# CHAP. xxv.

An Act to incorporate the Proprietors of the Chiltern Hills Spring Water Company (Limited), and granting them powers with reference to Supply of Water to the town of Aylesbury and the vicinity thereof; and other purposes. [12th May 1870.]

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WHEREAS the Chiltern Hills Spring Waterworks Company (herein called "the limited Company") were, on the nineteenth day of May one thousand eight hundred and sixty-five, incorporated under "The Companies Act, 1862," for the purpose of supplying water to the town of Aylesbury, with its hamlet of Walton, in the county of Bucks, and the vicinity thereof, either in the said county of Bucks or in the county of Hertford; and by the memorandum of association of the limited Company their share capital was fixed at twenty-one thousand pounds, divided into two thousand one hundred shares of ten pounds each, and by a resolution of the limited Company, held on the thirtieth day of April one thousand eight hundred and sixty-eight, the share capital was increased by the creation of nine hundred new shares of ten pounds each, of which they have issued seven hundred and twenty-four, leaving one hundred and seventy-six shares unissued, and by said resolution the directors were empowered to borrow, for the purposes of the Company, the sum of ten thousand pounds, and they have borrowed that amount:

And whereas there has been paid up on the share capital of the limited Company the sum of twenty-eight thousand and seventy-two pounds, and the said sum, together with the said sum of ten thousand pounds of borrowed money, have been expended on the waterworks, and the said waterworks are now used for supplying the town of Aylesbury and the vicinity thereof with water:

And whereas it is expedient that the Company should be authorised to raise additional capital for the general purposes of the undertaking:

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And whereas it would be to the advantage of the limited Company and of the public that the limited Company should be dissolved and re-incorporated:

And whereas the waterworks could be more effectually carried on by extending thereto the powers and provisions herein-after contained:

And whereas 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),

Short title.

**1.** This Act may be cited for all purposes as "The Chiltern Hills Spring Water Act, 1870."

Provisions of General Acts herein-named incorporated.

**2.** "The Companies Clauses Consolidation Act, 1845," and "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845" (except such of the provisions thereof as relate to the purchase and taking of lands otherwise than by agreement), "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863" (with the exception of the clauses of the said Act of 1847 with respect to the construction of the waterworks, and with respect to the construction of works for the accommodation of lands adjoining the waterworks), are (except where expressly varied by this Act) incorporated with and form part of this Act, and, subject to the provisions of this Act, the provisions of the said Waterworks Clauses Acts, 1847 and 1863, incorporated with this Act, shall apply to the waterworks hereby vested in the Company, and any renewals thereof, and additions thereto, which may be made for supplying water within the limits 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 herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the special Act" shall mean this Act; the expressions "the Company" and "the undertakers" shall respectively mean the Company by this Act incorporated; the expression "the limited Company" shall mean "the Chiltern Hills Spring Water Company, Limited," as existing immediately before the passing of this Act; the expression "the undertaking" and "the waterworks" shall include all the works by this Act vested in the Company, and for the time being belonging to the Company, and used for the supply

of water within the limits of this Act; the expressions "superior court" and "court of competent jurisdiction" 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.

Incorporation of Company.

**4.** The limited Company is hereby dissolved, and the said memorandum of association and resolution of that Company are hereby annulled as from the passing of this Act, and as regards any prospective operation thereof, and the present members of or proprietors in the limited Company, and all other persons and corporations who shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively shall be and they are hereby united and incorporated into a company for the purpose of carrying on the waterworks hereby vested in them, and for supplying water within the limits of this Act, and for doing all acts necessary for that purpose and for other the purposes by this Act and the said incorporated Acts authorised by and under the name of "the Chiltern Hills Spring Water Company," and by that name shall be a body corporate with perpetual succession, and shall have a common seal, and shall and may sue and be sued, and shall have power to purchase by agreement and hold lands for the purposes of the undertaking, subject to the restrictions and provisions herein and in the said incorporated Acts contained.

Limits of Act.

