CHAPTER xiii.

An Act to incorporate and confer powers on the Felixstowe and Walton Waterworks Company. [14th May 1895.]

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WHEREAS in the year one thousand eight hundred and ninety-four certain persons formed themselves into a Company under the name of the Felixstowe and Walton Waterworks Company (Limited) (herein-after referred to as "the Limited Company") for the purpose of supplying with water the district of Felixstowe and Walton in the county of Suffolk and the neighbourhood thereof and of acquiring any waterworks then existing and supplying water in the said district and of carrying on the business usually carried on by a waterworks company and the Limited Company was duly registered under the Companies Acts 1862 to 1890:

And whereas the present share capital of the Limited Company consists of fifty thousand pounds divided into five thousand shares of ten pounds each of which three thousand four hundred and ninety-one shares have been subscribed and of those shares two thousand four hundred and fifty-one have been fully paid up and the remaining one thousand and forty (on which two pounds only has been paid up) are held either five together or in multiples of five and the Company owe no money by way of loan:

And whereas the Limited Company have acquired certain existing waterworks and have improved the same and are by means thereof now supplying the said district and the neighbourhood thereof with water:

And whereas the demand for water in and around Felixstowe and adjacent places has increased and is increasing and in order the better to meet such demand it is expedient that the Limited Company be dissolved and re-incorporated with the powers and subject to the provisions of this Act:

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And whereas plans and sections showing the lines and levels of the works authorised by this Act to be maintained and continued and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be used for the purposes of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Suffolk and are herein-after respectively referred to as the deposited plans sections and books of reference:

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 (that is to say):—

Short title.

1. This Act may be cited as the Felixstowe and Walton Waterworks Act 1895.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act (namely):—

The Companies Clauses Consolidation Act 1845;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869;

The Lands Clauses Acts;

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former of those Acts "with the consent "in writing of the owner or reputed owner of any such house "or of the agent of such owner."

Interpretation.

3. In this Act unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings:

"The Company" means the Company incorporated by this Act;

"The works" "the waterworks" and "the undertaking" respectively mean and include the waterworks and the works connected therewith by this Act vested in or authorised to be made or maintained by the Company and any improvements thereof respectively which they may construct under

the powers of this Act and the lands buildings estate right title property powers privileges and effects of the Company and every part thereof respectively and the undertaking of the Company; and

"Superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of Company.

4. From and after the passing of this Act the Limited Company shall be dissolved and the several persons and corporations who immediately before the passing of this Act were members of that Company and all other persons and corporations who have subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the purposes herein-after mentioned and shall be incorporated by the name of "the Felixstowe and Walton Waterworks Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Limits of Act.

5. The limits of this Act for the supply of water (herein-after referred to as "the limits of this Act") shall be the parishes of Felixstowe and Walton and the parts of the parishes of Trimley St. Mary and Trimley St. Martin west of the boundary of the said parish of Walton and within a line commencing at a point where the boundaries of all three such parishes meet thence proceeding in a westerly direction along the northern boundary of Trimley St. Mary to Church Lane and thence in a straight line to a point in the highway leading from Trimley to Ipswich about fifteen chains south-east from the junction of Drab's Lane with the said highway thence in a straight line south-westerly to a point in the Great Eastern Railway fence opposite the eighty-second mile post from London thence following south-easterly the line of such fence to the point where it meets the parish boundary of Walton all in the county of Suffolk.

Power to local authority &c. to supply water in case Company fails to supply.

6. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local

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authority within the limits of supply (such part not having a sufficient supply of water from some other source) the local authority of such district may provide a supply in such part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of such district not sufficiently supplied by the Company or from some other source as if in either case there were no company authorised by this Act to supply water therein.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

General purposes of the Company.

7. The Company shall be established for the purpose of supplying water to and within the limits of this Act and for other the purposes of this Act.

Present property of LimitedCompany vested in incorporated Company.

8. Subject to the provisions of this Act all the undertaking works lands buildings property stock plant interest rights powers privileges easements and agreements which immediately before the passing of this Act were vested in the Limited Company or any person or persons in trust for them or to which the Limited Company were in anywise entitled and all moneys securities for money credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may subject to and in accordance with the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Memorandum and articles of association of Limited Company to be void without prejudice

9. Subject to the provisions of this Act the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act

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contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Saving as to remedies for antecedent breaches thereof.

10. 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 or the members thereof as such shall be as valid as if the Company had not been incorporated and the memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance 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 the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes as from the passing of this Act represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Nothing to affect previous rights and liabilities.

11. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of that Company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Contracts prior to Act to be binding.

12. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding which was pending by or against the Limited Company or any member thereof in relation

Actions &c. not to abate.

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to the affairs of that Company or to which that Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or 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 or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and the members thereof respectively.

Trustees of Limited Company to be indemnified.

13. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of Limited Company.

14. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of water rates &c.

15. All water rates and rents and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before the passing of Act.

16. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company or for the payment of

which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates &c. to remain in force.

17. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c. continued evidence.

18. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution and avoidance.

