ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. lxxxiii.

An Act for incorporating a Company, under the Title of "The *Caterham* Spring Water Company," for better supplying with Water the Inhabitants of *Caterham* and the Neighbourhood thereof. [30th *June* 1862.]

WHEREAS the Inhabitants of the Parishes of *Caterham*, *Chaldon*, *Coulsdon*, *Warlingham*, *Godstone*, *Bletchingley*, *Nutfield*, and a Portion of *Reigate*, all in the County of *Surrey*, either are not sufficiently or conveniently supplied with Water, or are not supplied with Water so pure and so soft as is desirable: And whereas Waterworks have recently been constructed in the Parish of *Caterham* in the County of *Surrey*, distant about One thousand Yards South-west by South from the Parish Church of *Caterham* on the East Side of the Highway leading from the Village of *Caterham* to *Whitehill*: And whereas an abundant Supply of subterranean Spring Water has been obtained from the Chalk Formation by means of the aforesaid Waterworks, and the Incorporation of a Company for the Purchase and Completion of the existing Waterworks, and the Construction of additional Works for conveniently supplying the said Inhabitants with such

subterranean Spring Water softened, would be of great Benefit and Advantage to such Inhabitants: And whereas the several Persons herein-after named, with others, are willing, at their own Expense, to carry such Undertaking into execution; but these Purposes 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,

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

1. That the several Provisions of "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1860," "The Companies Clauses Consolidation Act, 1845," and "The Waterworks Clauses Consolidation Act, 1847," shall, subject to the Provisions of this Act, be incorporated with and form Part of this Act.

Short Title.

2. This Act may be cited for all Purposes as "The *Caterham* Spring Water Company's Act, 1862."

Incorporation of Company.

3. *Charles Dingwall*, *Thomas Eyre Foakes*, *Richard William Drew*, *Benjamin Gay Wilkinson*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes herein-after mentioned, and for such Purposes shall be incorporated by the Name of "The *Caterham* Spring Water Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said incorporated Acts contained.

Purposes of the Company.

4. The Company shall be established for the Purpose of purchasing and completing the said existing Waterworks known as the *Caterham* Waterworks, and for the Purpose of making such additional Reservoirs, Engines, Pumps, Conduits, and other Works, and for laying down Pipes, Stopcocks, Hydrants, and Connexions necessary and convenient for supplying the Inhabitants, Buildings, and Lands of the Parishes of *Caterham*, *Chaldon*, *Coulsdon*, *Warlingham*, *Godstone*, *Bletchingley*, *Nutfield*, and that Portion of the Parish of *Reigate* known as the Foreign of *Reigate*, with Water; and the Limits of this Act, with regard to the Power of affording such Supply, shall be held to be co-extensive with the Limits of the Parishes and Places aforesaid.

Limits of Act.

Capital.

5. The Capital of the Company shall be Twenty-eight thousand Pounds.

6. The

Shares.

6. The Number of Shares into which the said Capital shall be divided shall be Two thousand eight hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

7. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall intervene between successive Calls, and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed in the whole Two Thirds of such Share.

First and other Meetings.

8. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held yearly in the Month of *June*.

Scale of Votes.

9. At all General Meetings of the Company the Shareholders in the Undertaking shall be entitled to One Vote for every Share held by them respectively.

First Directors.

10. *Charles Dingwall*, *Thomas Eyre Foakes*, *Richard William Drew*, and *Benjamin Gay Wilkinson* shall be the first Directors of the Company.

Number, &c. of Directors.

11. The Number of Directors of the Company shall be Four, and the Qualification of a Director shall be the Possession by him in his own Right of Twenty Shares at the least in the Undertaking.

Quorum.

12. The Quorum of a Meeting of Directors shall be Three.

Election of Directors at First Ordinary Meeting.

13. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

14. At the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall 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

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 Companies Clauses Consolidation Act, 1845."

Quorum of Meetings.

15. The Quorum of every Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Shareholders may convene Extraordinary Meeting.

16. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than Ten, and such Shareholders shall hold in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Power to borrow on Mortgage.

17. It shall be lawful for the Company to borrow on Mortgage any Sums of Money not exceeding in the whole the Sum of Seven thousand five hundred Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Twenty-eight thousand Pounds shall have been subscribed for, and One Half thereof actually paid up, and until they shall have proved to the Justice who is to certify, under the Provisions in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Arrears may be enforced by Appointment of a Receiver.

18. The Mortgagees under this Act may enforce Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Seven hundred Pounds.

Power to take Lands for Works.

19. And whereas a Plan and Section of the Works proposed to be purchased and made for the Purpose of affording such Supply of Water as aforesaid, and herein-after described, and a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in, upon, or through which the same are intended to be made or to pass, have been deposited with the Clerk of the Peace for the County of *Surrey:* Be it enacted, That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to make and maintain in the Lines and upon the Lands delineated on the said Plan and described in the said Book of Reference the Works herein-after described, and to purchase, enter upon, take, and use such of the said Works and Lands delineated on the said Plans, or any Easement, Privilege, Power, or Authority

Authority in or over the same, as shall be necessary for the Purposes of the Works by this Act authorized; (that is to say,)

Description of Work.

(1.) Reservoirs, with Wells, Bore-holes, and underground Adits or small Tunnels to communicate with such Wells, Steam Engines, and Engine Houses, Pumps, Pipes, and other Works and Conveniences connected therewith, situate in a Field belonging to *G. H. Drew* Esq., and in his Occupation, distant about a Thousand Yards South-west by South from the Parish Church of *Caterham* on the East Side of the Highway leading from the Village of *Caterham* to *Whitehill*, all in the Parish of *Caterham* and County of *Surrey*:

(2.) An Aqueduct, Conduit, or Line of Main Pipe, commencing from out of the last-mentioned Works in the Parish of *Caterham*, passing along or under the Road leading from *Whitehill* to the Village of *Caterham*, and terminating at the North End of the Village of *Caterham* at a Point on the said Road opposite to the Schoolhouse there, all in the Parish of *Caterham* and County of *Surrey*, together with all proper and necessary Works and Conveniences appertaining thereto:

(3.) An Aqueduct, Conduit, or Line of Main Pipe, commencing by a Junction with the Work lastly herein-before mentioned at or near the Western End of *Waller Lane* in the Parish of *Caterham*, and passing along or under the High Road leading from *Caterham* to *Godstone* and *Redhill*, and from, in, through, or into the several Parishes herein-after mentioned or some of them, (that is to say,) the Parishes of *Caterham*, *Godstone*, *Bletchingly*, *Nutfield*, and *Reigate*, all in the County of *Surrey*, and terminating at or near the Eastern Side of the Town of *Redhill* at a Point on the Turnpike Road leading from *Merstham* to *Brighton* near or opposite to the Market House and Corn Exchange there in the Parish of *Reigate* and County of *Surrey* aforesaid, together with all necessary and proper Works and Conveniences pertaining thereto.

Land for extra-ordinary Purposes.

20. It shall be lawful for the Company to take or purchase Land by Agreement for extraordinary Purposes, not exceeding Two Acres.

Powers of Deviation.

21. In constructing the Works by this Act authorized to be made the Company may make lateral Deviations from the Line of such Works not exceeding the Limits of Deviation described in the said Plan, and may deviate from the Levels as delineated in the said Section to any Extent not exceeding Three Feet.

Period for Completion of Works.

22. The said Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by

by this Act granted to the Company for executing the same, or otherwise in relation thereto, 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 so as to restrain the Company from fixing and laying down from Time to Time such Service, Main, and other Pipes and Works whenever it shall be necessary for the Purpose of supplying the Inhabitants, Buildings, and Lands within the Limits of this Act with Water.

Traffic on the Surrey and Sussex Roads not to be stopped during Works.