**5.** The limits of this Act shall comprise and include the parishes, townships, and places of Aylesbury-with-Walton, Bierton-with-Broughton, Weston Turville, Aston Clinton-with-St. Leonards, Buckland, Draytonbeauchamp, Halton, Wendover, Hartwell, Stone-with-Bishopstone, Hardwick-with-Weedon, Cholesbury, and Hawridge in the county of Buckingham, and the parishes of Tring, Aldbury, and Wiggington in the county of Hertford.

Present property vested in the Company incorporated by this Act.

**6.** All wells, aqueducts, conduits, mains, pipes, engines, apparatus, lands, works, erections, rights, and easements, moneys, securities, deeds, papers, books, choses in action, effects, claims, and demands, rights, and remedies whatsoever, which immediately before the passing of this Act were vested in the limited Company, or any person on their behalf, or of or to which the limited Company, or any person on their behalf, were seised, possessed, or entitled, either at law or in equity, or otherwise howsoever, and all mains, pipes, plugs, matters, and things which have been by them purchased or provided, laid down, erected, or placed in any place or house within the limits of this Act, and which immediately before the passing of this Act were the property of or belonging to the limited Company, or any person on their behalf, shall be and the same are hereby

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vested in the Company to the same extent, and for the same estate and interest, as the same respectively were at the time of the passing of this Act vested in the (limited) Company, or any person on their behalf, and may be held, used, and enjoyed accordingly, subject, however, to the observance and performance of the same covenants, conditions, and agreements (if any), and the payment of existing mortgages, as the limited Company were, or if this Act had not been passed would have been, liable to observe, and perform, and pay.

Saving previous rights and liabilities.

**7.** Notwithstanding the incorporation of the Company, and except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the limited Company shall be as valid as if the Company had not been incorporated, and such incorporation and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated and this Act were not passed, would be incident to and consequent on any and everything so done or suffered, and with respect to all such rights, liabilities, claims, and demands, the Company shall, to all intents and purposes, represent the limited Company: Provided always, that the generality of this enactment shall not be limited or confined by any of the provisions of this Act.

Contracts prior to Acts to be binding.

**8.** All deeds, bonds, contracts, and agreements, securities, arbitrations, awards, and other Acts and things done, made, instituted, executed, or entered into before the passing of this Act by, with, or with reference to the limited Company, or any trustees, or persons acting on behalf of the limited Company in relation to their affairs, and now in force, shall be as binding and of as full force and effect in all respects against, in favour of, or with reference to the Company, and may be enforced as fully and effectually, as if instead of the limited Company, or the trustees, or persons acting in behalf of the limited Company, the Company had been a party or privy thereto, and had been empowered to do, make, institute, execute, and enter into the same, and as if the name of the Company were therein used instead of the name of the limited Company.

Actions, &c. not to abate.

**9.** Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which shall be pending by or against the limited Company, or to which the limited Company were or was a party immediately before the passing of this Act, but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by, in favour

of, or against the Company (as the case may be) in the same manner, and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the limited Company, if this Act had not been passed, the new Company being in reference to the matters aforesaid in all respects substituted for the limited Company.

Judgment in respect of existing liabilities may be enforced against individual shareholders.

**10.** If any judgment, decree, or order be at any time after the commencement of this Act obtained against the Company in respect of any debt or liability owing or incurred, or in respect of any contract made or tort committed by the Company before the commencement of this Act, and be not fully satisfied out of the property of the Company, then and in every such case the judgment, decree, or order may be enforced, and execution thereon issued against the property and effects of any person who was a member of the Company immediately before the commencement of this Act, or at the time when the contract was made or the tort was committed in respect of which the debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability, to the same extent as if this Act had not been passed.

Reimbursement of shareholders in such case.

**11.** Every person against whom, or against whose property or effects any such judgment, decree, or order is enforced, shall be entitled to recover against the Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment decree or order might, in accordance with this Act, have been issued, and the contribution may be recovered in like manner, as contribution in ordinary cases of co-partnership.

Water rates due to be recovered by Company.

