Interest shall entitle the Holders thereof to a fixed perpetual preferential Dividend, after the yearly Rate of Five Pounds in the Hundred on the Amount from Time to Time paid up thereon, and such Dividend shall be fully paid by the Company before any Dividend shall be paid on any other Share in the Capital.

Preference  
of such  
Shares.

XXIII. That the Company may, in addition to the Amount to be so raised by such preferential Shares, forthwith raise by new Shares, for the other Purposes of this Act, any Sums not exceeding the Residue of their Share Capital of Twenty thousand seven hundred and forty Pounds.

Company  
to raise  
Residue of  
Capital for  
other Pur-  
poses.

XXIV. That a sufficient Part of the new Share Capital so to be raised as aforesaid shall be divided into Shares of such Amount as will conveniently allow the same, or such Part thereof as will together with any Sums previously so allotted make up a Sum equal to the Amount subscribed under the Subscription Contract entered into for the Purposes of this Act, to be allotted among the Persons who shall have subscribed that Contract, in proportion to the Amount of their respective Subscriptions therein or thereto, and shall be offered to them at Par in such Proportion; and the Residue of such new Shares shall, if at the Time of the Creation thereof the then existing Shares are at a Premium, be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Holders of Six hundred and eighty-six Shares before mentioned in proportion to the Numbers of those Shares held by them respectively; and such new Shares shall be offered to them at Par in such Proportion.

New Shares  
to be offered  
to Subscri-  
bers and  
Share-  
holders.

XXV. That such Offers shall be made by Letter under the Hand of the Chief Clerk of the Company, given to every Subscriber or Shareholder, or sent by Post addressed to him, according to his Address in the said Subscription Contract, or in the Books of the Company, or left for him at his usual or last known Place of Abode in *England*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the ordinary Course of Delivery ought to reach the Place to which it is addressed.

Mode of  
making  
Offers.

XXVI. That the new Shares so offered shall vest in and belong to the Subscribers or Shareholders who accept the same.

New Shares  
to vest in  
Share-  
holders.

XXVII. Pro-

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As to Disposition of new Shares.

XXVII. Provided always, That if any Subscriber or Shareholder fail for One Month after such Offer of new Shares to accept the same, the Company may dispose of such Shares in accordance with the other Provisions of this Act.

General Power to dispose of new Shares.

XXVIII. That (except as by this Act provided with reference to new Shares to be offered to Subscribers and existing Shareholders) the Company may from Time to Time dispose of the new Shares in such Manner and on such Terms as the Company think fit.

Dividend on new Shares.

XXIX. That every Person who becomes entitled to any new Share shall in respect of the same be a Shareholder in the Company, and shall (unless the Rate of Dividend or Interest thereon be fixed by this Act, or be, at the Time of the Creation thereof, otherwise fixed by the Company) be entitled to a Dividend with the other Shareholders, proportioned to the whole Amount for the Time being paid up on such Share.

Calls on new Shares.

XXX. That (except as to such preferential Shares) no Call to be made upon or in respect of new Shares created under the Powers of this Act shall exceed the Rate of Ten Pounds in the Hundred on the Amount of a Share, and the Interval between successive Calls shall be not less than Two Months, and not more than One Half of the nominal Amount of a Share shall be called up in any One Year.

Power to borrow Money on Mortgage or Bond.

XXXI. That, after the whole of the additional Capital of Thirteen thousand eight hundred and eighty Pounds shall have been subscribed for, and One Half of the entire Capital shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any further Sums not exceeding in the whole, together with the Sums previously borrowed by them and then remaining due, the Sum of Five thousand Pounds.

Former Mortgages to have Priority.

XXXII. That all Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over all Mortgages and Bonds to be granted by virtue of this Act.

Application of Money.

XXXIII. That all Money to be raised under the Provisions of this Act, whether by means of Shares or by exercise of the Powers of borrowing, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Arrears may be enforced by Appoint-

XXXIV. That the Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages



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gages by the Appointment of a Receiver, and the Amount of Debt necessary to authorize a Requisition for a Receiver shall be One thousand Pounds. ment of a Receiver.

