



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxxvi.

An Act to enable the *South Staffordshire Waterworks Company* to alter and extend their Works, and obtain an additional Supply of Water; and for other Purposes. [10th August 1857.]

WHEREAS by "The *South Staffordshire Waterworks Act*, 1853," certain Persons were incorporated, and were authorized to construct certain Reservoirs and Aqueducts, and to supply Water within certain Districts in that Act mentioned: And whereas by the said Act that Company were authorized to raise a Capital of One hundred and sixty thousand Pounds by means of Shares, and to borrow the Sum of Thirty thousand Pounds when the whole of the said Share Capital of One hundred and sixty thousand Pounds should have been subscribed for and One Half thereof paid up: And whereas the Works authorized by the said Act to be made are in progress: And whereas it is expedient that the Company should be enabled to enlarge certain of the Reservoirs authorized to be made by the said Act, and to vary the Line of a Part of the Aqueduct, and to relinquish such Parts of the authorized Works as may become unnecessary by reason of such Variations; and it is also expedient that the Company should be enabled to obtain a further

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16 & 17 Vict.
c. cxxxiii.

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Supply of Water from certain Brooks, and to purchase certain Mills and Rights of Water, and to make additional Reservoirs, Aqueducts, and Works in connexion with their Undertaking: And whereas Plans and Sections showing the Situation, Line, and Levels of the intended new Reservoirs and Aqueducts and other Works, and the Alteration or Enlargement of existing Works, and describing the Brooks and Streams the Waters of which are intended to be diverted or used, and the Lands to be taken under the Powers of this Act, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands in or through which the same are intended to be made or pass, and also the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of certain Mills, Manufactories, and Works situate upon the Brooks and Streams from which a Supply of Water will be derived by the Company, have been deposited with the respective Clerks of the Peace for the County of *Stafford* and for the City and County of the City of *Lichfield*: And whereas it is also expedient that the Company should be authorized to supply Water in the Hamlet of *Smethwick*, in addition to the Parishes and Places authorized to be supplied by the recited Act: And whereas the Company have not borrowed any Money on Mortgage or Bond: And whereas it is also expedient that the Time limited by the recited Act for the Completion of Works should be extended, and that the Company should be enabled to borrow a further Sum of Money, and that some of the Powers and Provisions of the recited Act should be altered, amended, and enlarged; but the 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,)

8 & 9 Vict.
c. 18., and
10 & 11 Vict.
c. 17. incor-
porated.

Short Title.

I. "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," are incorporated with this Act.

II. This Act may be cited for all Purposes as "*The South Staffordshire Waterworks Amendment Act, 1857.*"

Interpreta-
tion of
Terms.

III. In this Act the Word "Aqueducts" or "Aqueduct" shall include or mean Cuts, Tunnels, Conduits, Pipes, Feeders, and other Works of a similar Construction; the Expression "the Company" shall mean the *South Staffordshire Waterworks Company*, and the Expression "the Street" in the Waterworks Clauses Act and this Act shall extend to any Turnpike Road along or across which any Aqueduct or Pipe may be carried, unless there be something in the Subject or Context repugnant to such Construction.

IV. It

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IV. It shall be lawful for the Company, subject to the Provisions in this Act contained and to the Powers of Deviation hereby given, to make and maintain the Reservoirs, Aqueducts, and other Works herein-after described in the Line and Situation and on the Levels and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and defined on the said Sections, and to enter upon, take, purchase, and use such of the Lands, Streams, and Waters mentioned in the said Plans and Book of Reference as the Company may deem necessary for all or any of those Purposes, and also all or any of the Mills, Manufactories, and Works, and the Lands connected therewith, delineated on the said Plans and described in the said Books of Reference, and to take such Water as the Company may require for the Purposes of the recited Act and this Act and the said incorporated Acts.

Powers to make new Waterworks according to deposited Plans.

V. Subject to the Provisions of this Act, it shall be lawful for the Company to execute all or any of the following Works shown on the said Plans as the Company shall from Time to Time deem expedient; (that is to say,)

Describing Works.