23. The Company shall not at any Time during the Progress of laying down or constructing the Works hereby authorized, or of performing any other Works connected with the *Surrey* and *Sussex* Roads, shut up or in any way impede the public Traffic along more than One Half in Width of any of the said *Surrey* and *Sussex* Roads at any One and the same Time; and if it should happen that the Half of the Road so left open should not be wide enough to allow Two Carriages to pass each other, then and in such Case not more than Fifty Yards in Length of the other Half of the Road shall be occupied by the Company's Works at the same Time, unless by special Permission of the said Trustees or their Surveyor.

As to Payment for Damage done to the Surrey and Sussex Roads.

24. And whereas much Injury will be caused to the said *Surrey* and *Sussex* Roads and to the Footpaths thereof in consequence of such Works, notwithstanding that the said Roads and Footpaths may be re-made immediately after the laying down or Construction of such Works, inasmuch as a Continuance of Labour and Materials will be necessary for a considerable Space of Time to restore the said Roads and Footpaths to their previous State and Condition: The Company shall pay, on Demand, to the Trustees of the aforesaid Roads, such a Sum not exceeding Sixpence for every Superficial Yard of the said Roads and Footpaths removed or disturbed by reason or in consequence of the Works of the Company, and over and above all Costs of re-making or re-laying the Roads and Footpaths, and of Repairs and Alterations, which may be incurred by the said Trustees, as the said Trustees shall deem proper to be paid for the continued Labour and Supply of Materials necessary to restore effectually the said Roads and Footpaths, and in default of Payment for Twenty-one Days after such Demand the same may be recovered by the Trustees from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

Water to be softened.

25. The Company shall soften the Water delivered by them to their Consumers according to a Mode for rendering certain Waters less impure and less hard, for the Supply and Use of Manufactories, Villages, Towns, and Cities, for which Her Majesty was pleased to grant Her Letters Patent to *Thomas Clark*, Professor of Chemistry in *Marischal College*, University of *Aberdeen*, dated *March* the Eighth, One thousand

thousand eight hundred and forty-one, or by any other Process which shall be at least as applicable and efficacious, and for such Purpose may enter into such Arrangements and Agreements and generally may do all such Things as may from Time to Time be considered expedient in relation thereto.

Rates at which Water is to be supplied for domestic Purposes, where there is no Water-closet or Bath.

26. 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 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, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses, at the Option of the Company, either at a Charge not exceeding Two Shilling *per* Thousand Gallons, the Consumption to be ascertained by Meter, or at Rates not exceeding the Rates *per Annum* herein-after specified; (that is to say,)

Where the annual Value of such House so supplied shall not exceed Seven Pounds, Ten Shillings:

Where the same shall exceed Seven Pounds and shall not exceed Eight Pounds, Eleven Shillings:

Where the same shall exceed Eight Pounds and not exceed Nine Pounds, Twelve Shillings:

Where the same shall exceed Nine Pounds and not exceed Ten Pounds, Thirteen Shillings:

Where the same shall exceed Ten Pounds and not exceed Eleven Pounds, Fourteen Shillings:

Where the same shall exceed Eleven Pounds and not exceed Twelve Pounds, Fifteen Shillings:

Where the same shall exceed Twelve Pounds and not exceed Thirteen Pounds, Sixteen Shillings:

Where the same shall exceed Thirteen Pounds and not exceed Fourteen Pounds, Seventeen Shillings:

Where the same shall exceed Fourteen Pounds and not exceed Fifteen Pounds, Eighteen Shillings:

Where the same shall exceed Fifteen Pounds and not exceed Sixteen Pounds, Nineteen Shillings:

Where the same shall exceed Sixteen Pounds and not exceed Seventeen Pounds, Twenty Shillings:

Where the same shall exceed Seventeen Pounds and not exceed Eighteen Pounds, Twenty-one Shillings:

Where the same shall exceed Eighteen Pounds and not exceed Nineteen Pounds, Twenty-two Shillings:

Where the same shall exceed Nineteen Pounds and not exceed Twenty Pounds, Twenty-three Shillings:

Where the same shall exceed Twenty Pounds and not exceed Twenty-five Pounds, Twenty-eight Shillings:

Where the same shall exceed Twenty-five Pounds and not exceed Thirty Pounds, Thirty-three Shillings:

Where the same shall exceed Thirty Pounds and not exceed Thirty-five Pounds, Thirty-eight Shillings:

Where the same shall exceed Thirty-five Pounds and not exceed Forty Pounds, Forty-three Shillings:

Where the same shall exceed Forty Pounds and not exceed Forty-five Pounds, Forty-eight Shillings:

Where the same shall exceed Forty-five Pounds and not exceed Fifty Pounds, Fifty-three Shillings:

Where the same shall exceed Fifty Pounds and not exceed Sixty Pounds, Sixty Shillings:

Where the same shall exceed Sixty Pounds and not exceed Seventy Pounds, Sixty-seven Shillings:

Where the same shall exceed Seventy Pounds and not exceed Eighty Pounds, Seventy-four Shillings:

Where the same shall exceed Eighty Pounds and not exceed Ninety Pounds, Eighty Shillings:

Where the same shall exceed Ninety Pounds, at a Rate not exceeding Four Pounds Ten Shillings *per Centum per Annum*:

Provided always, that a Supply of Water for domestic Purposes shall not include a Supply of Water except for One Watercloset, or for Baths, or for any Trade or Business whatsoever.

If there be a Watercloset or Bath.

27. The Company may charge in any One Year in respect of every Watercloset beyond One, and every Bath in any Dwelling House, in addition to the Rates above specified, the following Rates; (that is to say,) the Sum of Ten Shillings for each such Watercloset, and Twenty Shillings for each such Bath: Provided always, that the Company shall not be compelled to supply any Watercloset or Bath, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste and undue Consumption of the Water of the Company, and the Return of foul Air and other noisome or impure Matter into the Mains or other Pipes belonging to or connected with the Mains or Pipes of the Company, nor unless such private Bath shall be so constructed as to contain when filled for Use not more than Fifty Gallons of Water.

What shall not be domestic Purposes.

28. A Supply of Water for domestic Purposes shall not include a Supply of Water for Railways, Cattle, Horses, or for washing Carriages where such Horses and Carriages are let for Hire, or are the Property of any Dealer, or for any Trade or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

Additional Rates in certain Cases.

29. If the Point at which the Water shall be discharged or flow into any House or Part of a House to be supplied with Water shall be

be situated at an Altitude higher than Four hundred Feet above Ordnance Datum or the Mean Level of the Sea, the before-mentioned Rates, with an additional Charge of One Fourth thereof added to the same, shall be payable for all Water supplied for domestic Uses.

Other Rates may be taken, by Agreement, in special Cases.

30. Notwithstanding anything herein-before contained, the Company may take an increased Rate or Charge, by Agreement, with any Person or Body requiring a Supply of Water, although the same exceed the Rates and Charges herein-before specified.

Water for other than domestic Purposes to be supplied by Agreement.

31. It shall be lawful for the Company to supply any Person with Water for other than domestic Purposes at such Rent and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water.

Cisterns to be supplied with proper Ballcocks, &c.

32. Every Person supplied with Water by the Company who shall use a Cistern or other Receptacle for the Water with which he shall be supplied shall furnish the same with an efficient Ballcock or other like Apparatus; and the Surveyor, or any other Person acting under the Authority of the Company, may, between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon, enter into any House in order to examine if there be any Waste, Misuse, or undue Consumption of Water by means of any Overflow Spout, Waste Pipe, or other Means or Contrivance; and in case any such Waste, Misuse, or undue Consumption of Water shall be found to exist from the Use of any such Overflow Spout, Waste Pipe, or other Means or Contrivance, it shall be lawful for such Surveyor or other Person to give not less than Three Days Notice in Writing to the Person so supplied with Water to alter, repair, and amend, or in default thereof to remove, such Overflow Spout, Waste Pipe, or other Means or Contrivance; and if the same shall not be forthwith altered, repaired, and amended, or removed, in accordance with such Notice, it shall be lawful for the Company, after Three Days Notice in Writing, to turn off the Water from the House, and to cease to supply the same with Water, until such Overflow Spout, Waste Pipe, or other Means or Contrivance shall be sufficiently repaired, altered, or amended.