XXXV. That the Ordinary Meetings of the Company shall be held on the last *Monday* in *January* and the last *Monday* in *July* in every Year, at such Places in *Barnsley* as the Company shall from Time to Time appoint ; and the First Ordinary Meeting shall be held on such One of those Days as shall first happen next after the Commencement of this Act. Ordinary Meetings.

XXXVI. That the Quorum for any General Meeting of the Company shall be Five Shareholders, holding in the aggregate not less than Fifty Shares. Quorum of General Meeting.

XXXVII. That the Number of Shareholders on whose Requisition an Extraordinary Meeting shall be convened shall be Five Shareholders, holding in the aggregate not less than Fifty Shares. Extraordinary Meetings of the Company.

XXXVIII. That the Persons who shall be at the Time of the Commencement of this Act the Committee of Management shall be the First Directors of the Company, and shall continue in Office until the First General Meeting of the Company under this Act, and shall then retire from Office, but shall, if qualified, be eligible for Re-election. First Directors.

XXXIX. That after the First General Meeting of the Company under this Act the Number of the Directors shall be Six, and the Qualification of a Director shall be the Possession, in his own Right, of Twenty Shares. Number and Qualification of Directors.

XL. That the Quorum of a Meeting of Directors shall be Three. Quorum of Directors.

XLI. That if any Money be payable to any Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same. Receipts on behalf of incapacitated Persons.

XLII. That, subject to the Provisions of this Act, it shall be lawful for the Company from Time to Time to enter upon, take, or use the Lands specified in the Schedule to this Act, or any Part thereof. Power to purchase Property for general Purposes.

XLIII. That the Company may from Time to Time, by Agreement, purchase or take for the Purposes of this Act any Quantity of Land not exceeding Two Acres in addition to the Land vested in them by this Act and the Land specified in the Schedule. Power to purchase Land.

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XLIV. That

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Power to  
maintain  
existing  
Works.

XLIV. That inasmuch as Plans and Sections of the existing Works of the Company showing the Line and Levels thereof respectively as at present constructed, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands through which the same respectively have been made, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*, therefore, subject to the Provisions in this Act contained, the Construction and Maintenance of the said existing Works, and the Use thereof for the Supply of Water, are hereby confirmed and made lawful; and it shall be lawful for the Company to maintain and continue the said existing Works in the Lines and according to the Levels in which the same are at present constructed.

Description  
of Works.

XLV. That the existing Works of the Company hereby confirmed, and which they are by this Act authorized to maintain, are as follow; that is to say,

- A Reservoir situate in or upon certain Lands in the Townships of *Barnsley* and *Monk Bretton*, otherwise *Burton*, in the Parishes of *Silkstone* and *Roystone* in the West Riding of the County of *York*, near the *Smithy Mill*, with the Weirs, Culverts, or Feeders, Embankments, and other Works and Conveniences connected with that Reservoir and the Supply of Water thereto:
- A Reservoir, commonly called the New or Upper Reservoir, at or near *Jordan Hill* in the said Township of *Barnsley* and Parish of *Silkstone*, with the Weirs, Culverts, or Feeders, Embankments, and other Works and Conveniences connected therewith:
- A Cut or Channel commencing by a Junction with the old Course of the River *Dearne* on the South-east Side of *Smithy Mill Lane*, at or in a certain Field belonging or reputed to belong to *William Bayldon*, his Assignee and Mortgagees, or some or One of them, in the Occupation of *William Little*, situate in the said Township of *Barnsley* and Parish of *Silkstone*, and terminating by a Junction with the old Course of the said River in the same Field:
- A Bridge over the said Cut or Channel in the same Parish or Township in the Line of the *Smithy Mill Lane*, for the Purpose of carrying the said Lane over the said Cut or Channel:
- A Waste Weir constructed on the Site of an old Waste Weir formerly standing on the Goit leading from the River *Dearne* to or by the *Smithy Mill*, at a Distance of about Twelve Yards from the said *Smithy Mill*, in the said Township of *Monk Bretton*, otherwise *Burton*, and Parish of *Roystone*:
- A Conduit or Line of Pipes commencing by a Junction with the said first-described Reservoir at the South-east Side or End thereof, and terminating at the said New or Upper Reservoir:

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The Mains and Communication Pipes laid down by the Company for Purposes of Distribution within the Limits of the recited Act :

The stopping up of a Waste Weir called the *Bye Wash*, formerly standing in the said Goit in the said Township of *Monk Bretton*, otherwise *Burton*, and Parish of *Roystone*.