To enlarge the Reservoir now in the course of Construction at *Stowe Pool* in the Parish of *Saint Chad Lichfield*, otherwise *Stowe*, in the City and County of the City of *Lichfield*:

To make and maintain an Aqueduct from the said last-mentioned Reservoir at *Stowe Pool* in the said Parish of *Saint Chad*, or from the Enlargement thereof, to a Pit Shaft now in course of Construction at or near a Place called *Sandfields* in the Parish of *Saint Michael* in the City and County of the City of *Lichfield*:

To enlarge a Reservoir now in course of Construction near the Moat in the Parishes of *Walsall* and Foreign of *Walsall*, or One of them, in the County of *Stafford*:

To construct a Reservoir near the Parish Church on the Summit of *Church Hill* in the Parish of *Wednesbury* in the County of *Stafford*, and to make and maintain an Aqueduct from the Main Line of Aqueduct to the said intended Reservoir near the said Church:

To construct a Reservoir near to *Hill Top* in the Parish of *West Bromwich* in the County of *Stafford*, and to make and maintain an Aqueduct from the Main Line of Aqueduct to the said intended Reservoir near to *Hill Top* aforesaid:

To make and maintain a Reservoir near to *Seedy Mill*, such Reservoir to be situate in the Township of *Curborough and Elm-hurst* in the said Parish of *Saint Chad Lichfield*, and in the Parish of *Longdon* in the said County of *Stafford*, or One of them, and there to take, divert, intercept, impound, and use for the Purposes of the Company the Waters of certain Streams called the *Bilston Brook* and the *Ashmoor Brook*, and their Tributaries and

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and Offsets flowing into, through, and near the Site of the intended Reservoir, and passing from thence to the said Mill called *Seedy Mill*, and to take the said Mill called *Seedy Mill*, and the Pools, Streams, Lands, Easements, and Rights of Water attached thereto or connected therewith :

To make and maintain an Aqueduct commencing from and out of and on the North Side of the Reservoir now constructing at *Stowe Pool* aforesaid, and terminating at or in the said last-mentioned intended Reservoir near to *Seedy Mill* aforesaid :

To take a certain Mill near *Maple Hayes* and *Pipe Green* in the Parishes of *Saint Chad Lichfield* and *Saint Michael Lichfield* in the City and County of the City of *Lichfield*, and in the County of *Stafford*, or in One of such Parishes and Counties, called *Lemonsley Mill*, with the Lands, Pools, and Rights of Water attached thereto, and to intercept and divert any Sewers and Drains flowing into the Stream passing by the said Mill.

Power to deviate.

VI. In constructing the said Works or any of them the Company may, notwithstanding any Provisions in the Waterworks Clauses Act, deviate to any Extent not exceeding the Limits of Deviation shown on the said Plans, and may also deviate from the Levels shown on the said Sections to any Extent not exceeding Three Feet in respect of the Reservoirs, and in respect of the Aqueducts not exceeding Seven Feet.

Period for Completion of Works.

VII. If the Reservoirs, Aqueducts, and other Works hereby authorized shall not be completed within Five Years from the passing of this Act, then and in such Case, on the Expiration of the said Period, all the Powers hereby given to the Company to make the Reservoirs and Aqueducts aforesaid shall cease to be exercised, except as to so much of the said Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Company from extending their Mains and Pipes from Time to Time, whenever it shall be necessary for the Purpose of supplying with Water the Inhabitants and other Persons requiring the same within the Limits of this Act.

Power for Justices to order Repair of Reservoirs.

VIII. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That whenever any Person interested complains to Two Justices that any such Reservoir is in a dangerous State, the Justices shall forthwith make Inquiry into the Truth of the Complaint; but any Two Justices on their own View, and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them, and if on any such Inquiry the Justices be satisfied that the Complaint is well founded, and that any Reservoir as aforesaid is in a dangerous State,

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State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they may, if they think fit, order such Persons as they think fit to enter on the Property of the Company held under this Act, and to do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint; and if on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such imminently dangerous Condition so as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Company to answer the Complaint, and upon hearing the Parties, or upon default of Appearance of the Company, then, in their Absence, the Justices shall, by Order in Writing under their Hands, order the Company, within such Period as the Justices think reasonable and specify in the Order, to do such Works and Things as they think requisite and proper for removing the Cause of Complaint; and if in any such Case the Company do not, within such Period as the Justices specify in that Behalf in the Order, do the Works and Things thereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Company, may, if they think fit, order such Persons as such Justices think fit to enter on the Property of the Company held under this Act, and to do all such Works and Things specified in the Order and not done by the Company, and all such other Works and Things, if any, as the Justices think requisite and proper for removing the Cause of Complaint.

