CHAP. 1.

An Act for supplying Bishops Stortford in the county of Hertford with water. [24th June 1869.]

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WHEREAS the construction of works for the supply of water to Bishops Stortford in the county of Hertford would be of public and local advantage:

And whereas the several persons in that behalf named, with others, are willing, at their own expense, to execute the undertaking:

And whereas plans and sections, showing the lines and levels of the proposed works and the lands to be taken for the purposes thereof, and books of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Hertford:

And whereas the objects of this Act cannot be attained 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:—

Short title.

1. This Act may be cited for all purposes as "The Bishops Stortford Water Act, 1869."

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

2. The Companies Clauses Consolidation Act, 1845, The Companies Clauses Act, 1863, The Lands Clauses Consolidation Act, 1845, The Lands Clauses Consolidation Acts Amendment Act, 1860, and The Waterworks Clauses Acts, 1847 and 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

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herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the company" means the company incorporated by this Act; the expression "the undertaking" means the waterworks by this Act authorized; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act for the supply of water comprise the parish of Bishops Stortford in the county of Hertford.

Company incorporated.

5. Robert Skeet, William Wilby, and Charles Staniland Wake, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the waterworks, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Bishops Stortford Water Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make works according to deposited plans.

6. Subject to the provisions of this Act, the company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the works herein-after described, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorized by this Act are:—

1. A well or shaft, with engines or other works, which will be situate in or upon a piece of land belonging or reputed to belong to the trustees of the late William Wilby, and in the occupation of John Dobide Fairman, being part of the farm called Mash Barns, and situate between a public road leading from Bishops Stortford to the said farm and another public road leading from Bishops Stortford to Hadham, commonly called the New Hadham Road:
2. A service reservoir immediately contiguous to the said well or shaft, and situate on the same piece of land:
3. A conduit or line of pipe commencing at the said reservoir, and terminating at a point where the New Hadham Road joins North Street.

Limits of vertical deviation.

7. In the construction of the works authorized by this Act, the company may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Capital.

8. The capital of the company shall be six thousand pounds in six hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

9. The company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

11. The company may from time to time borrow on mortgage any sum not exceeding in the whole one thousand five hundred pounds, but no part thereof shall be borrowed until the whole capital of six thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

12. The mortgagees of the company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one hundred and fifty pounds in the whole.

Application of monies.

13. All monies raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

14. The first ordinary meeting of the company shall be held within six months after the passing of this Act.

Number of directors.

15. The number of directors shall be five, but the company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

16. The qualification of a director shall be the possession in his own right of not less than ten shares.

Quorum.

17. The quorum of a meeting of directors shall be three, and if the number of directors be reduced to three the quorum shall be two.

First directors and election of directors.

18. Robert Skeet, William Wilby, Charles Staniland Wake, and two others duly qualified, to be appointed by them or the majority of them, shall be the first directors of the company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

19. The company may from time to time purchase by agreement, for the purposes of this Act, any quantity of land or any easements (not being a right of water in, over, or affecting any land,) which they may think requisite, provided that such land shall not exceed two acres in addition to the land which they are by this Act authorized to take by compulsion.

Powers for compulsory purchases limited.

20. The powers of the company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

21. The works shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the company for making the works, or otherwise in relation thereto, shall cease to be exercised, except as to so

much thereof as shall then be completed: Provided always, that, subject to the restrictions and provisions of this Act, the Company may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, mains, and pipes in such way and manner as they may consider requisite or advisable for supplying water within the limits of this Act.

Water not necessarily under pressure.

22. The water to be supplied need not be laid on under a pressure greater than can be supplied by gravitation from the reservoir by this Act authorized.

Rates at which water is to be supplied for domestic purposes.

23. 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 service pipe of the company shall be laid, or of any person who, under the provisions of this Act or any Act incorporated therewith, shall be entitled to demand a supply of water for domestic purposes (which shall include one watercloset and one private bath), furnish to such owner or occupier or other person a sufficient supply of water for domestic uses at rates not exceeding the yearly rates herein specified, according to the poor rate valuation of any such house or part of a house; (that is to say,)

Where the annual value or rent of the premises so supplied shall not exceed five pounds, the yearly rate of five shillings:

Where the annual value or rent shall exceed five pounds but shall not exceed seven pounds ten shillings, the yearly rate of seven shillings:

Where the annual value or rent shall exceed seven pounds ten shillings but shall not exceed ten pounds, the yearly rate of nine shillings:

Where the annual value or rent shall exceed ten pounds, then at a rate per centum per annum not exceeding seven pounds:

Provided always, that the company shall not be liable to any penalty for not supplying water if the want of such supply shall arise from frost, unusual drought, or other unavoidable cause or accident, or during necessary repairs.

Rates for waterclosets and baths.