XLVI. That the Company in any Alterations of the said existing Works shall not deviate from the Line of the existing Works, except with the Consent of the Owner and Occupier of the Lands in which any Deviation may be made, and except where the Line passes along, through, or under any Highway, Road, Passage, or Place dedicated to the Public, and, in the latter Case, to the Extent only of the Fences or Boundaries of such Highway, Road, Passage, or Place.

Limits of Deviation.

XLVII. That all Lands, Rights, and Interests of or to which the Company, or any Persons in trust for them, were immediately before the passing of this Act seised, possessed, or entitled at Law or in Equity, and all Reservoirs and other Works thereon, shall (notwithstanding the same were not taken or made under the Powers of the recited Act) be and continue well and effectually vested in the Company, or such Persons in trust for them, for the Residue of such Estate or Interest therein as the Company and such Persons respectively were seised or possessed of or entitled to immediately before the passing of this Act, and may be held, disposed of, used, employed, and enjoyed by the Company for the Purposes of this Act : Provided always, that nothing herein contained shall extend to vest in the Company, or any Person in trust for them, any greater Estate or Interest in any such Lands or Rights than the Persons who have conveyed or assigned or otherwise disposed of the same to or in trust for the Company might at the Date of their respective Conveyances or Assignments or other Dispositions have lawfully conveyed or assigned or otherwise disposed of.

Lands to continue vested in Company.

XLVIII. That the Limits of this Act for the Supply of Water by the Company comprise the Town of *Barnsley* and the Neighbourhood thereof.

Limits of Act for Water Supply.

XLIX. That the Water to be supplied need not be constantly laid on under Pressure.

Water not necessarily under Pressure.

L. That the Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Company is or shall be laid, or on the Application of any Person who under the Provisions of this Act is entitled to demand a Supply of Water for domestic Purposes, furnish

Rate at which Water is to be supplied for domestic Purposes.

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furnish to such Owner or Occupier or other Person a sufficient Supply of Water for domestic Use, at Rates not exceeding the yearly Rate of Seven Pounds Ten Shillings in the Hundred on the annual Value of the Dwelling House or Part of a Dwelling House supplied.

Limiting maximum and minimum Rates.

LI. Provided always, That the Company shall not be entitled to demand or receive for any One Dwelling House or Part of a Dwelling House any greater yearly Sum than Ten Pounds; nor shall they be obliged or compellable to furnish a Supply of Water to any Person for a less yearly Sum than Five Shillings.

Rates for Water-closets and Baths.

LII. That, in addition to the Rate for the Supply for domestic Purposes, the Company may demand and receive for One Water-closet or Bath any yearly Sum not exceeding Ten Shillings, and for every additional Watercloset or Bath beyond the first any yearly Sum not exceeding Five Shillings.

What shall not be deemed domestic Purposes.

LIII. That a Supply of Water for domestic Purposes shall not include a Supply for Waterclosets or Baths, or for Cattle or for Horses, or washing Carriages, where such Horses or Carriages are kept for Hire or by Common Carriers, or a Supply for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Water Supply by Agreement.

LIV. That the Company from Time to Time may supply any Person with Water for other than domestic Purposes, for such Remuneration and upon such Terms and Conditions as are agreed on between the Company and the Person desirous of having the Supply.

For preventing fouling Water.

LV. Provided always, That the Company shall not be compellable to supply with Water any Watercloset or any private Bath, or the Apparatus or Pipes connected therewith respectively, unless the same be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air and other noisome and impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Company, or with respect to a private Bath, if it contain when filled for Use more than Sixty Gallons of Water.