IX. Any such Order of Justices may be in the Form or to the Effect following:

Form of Order, and Proceedings thereunder.

‘ To the South Staffordshire Waterworks Company :
 ‘ *[or, A.B. of, &c.]*
 ‘ WE, the undersigned, Two of Her Majesty’s Justices of the Peace
 ‘ acting for the County of Stafford, do hereby order and direct
 ‘ you (and such Person or Persons as you may require to aid and
 ‘ assist you therein) forthwith to do all such Works and Things as are
 ‘ requisite to repair and make good [*here specify the Reservoir to*
 ‘ *be repaired and made good*], (and you shall do as little Injury as
 ‘ possible to the Property of the said Company), and in acting in
 ‘ obedience to the Premises this shall be your sufficient Warrant.
 ‘ Given under our Hands this Day of
 ‘ in the Year of our Lord One thousand eight hundred
 ‘ and ’

And any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person shall willfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do or instigate or suffer to be done anything in

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contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds; and, if the Justices so think fit, they may by any such Order under this Act impose on the Company for not carrying the Order into effect any Penalty, not exceeding Ten Pounds for every Day's Default, which the Justices think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Persons to remove the Cause of Complaint; and the Justices may order all or such Part as they think fit of the Costs of and incident to the applying for and obtaining of any such Order on the Company, and also all and such Part as the Justices think fit of the Expenses of the Works and Things done in pursuance of any such Order by any Person other than the Company, to be paid by the Company; and every Amount so to be paid shall be paid by the Company to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction: Provided always, that if the Company feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices on any such Complaint, the Company shall have like Power of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that pending any such Appeal, and except only so far, if at all, as on the Appeal it be quashed or altered, the Order appealed against shall be in force.

Power to
abandon a
Part of an
Aqueduct.

X. The Company shall abandon the Part of the Aqueduct authorized to be made by the recited Act which is situate between a Reservoir at or near *Pones Mill* in the said Parishes of *Saint Chad* and *Saint Michael*, or One of them, and the Pit Shaft now in course of Construction in *Sandfields* aforesaid.

Compensa-
tion to be
made where
Contracts
have been
entered into
or Notices
given.

XI. In any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of the Aqueduct by this Act authorized to be abandoned, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or pursuant to such Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that nothing herein contained shall prejudice or affect the Right of the Owner or Occupier of any
Lands

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Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

XII. The following Sections of "The *South Staffordshire Waterworks Act, 1853*," shall extend and apply to the additional Works by this Act authorized to be constructed, in the same Manner as if such Sections were repeated and re-enacted in this Act with reference to such additional Works; that is to say,

Certain Sections of recited Act to be in force as regards the Works to be executed under this Act.

Section Twenty-six, restricting the Alterations in the Levels of Roads or Diminution of Headway:

Section Twenty-nine, relating to Agreements with certain Railway Companies as to Passage of Pipes:

Section Thirty-one, Power to certain Railway Companies and Lessees to maintain Aqueducts:

Section Fifty-four, not to interfere with Springs required for the *Close, Lichfield*:

Sections Fifty-nine to Sixty-five both inclusive, for the Protection of the *London and North-western* and *South Staffordshire* Railways:

Sections Sixty-six to Sixty-nine both inclusive, for the Protection of the *Birmingham Canal Navigation Company*:

Sections Seventy to Seventy-three both inclusive, relating to the Pipes of the Company and of the *Birmingham and Staffordshire Gas Company*.

XIII. The Time limited by the recited Act for the Completion of the Works by that Act authorized, except so much thereof as is by this Act authorized to be relinquished, shall be extended for the Period of Three Years, to be computed from the Expiration of the Period by such Act granted.