Regulations to be made for preventing Waste of Water.

33. Subject to the Provisions of this Act, it shall be lawful for the Company or the Directors thereof from Time to Time to make such reasonable Regulations as shall be necessary or expedient for the Purpose of preventing the Waste or Misuse of Water, and amongst other things to prescribe the Size, Nature, and Strength of the Pipes, Cocks, and other Apparatus to be used, and to interdict the Use of any Pipes, Cocks, and other Apparatus which may tend to such Waste or Misuse as aforesaid; and in the event of such Regulations or any of them

not being observed by any Person about to become a Customer of the Company, or being a Customer of the Company, the Company may refuse to supply Water, or cut off the Water supplied by them, to such Person or Customer, as the Case may be, until such Regulations shall have been complied with; and in the event of any Dispute as to whether such Regulations are reasonable, or whether such Regulations have been complied with by any Person whose Water shall have been so cut off as aforesaid, such Dispute shall from Time to Time be settled by Two Justices in manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices.

Penalty for suffering Pipes, &c. to be out of repair.

34. Every Person supplied with Water by the Company who shall wilfully suffer any such Pipe, Cock, Cistern, or other Apparatus to be out of repair, so that the Water supplied to him by the Company shall be wasted, shall forfeit to the Company for every such Offence a Sum not exceeding Five Pounds, over and above the Loss which the Company may sustain by reason of such Waste.

Company may repair Pipes, &c.

35. The Company may in any such Case require such Person, by Three Days Notice in Writing under the Hand of the Surveyor or other duly authorized Officer of the Company, to repair any such Pipe, Cock, Cistern, or other Apparatus, so as to prevent any such Waste of Water; and in case of Default so to do within the said Three Days the Company may repair the same, and in such Case the Expenses of such Repair shall be repaid to them by the Person so allowing the same to be out of repair, and may be recovered as Damages.

Company may let Meters.

36. The Company may let for Hire any Meter or Instrument for ascertaining the Quantity of Water consumed or supplied, Wholesale or by Quantities, and any Fittings for the Conveyance of such Water, for such Remuneration in Money as shall be agreed upon between the Company and any Person to whom the same may be so let, and such Remuneration shall be recoverable in the same Manner as the Rents or Sums due to the Company for Water; and such Meters and Fittings shall not be subject to Distress for Rent of the Premises where the same may be used, nor to be taken in Execution under any Process of a Court of Law or Equity, or any Fiat in Bankruptcy or Sequestration, against the Person in whose Possession the same may be.

Powers to ascertain Quantity consumed by Meter.

37. The Clerk, Engineer, or other Officer of the Company may at all reasonable Times enter any House, Building, or Premises supplied by the Company in manner lastly herein-before mentioned in order to inspect the Meters, Instruments, Fittings, and Works for regulating the Supply of Water, and for the Purpose of ascertaining the Quantity

Quantity of Water consumed or supplied; and if any Person hinder such Officer as aforesaid from entering and making such Inspection as aforesaid at any reasonable Time he shall for every such Offence forfeit to the Company a Sum not exceeding Five Pounds.

Power to turn off Water in certain Cases.

38. 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.

Power to take away Meters, &c.

39. It shall be lawful for the Company, by their Officers or Servants, from Time to Time to enter any House, Buildings, or Premises for the Purpose of removing and carrying away any Meter, Instrument, Pipes, Fittings, or other Works, the Property of the Company; provided that the Power of Entry contained in this and the preceding Section shall be exercised between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon.

Expenses of Act.

40. The Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Company.

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