Penalty for using Water for other than domestic Purposes without Agreement.

LVI. That every Person using for other than domestic Purposes any Water supplied by the Company, and not having previously agreed with the Company for a Supply for such other Purposes, and every Person having agreed with the Company for a Supply of Water for any other than domestic Purposes, and using for any Purposes other

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other than the Purposes so agreed on the Water so supplied by the Company, shall respectively for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

LVII. That whenever any Person neglects to pay any Rate or Sum due to the Company, and the Rate or Sum do not exceed Fifty Pounds, the Company may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies for the Recovery of such Rate or Sum.

Recovery of Sums not exceeding 50*l.*

LVIII. That any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Several Names in One Warrant.

LIX. That any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Rate or Sum shall be paid by the Person liable to pay such Rate or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Rate or Sum.

Costs of Distress.

LX. Provided always, That this Act, or anything therein contained, shall not authorize the Company to divert or take away any of the Water now flowing or which of right should flow into the River *Dearne*, and thence into the *Dearne and Dove* Canal belonging to the *South Yorkshire* Railway and River *Dun* Company, excepting such as shall be returned into that River at a Point within the Township of *Barnsley*, or at or near the Junction of that Township with the Township of *Ardley*, and shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, and Authorities vested in, belonging to, or exercised by that Company.

Saving Rights of *South Yorkshire* Railway and River *Dun* Company.

LXI. Provided also, That the Company shall not in anywise obstruct, and this Act or anything therein contained shall not prevent, the Owners or Occupiers of any Minerals under any Lands, the Surface Drainage whereof falls into the River *Dearne* or any of its tributary Streams, from discharging into that River or those Streams, or any of them, the Water which may be raised or flow from any Mines in course of working.

Saving Rights of Mine Owners.

LXII. Provided also, That nothing in this Act contained shall (except so far as Authority is expressly given by this Act, or as in and by this Act is expressly provided and enacted) extend, or be construed

Saving Rights under Gas Act and Improvement Act.

[*Local.*]

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or

*Barnsley Waterworks Act, 1853.*

or deemed or taken to extend, to affect, extinguish, defeat, abridge, impeach, annul, prejudice, obstruct, or destroy, or in any Manner interfere with the Powers or Provisions of "The *Barnsley Gas Act, 1852,*" or of the Powers and Provisions of another Act passed in the Third Year of the Reign of His late Majesty King *George the Fourth,* intituled *An Act for lighting, paving, cleansing, watching, and improving the Town of Barnsley in the West Riding of the County of York,* but the Powers thereby severally vested shall and may be available and executed and carried into execution and effect in such and the like Manner, and as fully and beneficially, to all Intents and Purposes, as if this Act had not been passed.

Saving  
Rights of  
Barnsley  
Canal Com-  
pany.

LXIII. That nothing in this Act contained shall extend or be deemed or construed to extend to take away, prejudice or alter any of the Rights, Privileges, Powers, and Authorities vested in, belonging to, or exercised by the Company of Proprietors of the *Barnsley Canal.*

Saving of  
Rights of  
S. W. Lane  
Fox under  
17 G. 3.  
c. 137., &c.