Extending Time for completing Works.

XIV. The Extension of Time for the Completion of Works by this Act granted shall not be construed to alter the Sixth Section of the *Wolverhampton New Waterworks Act, 1855*, but the Period referred to in such Section shall, for the Purposes thereof, remain the Fourth Day of *August* One thousand eight hundred and fifty-eight, as provided in such Section.

No Extension of Time with reference to certain Provisions of 18 & 19 Vict. c. cli.

XV. The Limits of the said recited Act and of this Act shall comprise and include the Hamlet of *Smethwick* in the Parish of *Harbourne* in the County of *Stafford*, and it shall be lawful for the Company

Extending Limits of recited Act to Smethwick.

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Company to exercise within such Hamlet the same Powers as the said recited Act would have enabled them to exercise therein had it been originally included within the Limits of such Act.

Act not to affect Powers of Local Board of Health of Smethwick unless Company requested to supply Smethwick with Water.

XVI. Unless the Company shall have been requested by the Local Board of Health for the Hamlet of *Smethwick*, under their Common Seal, to supply Water within that Hamlet, nothing in this Act contained shall be construed to affect the Powers conferred on that Local Board by the Public Health Act, 1848, and more especially by the Seventy-fifth Section thereof, nor shall the Company (except in the event of such Request) be entitled with respect to that Hamlet to the Notice and Arbitration mentioned in the said Seventy-fifth Section of the aforesaid Public Health Act, 1848, for the Protection of Waterworks Companies, and, except as aforesaid, it shall not be incumbent on the said Local Board to give such Notice: Provided always, that the Company shall not be prevented from supplying Water to any Inhabitant of the said Hamlet who may desire to be supplied by the Company.

Application of Capital.

XVII. The Company may apply for the Purposes of this Act any Part of the Money authorized to be raised by the recited Act.

Power to borrow on Mortgage.

XVIII. It shall be lawful for the Company, when the Powers of borrowing on Mortgage or Bond granted to the Company by the recited Act come into operation, to borrow on Mortgage or Bond, for the Purposes of the recited Act and this Act, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of an Ordinary or Extraordinary Meeting of the Company, not exceeding Ten thousand Pounds, and such Sum of Ten thousand Pounds shall be in addition to the Sums which they are authorized to borrow on Mortgage or Bond under the Powers of the recited Act; and the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing by the Company on Mortgage or Bond, are incorporated with this Act.

For Protection of Dean and Chapter of Lichfield.

XIX. Provided always, That if at any Time any of the Springs or Streams of Water to which the Dean and Chapter, or the Inhabitants of the Cathedral Close of *Lichfield*, now have any Right or Rights, shall be in anywise diminished or affected by the Works, Shafts, Drainage, or otherwise caused by the said Company, whereby there shall be a Deficiency in the Supply of Water, the said Company shall and will, on the Request in Writing of the said Dean and Chapter, gratuitously and without Delay supply the said Dean and Chapter and Inhabitants with as much good and pure Water for all Purposes whatsoever as the said Dean and Chapter may at any Time require, not exceeding Twenty-five Gallons *per Head per Diem* for each Inhabitant

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bitant of the said Close according to the last Census of the Population for the Time being, and shall and will lay down, construct, and maintain, under the Direction and to the Satisfaction of a Surveyor to be appointed by the said Dean and Chapter, all such Pipes, Conduits, and Works as may be necessary to secure such Supply into the existing Pipes of the said Dean and Chapter and Inhabitants, or, at the Option of the said Dean and Chapter, into a Cistern or Reservoir, to be constructed by the Company, at such an Elevation as will allow the said Supply of Water to be provided by the Company to flow freely into the said existing Pipes, and rise therein to as high a Level as is now obtained by means of their present Conduits, Cisterns, and Reservoirs.