**12.** All water rates and rents which immediately before the passing of this Act were due and payable or accruing due and payable to the limited Company shall be payable to, and may be collected and recovered by the Company in like manner as the water rates by this Act authorised to be taken.

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

**13.** All persons who immediately before the passing of this Act owed any sum of money to the limited 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, to the Company; and all debts and moneys which immediately before the passing of this Act were due, or owing by, or recoverable from the limited Company, or for the payment of which the limited 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.

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Calls due to be paid to Company.

**14.** All calls made by the limited Company and not paid before the passing of this Act shall be payable to and may be enforced by the Company either immediately or, as the case may be, at such time or times as the same would have been payable to and might have been enforced by the limited Company if they had not been dissolved by this Act.

Officers to continue.

**15.** Every clerk or other officer and servant of the limited Company in office at the time of the passing of this Act shall hold and enjoy his office and employment, with the salary thereunto annexed, and be deemed an officer or 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.

Trustees of the dissolved Company to be indemnified

**16.** Every trustee or other person in whom or in whose name any lands, works, erections, buildings, or property belonging to the limited Company were vested immediately before the passing of this Act, and who (being authorised so to do) has entered into any bond, covenant, contract, or engagement in respect of or with reference to such lands, erections, buildings, or property, or any other contract on behalf of the limited Company, shall be indemnified and saved harmless, out of the funds or property of the Company, from all liability, and against all loss, costs, charges, and expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such bond, covenant, contract, or agreement.

Capital.

**17.** The share capital of the Company shall consist of the sum of twenty-eight thousand two hundred and forty pounds, in two thousand eight hundred and twenty-four shares of ten pounds each, and of a further sum of eleven thousand seven hundred and sixty pounds which the Company are by this Act authorised to raise by means of new ordinary or new preference shares, making the total share capital of the Company forty thousand pounds.

Power to raise money by creating new shares.

**18.** Subject to the provisions of this Act, the Company may from time to time, or at any one 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, raise, by the creation and issue of new ordinary or new preference shares of ten pounds each, the said additional share capital of eleven thousand seven hundred and sixty pounds, and they may create and issue such new shares or any part thereof (as may be determined upon at any such meeting) as new ordinary or new preference shares.

Appropriation of capital.

**19.** Subject to the provisions of this Act, the said share capital of twenty-eight thousand two hundred and forty pounds shall belong and be appropriated to the several persons and corporations who immediately before the passing of this Act were proprietors of or interested in the said capital of the limited Company, in proportion to their respective shares or interest at that time in the capital of the limited Company, and subject to the same liability for calls as they are respectively now subject to.

Existing trusts, &c. attached to new shares.

**20.** Every share in the capital so appropriated shall vest in the person or corporation entitled thereto upon the same trusts and subject to the same powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the then existing share in the capital of the limited Company for which it is substituted, and so as to give effect to and not to revoke any will or testamentary or other disposition of or affecting such then existing share.

Shares not to issue until one fifth paid up.

**21.** 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 part of the amount of such share shall have been paid in respect thereof.

Calls.

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

Receipts on behalf of incapacitated persons.

**23.** If any money be payable to any shareholder or proprietor, 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.

Money borrowed on mortgage.

**24.** The sum of ten thousand pounds borrowed by the limited Company shall constitute a mortgage debt of the Company, as if the same had been authorised to be immediately borrowed by the Company by this Act, and had been borrowed by them after the passing thereof: Provided, if the Company shall pay off the said sum of ten thousand pounds or any part thereof, it shall be lawful for them again to borrow the amount so paid off, and so from time to time in terms of the Companies Clauses Consolidation Act, 1845, incorporated herewith; provided further, that the amount borrowed on mortgage shall not exceed the sum of ten thousand pounds.

Arrears may be enforced by appointment of receiver.

**25.** The mortgagees of the Company holding mortgages of the Company granted under the authority of this Act, or which are by this Act made binding on the Company, may enforce payment of

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the arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise 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 thousand pounds in the whole.

Powers to create debenture stock.

**26.** The Company may create and issue debenture stock.

Application of moneys.