LXIV. That (except so far as may be unavoidable in the Maintenance of the said Works, or as in this Act otherwise expressed) nothing in this Act contained shall extend, or be construed, deemed, or taken to affect, extinguish, defeat, abridge, impeach, annul, prejudice, or destroy the Right, Title, or Interest of *Sackville Walter Lane Fox* Esquire, Lord of the Manor of *Barnsley,* or other the Lord of the said Manor of *Barnsley,* his Heirs or Assigns, of, in, or to all Mines and Minerals, of what Nature or Kind soever, within and under all the Commons, Moors, and Waste Grounds, divided, allotted, and inclosed, or directed to be divided, allotted, and inclosed, under and by virtue of an Act of Parliament passed in the Seventeenth Year of the Reign of King *George the Third,* intituled *An Act for dividing, allotting, and inclosing several Commons, Moors, or Waste Grounds and Open Common Fields in the Township of Barnsley within the Parish of Silkstone in the County of York;* and the Powers of searching for, winning, working, loading, and carrying away the same Mines and Minerals, and of making, laying, and repairing Waggonways, and of doing all Works, Acts, and Things, granted or reserved in and by the said Act, for the full and complete Enjoyment of the said Mines and Minerals, and of all other the Coal Mines or Collieries belonging to the said *Sackville Walter Lane Fox,* and of making Pits, Shafts, Pit Rooms and Heap Rooms, Drifts, Levels, and Watercourses, and of erecting and using Fire Engines and other Engines, and of altering, changing, pulling down, and carrying away the same, or any of the Materials thereof, at his and their free Will and Pleasure, and to do all such other Works, Acts, and Things either now in use or hereafter to be invented, as may be necessary and convenient for the full and complete Enjoyment thereof, in as full, ample, and beneficial a Manner to all Intents and Purposes as if this Act had not been passed, nor the Right, Title, or Interest

*Barnsley Waterworks Act, 1853.*

Interest of the said *Sackville Walter Lane Fox*, or the Lord of the Manor of *Barnsley* for the Time being, of, in, or to the Seignories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Liberties, Privileges, Powers, and Authorities appendant, appurtenant, incident, or belonging to the said Manor of *Barnsley*, or to any Rents, Tolls, Pickages, Stallage, Free Customs, Dues, Duties, Profits, or Advantages belonging, due, or in anywise appertaining to the said *Sackville Walter Lane Fox*, Owner of the Fairs and Markets within the said Town of *Barnsley*, or the Owner of such Fairs and Markets for the Time being; but that the said *Sackville Walter Lane Fox*, Lord of the said Manor, and the Lord of the said Manor for the Time being, shall (except as in this Act expressly excepted) have, hold, use, exercise, take, and enjoy all the said Mines and Minerals, and all the Powers in and by the said Act granted and reserved for the full and complete Enjoyment thereof, and also all and every the Seignories, Rights, Royalties, Franchises, Pre-eminences, Jurisdictions, Rents, Services, Powers, Authorities, Liberties, Privileges, Advantages, and Emoluments whatsoever to the said Manor belonging or incident, appendant or appurtenant, or usually exercised, held, or enjoyed therewith, and the said *Sackville Walter Lane Fox*, Owner of the said Fairs and Markets, and the Owner of the said Fairs and Markets for the Time being, shall and may demand, exact, take, and enjoy all such Rents, Tolls, Pickage, Stallage, Free Customs, Dues, Duties, Profits, and Advantages, with all Powers and Remedies for enforcing Payment thereof, in such and the like Manner, and as fully and beneficially, to all Intents and Purposes, as if this Act had not been passed.

LXV. That all the Costs, Charges, and Expenses of and incident to the applying for and obtaining of this Act shall be paid by the Company. Expenses of Act.

LXVI. That, notwithstanding the Repeal of the recited Act, the following Sections and Provisions of that Act shall, so far as the same respectively are at the Commencement of this Act in force, remain in full Force; and this Act, and the several Powers and Provisions thereof, shall in all respects be subject and without Prejudice to those cited Sections and Provisions respectively; and this Act or anything therein contained shall not alter, interpret the Meaning of, or otherwise affect those cited Sections and Provisions or any of them. Certain Sections of recited Act, although repealed, to remain in force.

1 Vic. c. 82. Part of Sec. 40.

Provided always, That nothing in this Act contained shall authorize the said Company, or any other Person, to take or divert any Waters rising in or flowing from certain Wells or Springs called the *Beevor Hole Well*, the *Oak Wells*, the *Warren Wells*, the *Crow Well*, the *Shaw* Power to make Waterworks and take Water, &c.