XX. If the Company shall enlarge the Reservoir now in the course of Construction near the Moat in the said Parish of *Walsall* in such Way as to interfere with the Road recently formed by the Company from the said Moat along the Eastern Boundary of the said Reservoir, for the Use of the Farm of the Earl of *Bradford*, now in the Occupation of Messieurs *John Smith* and *John Smith* junior, the Company shall previously to disturbing such Road, at their own Expense, form, fence, and metal along the Eastern Boundary of the intended Enlargement of the said Reservoir a substituted Road of as good and substantial a Character in all respects as the present Road, to the Satisfaction of the Surveyor for the Time being of the said Earl, or of the Person or Persons who for the Time being may be entitled to the *Walsall* Estate of the said Earl.

New Road to be made on Eastern Side of the Reservoir before disturbing present Road.

XXI. The Company shall not, without the Consent in Writing of the said Earl, or of the Person or Persons who for the Time being may be entitled to the *Walsall* Estate of the said Earl, enter upon, take, purchase, or use any of the Lands near the Moat aforesaid, numbered respectively on the said Plans 13, 14, 15, 16, 17, 18, 19, 20, and 21, in the Parish of *Walsall*, nor any Part of the Property numbered on the said Plans 10 in that Parish, which shall be at a greater Distance than Forty-four Yards from the Foot of the present Embankment of the Reservoir of the Company, nor alter the Level of the private Road of the said Earl of *Bradford* leading from the *Walsall and Wolverhampton* Turnpike Road to the Moat, and thence on the said Reservoir of the Company; but nothing in this Act contained shall prejudice the present Rights of the Company to lay Mains and other Pipes in, through, and under such Road and any other private Roads of the said Earl in *Walsall*, or the present Right of Way of the Company over such Roads.

Not to take certain Lands of the Earl of Bradford.

XXII. Nothing in this Act contained shall be deemed or construed to alter or vary the Provisions contained in the Fifty-first, Fifty-second, and

Sections 51, 52, and 53 of 16 & 17 Vict. c. cxxxiii. reserved.

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and Fifty-third Sections of the “*South Staffordshire Waterworks Act, 1853* :” Provided always, that if the Company take or draw away any Water from the said Moat, the said Company shall be liable to pay the yearly Rent of Three Pounds, and shall forthwith form and supply Three Watering Places in lieu of the One Watering Place mentioned in the Fifty-second Section of the “*South Staffordshire Waterworks Act, 1853*,” at such Places on the Farm in such Section referred to as shall be directed by the said Earl, or the Person or Persons entitled to the said *Walsall* Estate.

Sections 43,
44, 57, and
58 of.
16 & 17 Vict.
c. cxxxiii.
repealed.

XXIII. The Sections in the said recited Act numbered XLIII., XLIV., LVII., and LVIII. shall be and the same are hereby repealed: Provided always, that the Repeal of such Sections shall not prejudice anything done in pursuance of the Powers thereby conferred.

Company to
flush certain
Sewers of
Lichfield.

XXIV. The Company, at their own Expense, and under the Superintendence and to the Satisfaction of the Surveyor of the Mayor, Aldermen, and Citizens of the City of *Lichfield* (herein-after called the Corporation), shall duly, regularly, and effectually flush the present and all future Main Sewers and Drains of the said City connected with *Minster Pool*, but so that the Water in such Pool shall not be drawn off to such an Extent as to leave a less Cover than One Foot of Water over every Part of the Bottom of the Pool; and the Company in constructing the Weir by which the Level of the Water in the said Pool shall be regulated shall make, and so long as required by the Corporation maintain, the same One Foot lower than the Level of the ancient Weir of the same Pool: Provided always, that so long as the Company duly, regularly, and effectually flush the said Sewers and Drains, the Corporation shall not exercise their Right of flushing the same otherwise than by the Agency of the Company; and if at any Time any Difference arise between the Corporation and the Company with respect to the Compliance by the Company with this Enactment, the same shall be settled by Arbitration, according to the Provisions in that Behalf of the Lands Clauses Consolidation Act, 1845.

Provision in
case Corpo-
ration or
Feoffees
desire to in-
crease their
present Sup-
ply of Water.