**27.** All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

General meetings.

**28.** The first ordinary general meeting of the proprietors of the Company shall be held within three months after the passing this Act, and the balance sheet to be produced at the first ordinary general meeting, or any adjournment thereof, shall embrace and extend to all the transactions, whether of the limited Company or of the Company, during the whole year immediately preceding the thirty-first day of December then last past, and the balance sheet to be produced at each subsequent meeting, or any adjournment thereof, shall embrace and extend to the transactions of the Company during the half year immediately preceding the thirtieth day of June and the thirty-first day of December respectively next before the meeting at which the same is produced.

Scale of voting.

**29.** The scale according to which shareholders may vote in respect of their shares shall be as follows: for every ten pounds of the capital of the Company up to fifty pounds, one vote; for every fifty pounds of such capital beyond the first fifty pounds up to one thousand pounds, one additional vote; and for every one hundred pounds of such capital beyond the first one thousand pounds, one additional vote.

Proxies of corporation.

**30.** It shall not be necessary that any proxy nominated by any corporation, being a member of such corporation, should be a proprietor in the Company.

Quorum of general meetings.

**31.** The quorum of any general meeting of the Company shall be five proprietors, holding shares to the aggregate nominal value of one thousand pounds at the least in the capital of the Company.

Number of directors.

**32.** The number of directors shall be nine, but the Company may from time to time reduce the number, provided the reduced number be not less than six.

Qualification of directors.

**33.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of directors.

**34.** The quorum of a meeting of directors shall be four when the number of directors is more than six, and three when the number of directors is reduced to six.

First directors. Election of directors.

**35.** The present directors of the limited Company 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 or disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Members of board, &c., not disqualified.

**36.** Any contract to be made with any board, corporation, or public body under this Act shall not disqualify any of the members of any such board, corporation, or public body for the office of directors.

Lands by agreement.

**37.** The Company may, within the limits of the Act, from time to time purchase by agreement, and hold, in addition to the lands hereby vested in them, any quantity of land not exceeding in the whole at any one time three acres, and may also from time to time purchase by agreement any rights or easements, except rights or easements of water, in, upon, under, or over any lands, as they may think requisite for the purposes of their undertaking.

Application of Lands Clauses Acts to easements.

**38.** The provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Rates for supply of water.

**39.** The Company shall, at the request of the owner or occupier of any private dwelling house, or part of a private dwelling house, in any street in which any pipe of the Company shall be laid, or on the application of any person who, under the provisions of this Act, or any Act incorporated herewith, shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier, or other persons, a sufficient supply of water for domestic uses, at a rate not exceeding seven pounds ten shillings per cent. upon the annual rackrent or gross annual value of such dwelling house, or part of a dwelling house and premises: Provided always,

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that the Company shall not be obliged to furnish any such supply for any less sum than twopence per week; and provided further, the Company may, in addition to the said rate of seven pounds ten shillings per cent., charge for every watercloset beyond the first the sum of ten shillings per annum, and for every private bath the sum of ten shillings per annum.

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

**40.** The Company shall supply any Local Board of Health, within the limits of this Act, with water for flushing the sewers, or for watering streets, or other public purposes, at a rate not exceeding one shilling for every thousand gallons, the meters for ascertaining the quantity of water consumed being provided and maintained in working order by and at the expense of the party requiring the same.

Protection from impurities and against waste.

**41.** The Company shall not be compelled to supply with water any watercloset or private bath, or the pipes or apparatus connected therewith, unless the same shall be constructed and used so as to prevent the waste, misuse, or undue consumption of the water of the Company, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Company, or into any pipes connecting or communicating therewith, nor any private baths which shall be so constructed as to contain, when filled for use, more than fifty gallons of water.

Penalty for using water for other than domestic purposes without agreement.

**42.** 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 the other purposes, and every person having agreed with the Company for a supply of water for other than for domestic purposes, and using for any purpose other than the purposes so agreed on the water supplied by the Company, shall respectively for every such offence forfeit and pay to the Company any sum not exceeding twenty pounds.