*Barnsley Waterworks Act, 1853.*

*Shaw Well*, the *Honey Well*, *Saint Mary's Well*, and the *Cockram Well*, in the Neighbourhood of *Barnsley* in the said Parish of *Silkstone*; and that if the said Company shall at any Time, from Time to Time, by themselves or their Servants, take or divert any of the Waters rising in or flowing from the said last-mentioned Wells or any of them, the said Company shall forfeit and pay any Sum not exceeding Twenty Pounds, such Sum to be recovered on the Application of any Inhabitant of the said Township of *Barnsley* to any Two Justices of the Peace, who shall, upon Proof of the Offence before them, be empowered to make an Order upon the Treasurer of the said Company to pay the same, together with such Costs as to them shall seem reasonable, to the Overseers of the Poor and for the Use of the Poor of the said Township; and if the said Company shall at any Time refuse or neglect to pay any Sum so ordered to be paid for the Space of Five Days the same shall be recoverable in like Manner as other Penalties imposed by this Act.

## 1 Vic. c. 82. Sec. 45.

To regulate  
the Quantity  
of Surplus  
Water to be  
taken from  
the *Dearne*.

And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered and required, to make, erect, build, and maintain a permanent Side Sill or Weir of Stone at or upon the Land or Ground on the Banks of the said River *Dearne* adjoining the Reservoirs intended to be made by virtue of this Act; and such Side Sill or Weir shall be so securely made and kept in repair, that no Water other than such Water as shall pass or flow over such Side Sill or Weir may escape from the said River into any Cut, Conduit, or Reservoir to be made by the said Company, by reason of any Deficiency, Defect, Leakage, or Insecurity of the same; and the Top of such permanent Side Sill or Weir shall and is hereby required to be fixed and maintained at such a Height that whenever there shall be less than a full Stream of Three Inches in Depth of Water passing over the whole Width of the Old Mill Weirs at or near *Barnsley* aforesaid, no Water can run over the said permanent Side Sill or Weir; and after such permanent Side Sill or Weir shall be completed of such Height as aforesaid, it shall be lawful for the said Company, and they are hereby authorized and empowered, to take and use for the Purposes of this Act all such Water as shall at any Time flow over such permanent Side Sill or Weir: Provided always, that previous to the Execution of any Works by this Act authorized to be made, a true and correct Map or Plan of the present Weirs across the River *Dearne* at the Old Mill aforesaid, and of the River between such Weirs, and the Place where such Side Sill or Weir is intended to be placed, and longitudinal and cross Sections of the said Weirs and River Channel, showing the Heights and Depths of the same above and below the Level of the Datum or Bench Mark hereinafter mentioned, and the Rise and Slope of the Surface Water of the said



*Barnsley Waterworks Act, 1853.*

said River between such Places and the respective Heights of the Old Mill Weirs and the said intended Side Sill or Weir, shall be made by the Engineers for the Time being of the Company of Proprietors of the Navigation of the River *Dun* and of the said Company hereby incorporated, or by an Umpire to be chosen by them previously to taking such Dimensions: Provided, that if within Fourteen Days Notice of the Time of taking such Dimensions given by either of the said Engineers to the other of them, and either of the said Engineers shall neglect or refuse to proceed in making the said Maps and Sections, the other Engineer or the said Umpire shall proceed alone to make the said Map and Sections, which Map or Plan and Section shall be signed as approved by such Engineers, Engineer, or Umpire, as the Case may be, and deposited at the Office of the Clerk of the Peace for the West Riding of *Yorkshire*, there to be preserved and open to Inspection on Payment of One Shilling; which Datum or Bench Mark shall be the Top of an Iron Post Twelve Feet long sunk into the Ground so as to stand exactly Four Feet above the Crown or Top Sill of the Old Mill Weir, to be provided and fixed at the Costs of the said Company hereby incorporated, and lettered to express the Intention thereof; and in case the Top of the said present Weir called the Old Mill Weir shall at any Time be raised or lowered, then and in such Case the said intended Side Sill or Weir shall and is hereby required immediately thereupon to be raised or lowered in like and the same Proportion, and so that no Water shall run over the said Side Sill or Weir into the said Reservoirs until there shall be a full Stream of Three Inches in Depth of Water passing over the said Old Mill Weirs as aforesaid: Provided always, that if at any Time the said Weirs at the Old Mill shall fall into Decay, or be wholly taken up or destroyed so as to reduce the natural Flow of the River to a Level of more than Twenty-four Inches below the said intended Side Sill or Weir, then it shall be lawful for the said Company to erect a Weir across the said River at a Point below their said intended Side Sill or Weir, which said new Weir is hereby required to be built so as to have the Effect of the said Old Mill Weirs, and over which a full Fall of Three Inches of Water shall pass before any Water shall pass over the said intended Side Sill or Weir: Provided always, that the said Company shall not, by virtue of anything in this Act contained, be entitled to any more Water from or out of the said River *Dearne*, or any Stream or Streams connected therewith, than is necessary for the Purpose of supplying the Inhabitants of the Town and Neighbourhood of *Barnsley* according to the Provisions of this Act.