XXV. In case the Feoffees and Sidesmen of the *Lichfield* Conduit Lands (herein-after called the Feoffees), or the Corporation, shall deem it expedient to increase the present Supply of Water to the Inhabitants of the said City, they may for such Purpose take such Water from the Springs and Streams now flowing into the *Minster Pool* as (subject to the Limitations herein-after contained) they require, and may enter on the Lands of the Company above *Minster Pool*, except those Lands upon which any Works of the Company are or for the Time being may be constructed, and may then and there lay down

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down and construct such Mains and Pipes and other incidental Surface Works as they may think proper; and if the Feoffees and Corporation, or either of them, shall thereby diminish the Flow of Water in such Springs and Streams, neither the said Feoffees nor Corporation shall be held liable to make Compensation to the Company for any such Diminution, and all Right and Interest in the said Springs and Streams vested in the Company by virtue of this Act or the recited Act, or otherwise, shall be always subject to this Reservation: Provided always, that such Water so taken by the said Feoffees and Corporation, or either of them, shall be for gratuitous Use and Distribution in the accustomed Manner, and not for Sale, and that the Quantity of Water taken daily, including that supplied from other Sources by the Feoffees, shall not exceed in the whole such Quantity as would be sufficient to afford a Supply of Twenty-five Gallons to every Inhabitant of the City, the Number of such Inhabitants to be from Time to Time determined by the last preceding Census of the Population; and that any Water taken from such Springs and Streams shall not be passed by the said Corporation or Feoffees, or either of them, directly into the Sewers and Drains of the City, but they shall use all reasonable Care, and on the Request and at the Expense of the Company shall do such Acts and take such Proceedings as may be necessary to prevent the same Water from being wasted, and all such Water not reasonably required or used by them shall be permitted to flow into the Aqueduct to be constructed by the Company under the Powers of this Act for the Purposes of the Company: Provided also, that the Corporation or Feoffees, as the Case may be, shall make Compensation to the Company for any Injury done to the Lands or Works of the Company by reason of the laying of the Mains and Pipes and the Construction of the Surface Works herein-before authorized; and if any Difference shall arise, either as to the Amount of such Compensation, or the Nature and Extent of such Works, the same shall be settled by Arbitration under the Provisions of the Lands Clauses Consolidation Act, 1845.

XXVI. If at any Time, by reason of the Works of the Company, the Springs or Streams of Water from which the Inhabitants of the said City derive their Supply shall fail, or the Flow of Water therein be prejudicially affected, or in case the said Springs and Streams (except the Springs at *Aldershaw*) shall be acquired by the Company for the Purposes of their Undertaking, and the said Corporation and Feoffees shall abandon their Right to take and use Water therefrom, as herein-before provided, the Company, on Request, shall permit the said Corporation and Feoffees, or One of them, to take and draw from the Tunnel Aqueduct of the Company by this Act authorized to be made, by means of a Shaft to be, on Request, provided by the Company for that Purpose on some convenient Site, such Water as the Feoffees

Power to draw Water from Aqueduct in certain Cases.

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Feoffees and Corporation may require, the same to be taken and used for the same Purposes only, and subject to the same Limitations and Restrictions as are herein-before mentioned and contained in respect of the Water to be taken and used by the said Feoffees and Corporation from the Springs and Streams now flowing into *Minster Pool*: Provided always, that in such Case the said restricted daily Quantity of Twenty-five Gallons for each Inhabitant shall include the Water used for flushing Sewers and watering Streets.

Water to be supplied to Lichfield from Main Pipe, if required.

XXVII. After the Company shall have commenced pumping Water for the Purposes of their Undertaking they shall, if and when thereunto required by the Corporation and Feoffees, or either of them, after not less than Three Months previous Notice in Writing, supply to them from Time to Time, from the Main Pipe of the Company within the said City, near the *Sandfield* Pumping Station, and under such Pressure, and by means of a Pipe of such Dimensions, as shall be agreed on, such Quantity of Water as shall be specified in such Notice, not exceeding, after making a Deduction for the Water used for flushing Sewers and watering Streets, the daily Quantity of Twenty-five Gallons herein-before limited, the Water so supplied to be used for the before-mentioned Purposes only, and subject to such Limitations and Restrictions as are herein-before contained: Provided always, that the said Corporation and Feoffees shall from Time to Time pay to the Company such Sums of Money for the Expense of pumping and for the Use of Steam Engines and Apparatus as shall be agreed on, or as in the event of Difference shall be settled by Arbitration.