24. In addition to the rates for the supply of domestic purposes, the company may demand and receive for one additional watercloset or private bath in any house beyond the first any yearly sum not exceeding seven shillings and sixpence, and for every additional watercloset or private bath beyond such last-mentioned watercloset or private bath, any yearly sum not exceeding five shillings.

As to supply of water for flushing sewers, &c.

25. The company shall supply the local board of health of Bishops Stortford within the limits of this Act with water for flushing the sewers free of cost, and shall within six months from the passing of this Act lay down and maintain pipes for affording

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a supply of water for the purpose of watering such of the streets and highways as have usually been watered by the said local board, and in consideration of such supply the said local board shall pay to the company the sum of fifty pounds per annum.

For preventing fouling of water.

26. The company shall not be compelled to supply any person with water for waterclosets unless the apparatus or pipes provided or to be provided by such person shall be of such material and so constructed and used as to prevent the waste or undue consumption of the water of the company, and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the company.

Water supplied by agreement.

27. The company may from time to time supply any person, body, or corporation with water for any purposes for which no specific rates are by this Act limited for such remuneration and upon such terms and conditions as shall be agreed upon between the company and the person desirous of having the supply.

Company may sell by measure.

28. The company may, if they think fit, enter into agreements for the supply of water by measure to any consumer.

Domestic supply not to be prejudiced.

29. No person shall be entitled under this Act to a supply of water for any purpose other than domestic purposes when the supply would interfere with the proper supply under this Act of water for domestic purposes.

Persons using water to provide stopcock.

30. Every person supplied with water under the provisions of this Act shall, when required by the company, provide and affix such proper tap, stopcock, or other apparatus to the pipe conducting the water from the works of the company as the company shall direct, and shall keep such tap, stopcock, or other apparatus in good repair, so as effectually to prevent the water from running to waste; and in case any such person shall neglect to provide, when required by the company, such tap, stopcock, or other apparatus, or to keep the same in good repair, it shall be lawful for the company, or for any person acting under their authority, to cut off the pipe or turn off the water from the premises of such person until such tap, stopcock, or other apparatus shall be provided or repaired, as the case may require.

Persons using water for watercloset to provide cisterns, &c.

31. Every person supplied with water under the provisions of this Act for the purposes of a watercloset shall, when required by the company, provide a cistern or such other apparatus as the company may deem proper to receive and retain the water with which he shall be supplied for such purpose, and shall keep such cistern or other apparatus in good repair so as effectually to prevent the water from running to waste; and in case any such person

shall neglect to provide, when required by the company, such cistern or other apparatus, or to keep the same in good repair, it shall be lawful for the company, or for any person acting under their authority, to cut off the pipe, or turn off the water from the premises of such person until such cistern or other apparatus shall be provided or repaired, as the case may require.

Penalty for affixing tubes to company's pipes without their consent.

32. It shall not be lawful for any owner or occupier of any house supplied with water by the company, without the consent of the company, to affix or permit or suffer to be affixed to any of the mains or other pipes of the company, or to any service pipe of such owner or occupier, any gutta-percha or other tubes or pipes for the purposes of washing the windows or fronts of houses or other buildings, or the pavements or roads adjacent thereto, or for any other purposes whatsoever; and any person who shall act contrary to this enactment shall for every such offence forfeit to the company any sum not exceeding five pounds.

Incoming tenant not liable to pay arrears of water rate.

33. In case any consumer of the water company shall leave the premises where such water has been supplied, and leave without paying to the company the rate due from him, the company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the company or with the former tenant to pay or exonerate him from the payment of such arrears, but the company shall supply their water to such incoming tenant upon the usual terms and conditions, upon being required by him so to do.

Power to turn off water in certain cases.

34. If any person supplied with water by the company wilfully do or cause or knowingly permit to be done anything in contravention of the provisions of this Act with respect to the waterworks or the supply of water, or wilfully neglect to do anything which under these provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the company, the company may turn off the water supplied by them to such person, and cease to supply water to such person until the act complained of be remedied and any penalty incurred thereby be paid.

Recovery of rates.

35. Whenever any person neglects to pay any rate or sum due to the company 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.

Rates may be recovered by distress.

36. All water rates or rents due to the company, and all damages, costs, and expenses by this Act or any Act incorporated

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herewith directed to be paid, may, after the defaulter shall have been summoned to appear before a justice, and an order made thereupon for the payment of the amount due, be levied by distress, and any justice on application may issue his warrant accordingly.

Several names in one warrant.

37. 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.

Costs of distress.

38. 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.

Liability to rates not to disqualify justices.

39. No justice or judge of any county court shall be disqualified for acting in the execution of this Act by reason of his being liable to any rate, rent, or charge under this Act.

Expenses of Act.

40. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the company.

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