1 *Vic. c. 82. Sec. 47.*

And be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered,  
 [Local.] 19 T from

Ponds may  
 be made in  
 certain

*Barnsley Waterworks Act, 1853.*

Bleaching  
Grounds for  
filtering  
Water.

from Time to Time as Occasion may require, at their own Expense, to make, construct, and use in the Bleach Grounds belonging to *Joseph Beckett* Esquire, in *Barnsley*, commonly called "*Beckett's Croft*," in the Bleach Grounds belonging to *John Spencer Stanhope* Esquire, in *Barugh*, commonly called "*Red Brook Croft*," and in the Bleach Grounds belonging to *Thomas Wentworth Beaumont* Esquire, in *Darton*, commonly called "*Swithin Croft*," or in any of the Lands of the said *Joseph Beckett*, *John Spencer Stanhope*, and *Thomas Wentworth Beaumont* respectively, which lie between their said several Bleach Grounds and the River *Dearne* (the Waters from which said several Bleach Grounds now flow into that River,) all such Ponds, Pits, Cesspools, or Conduits as the said Company shall deem necessary for the Purposes of filtering such Waters or of evaporating or depositing the impure Matters therein before the same shall fall into the said River, or from preventing the same falling into the said River; and in case there shall be any Dispute concerning such Ponds, Pits, Cesspools, or Conduits, or the Situation or Extent thereof, or the Amount of Compensation to be paid for any Damage occasioned to the Lands wherein such Ponds, Pits, Cesspools, or Conduits shall be made, or for any Injury which shall be sustained by the Owner or Tenant of such Lands, or by the making, constructing, or using the same, every such Dispute shall be referred to and determined by an Engineer to be mutually agreed upon by the Parties, or, in case of Disagreement, by an Engineer to be appointed under the Hands and Seals of Two or more Justices of the Peace for the West Riding of the County of *York* in Petty Sessions assembled.

*Barnsley Waterworks Act, 1853.*

## The SCHEDULE referred to in this Act.

Parish and Township.	Number on Plans of existing Works deposited with Clerk of the Peace as in the foregoing Act mentioned.	Description.	Owners or reputed Owners.	Occupiers.
Parish of Silkstone, Township of Barnsley, County of York.	37	Grass Field, Footpath, River Dearne, and diverted Course of River Dearne.	William Bayldon, or George Greenwood Tetley, his Assignee, or John Hague, Jane Wheatley, the Reverend George Bayldon, George Robinson, Thomas Palian, Alfred Palian, Robert Thompson, Thomas Bayldon, and James Henry Barber, the Mortgagees of the said William Bayldon.	William Little.
Parish of Roystone, Township of Monk Bretton, otherwise Burton, County of York.	41	Water and Steam Corn Mill, Engine House, Drying Kiln, Outbuildings, Tail Goit, River Dearne, and vacant Ground.	The same - -	The same.
	41 <i>a</i>	Waste Weir - -	The same - -	The same.
	42	Grass Croft, or vacant Land.	The same - -	The same.
	42 <i>b</i>	Head of Water (Goit).	The same - -	The same.

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