Reservoir on Hill Top to be constructed in manner to be approved of by Engineer of Great Western Railway Company, and he to certify Approval before the Introduction of Water.

XXVIII. And whereas the *Birmingham and Oxford* Line of the *Great Western* Railway passes through *Hill Top* in the Parish of *Westbromwich* by means of a Tunnel, and the said intended Reservoir on the Summit of such Hill is intended to be constructed over the said Tunnel on Land belonging to the *Great Western* Railway Company: Be it therefore enacted, That the said Reservoir and the Works immediately connected therewith shall be constructed in such Manner and according to such Plans only as shall have been approved of by the Engineer for the Time being of the *Great Western* Railway Company; and it shall not be lawful for the Waterworks Company to bring Water into the said Reservoir until such Engineer shall have signified to the said Company, by Writing under his Hand, that the Works have been executed to his reasonable Satisfaction.

Works to be kept in repair, and Damages, &c. sustained by Great Western Railway

XXIX. The said Reservoir and the Works immediately connected therewith shall at all Times be kept in good Order and Condition by the said Waterworks Company; and if at any Time, after receiving Notice in Writing, under the Hand of the Engineer of the *Great Western* Railway Company, that the said Reservoir and Works, or any

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any of them, are out of repair or otherwise in a dangerous State, so that Injury may be apprehended to the Railway or Property of the last-mentioned Company, the said Waterworks Company shall refuse, or after reasonable Notice neglect to put the same in a proper State and Condition, or forthwith and without any such Notice, if it shall appear to the Engineer of the *Great Western* Railway Company that the Risk or Probability of Injury to the Works or Property of that Company is so imminent as not to admit of Delay, it shall be lawful for the *Great Western* Railway Company to enter upon the Lands of the said Waterworks Company, and do all such Works as may be necessary to place the said Reservoir and Works in a proper State and Condition; and all Damages which may at any Time be occasioned to the Railway or Works of the *Great Western* Railway Company by or by reason or in consequence of the Construction of the said Reservoir, or of any Defect therein, or Want of Repair thereof, or of any Accident or Occurrence that may happen thereto, and all Costs, Charges, Damages, and Expenses which the said Railway Company may at any Time sustain or be put unto by reason or in consequence of such Reservoir, or of any of the Powers or Provisions of this Act with reference thereto, shall be borne and paid by the said Waterworks Company.

Company to be borne and paid by Waterworks Company.

XXX. The said Waterworks Company shall, if required by the *Great Western* Railway Company, repay to the last-named Company the Price or Compensation paid by them for all Minerals lying under the Lands which will be occupied by the said Waterworks Company for the Purposes of the said Reservoir and of the Works immediately connected therewith.

Company, if required, to purchase Minerals under Lands of *Great Western* Railway Company.

XXXI. The Company may enter into Agreements with any Owner of Lands using, for the Purposes of Irrigation or watering Cattle, or as the motive Power of any Mill, the Waters of any of the Streams authorized to be taken under the Powers of this Act for the Supply of Water from the Works of the Company, for such Purposes, or any of them, or for the Payment of Compensation for any Loss of Water used for Irrigation or watering Cattle, or as the motive Power of any Mill, sustained by any such Owner by the Abstraction of the Waters of any Stream by the Company; and may also enter into and carry into effect Agreements with any Owners of any Lands, Streams, or Waters which the Company are by this Act authorized to enter upon, take, purchase, or use, with respect to the Mode in which any of the Powers of the Company shall be exercised, and the Works which they shall execute for the Purpose of avoiding or lessening Damage or Injury to such Owners, or to any of their Lands, Streams, or Waters; provided that such Agreements shall not prejudicially affect the Rights of any Person or Corporation not Party thereto.

Agreements with Land-owners as to Irrigation, &c.

[Local.]

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XXXII. All

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20° & 21° VICTORIÆ, Cap. cxxvi.

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Expenses of
Act.

XXXII. All the Costs, Charges, and Expenses incurred by the Company in applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

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