Incoming tenant not liable for arrears.

**43.** In case any consumer of the water of the Company shall leave the premises where such water has been supplied to him without paying to the Company the water rent 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 former tenant to pay or exonerate from him the payment of such arrears.

Regulations to be made for preventing waste of water.

**44.** The Company may from time to time make such regulations as shall be necessary or expedient for the purpose of preventing waste or misuse of water, and amongst other things may prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus whatsoever to be used, and may interdict any arrange-

ments and the use of any pipes, cocks, cisterns, or other apparatus which may tend to such waste or misuse as aforesaid.

Limitation of pressure.

**45.** The water to be supplied from any pipe of the Company need not be laid on under a pressure greater than that to be afforded from the present reservoirs of the Company, or from any other reservoirs which the Company may make upon the same level as the present reservoirs.

Water may be supplied by agreement.

**46.** The Company may supply any person, corporation, or public body with water for any purpose in respect of which no special rates are by this Act granted for such remuneration, and upon such terms and conditions as shall be agreed upon between the Company and the person, corporation, or public body desiring such supply.

Company may remove pipes from unoccupied premises on giving notice to the owner.

**47.** If and whenever any house, building, or premises which shall have been supplied with water by the Company shall be unoccupied, the Company, their agents, servants, or workmen, after having given twenty-four hours previous notice to the owner by serving the notice on him, or leaving the same at his usual place of abode (or, if the owner or his usual place of abode be not known to the Company, after due inquiry, by fixing the same for three hours on some conspicuous part of such house, building, or premises), may enter into such house, building, or premises between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, and carry away all pipe fittings or other works the property of the Company.

Recovery of charges for supply of water.

**48.** In case any person who shall have been supplied with water by the Company, or who shall be liable to payment in respect of a supply of water under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect of such supply for the space of fourteen days after demand thereof by the Company, their agent, or collector, it shall be lawful for any justice having jurisdiction where such person shall then reside, or where such water shall have been supplied, to issue his summons to such person, requiring him to appear before the justices having jurisdiction as aforesaid, at a time and place named, then and there to show cause why the sum so demanded should not be paid; and if, on the appearance of such person, or in default of appearance, after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause shall be shown to the contrary, it shall be lawful for such two justices to issue their warrant of distress for the seizure and sale of the goods and chattels of such person, for the recovery of the amount which may be proved before such justices to be due from such person, together with such costs as to such justices shall seem just and reasonable.

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Recovery of sums by action.

**49.** Where any person fails to pay any water rate or other sums 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 in that behalf.

Several sums in one summons.

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

Costs of distress.

**51.** Any justice who issues any warrant of distress for any of the purposes of this Act may order that the costs of the Company of and incident to the recovery of the money to be levied shall be paid by the person liable to pay the money, and the costs shall be ascertained by the justices, and shall be included in the warrant of distress for the recovery of the money.

Penalties on the Company not cumulative.

**52.** Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the Acts incorporated herewith shall be deemed separate Acts.

No justice disqualified by being a shareholder.

**53.** No justice shall be disqualified for acting in the execution of this Act by reason of his being liable to payment of rent or other charge under this Act.

As to works affecting London and North-western Railway Company.

**54.** Any works to be constructed or executed by the Company across or in any way affecting any railway belonging to the London and North-western Railway Company, or any of the bridges or works thereof, or any lands or property belonging to that Company, shall be done under the superintendence and to the satisfaction of their principal engineer for the time being, and only according to plans to be approved by him in writing before any such works are begun, but in all things at the expense of the Company, and so as to cause no injury to any such railway, bridges, works, lands, or property, or interference with or interruption of the passage or conduct of traffic over or along any such railway or at any station thereof, and if any injury, interference, or interruption shall arise to any such railway, bridges, works, lands, or property, or such traffic, the Company shall make full compensation to the London and North-western Railway Company for such injury, interference, or interruption.

Expenses of Act.

**55.** All the costs, charges, and expenses of obtaining and passing this Act, and preparatory or incidental thereto, shall be paid by the Company.

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