Officers to continue until removed.

19. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company or their period of service shall in accordance with notice duly and lawfully given in that behalf by the Limited Company before the passing of this Act or otherwise be determined and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

20. The books kept by the Limited Company for entering the names and designations of the members thereof shall and may continue to be kept by the Company for the same purpose in relation to the shares by this Act vested in the shareholders in the Limited Company and shall until some other register of holders of those shares shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

21. The capital of the Company shall be fifty thousand pounds whereof twenty-six thousand five hundred and ninety pounds is in this Act called "the original capital" and twenty-three thousand four hundred and ten pounds is in this Act called "the additional capital" and shall be raised in manner hereinafter mentioned.

The original capital shall be divided into shares of ten pounds each which shares are in this Act called "the old shares" and the Company may convert into stock the whole or any part of their original or additional capital when fully paid up.

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Vesting of shares in present shareholders.

22. The old shares shall be vested in the several persons who immediately before the passing of this Act were the registered members of the Limited Company at the rate of one of such old shares for every ten pounds of capital paid up on the said existing shares in substitution for the existing shares of the Limited Company and every share so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the passing of this Act affected the share or shares for which the same is substituted and any deed or other instrument or any testamentary disposition of or affecting the same made before the passing of this Act shall take effect with reference to the whole or a proportionate part as the case may be of the old shares so substituted.

Company to call in and cancel existing share certificates and issue new certificates in lieu thereof.

23. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Power to Company to raise additional capital.

24. The Company may from time to time raise additional capital not exceeding in the whole twenty-three thousand four hundred and ten pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that the Company shall not create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of twenty-three thousand four hundred and ten pounds.

Receipt in case of persons not sui juris.

25. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Profits of the Company limited.

26. Except as by this Act provided the Company shall not in respect of any one year make out of their profits any larger

dividend on the original capital than seven pounds ten shillings and on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Dividends on different classes of shares or stock to be paid proportionately.

27. In case in any half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend by this Act prescribed on each class of ordinary shares or stock in the capital of the Company a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each class.

New shares or stock to be offered by auction or tender.

28. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money of capital sold by auction to be paid within three months.

29. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale &c. of shares or stock.

30. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the urban district council of Felixstowe and Walton and to the

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secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the district of the said council.

Shares or stock not sold by auction or by tender to be offered to shareholders.

31. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under this Act but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Calls on shares not sold by auction.

32. With respect to any share offered to and accepted by the holders of ordinary shares or stock of the Company one fifth of the amount of such share shall be the greatest amount of a call and three months at least shall be the interval between successive calls upon any such share.

Application of premium arising on issue of shares or stock.

33. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow in respect of original capital.

34. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of the original capital of twenty-six thousand five hundred and ninety pounds any sums not exceeding in the whole six thousand six hundred and fifty pounds.

Power to borrow in respect of

35. The Company may from time to time in respect of the additional capital of twenty-three thousand four hundred and ten

pounds borrow on mortgage of the undertaking any sum or sums not exceeding in the whole five thousand eight hundred and fifty pounds Provided that in respect of every five thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum not exceeding in the whole one thousand two hundred and fifty pounds and in respect of the last three thousand four hundred and ten pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum not exceeding in the whole eight hundred and fifty pounds but no part of any such sums of one thousand two hundred and fifty pounds and eight hundred and fifty pounds shall be borrowed until shares for so much of the said portion of capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such portion of capital 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 shares for such portion of capital have been 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 portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations their executors administrators successors or 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 certificate shall be sufficient evidence thereof.

Additional capital.

36. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the creation and issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

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As to sale to the urban district council.

37.—(1.) The Company shall not except with the consent of the Felixstowe and Walton Urban District Council raise any capital under the provisions of this Act (except so far as may be necessary for defraying expenditure on capital account made in the ordinary course of the proper conduct of the affairs of the Company since the date of the deposit of the Bill for this Act and with the intention of benefiting the undertaking) until the twenty-first day of December one thousand eight hundred and ninety-five and if the said council shall introduce a Bill into Parliament and bonâ fide promote the same in any of the next three available sessions of Parliament to empower them to purchase the undertaking of the Company the Company shall not raise any of the said capital (except with the consent aforesaid or for the purposes aforesaid) during the promoting of such Bill and the Company shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of clauses to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit.

(2.) Any such sale and purchase shall be for such price or consideration and on such terms and conditions as may be agreed on between the Company and the said council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the said council and the expression "lands" shall mean the undertaking of the Company Provided that for the purpose of any such arbitration the sale and purchase shall be deemed to be a sale and purchase by compulsion and not by agreement and in addition to the sum to be paid by the said council to the Company under the foregoing provisions of this section the said council shall pay to the Company the costs and expenses incurred by them of and incident to the winding up of the Company and compensation to any officers and servants in the regular employment of the Company in respect of any loss of office or diminution of salary or income the amount of such costs and expenses and compensation in default of agreement to be determined by arbitration as aforesaid.

For appointment of a receiver.

38. 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 In order to

authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds.

Debenture stock.

39. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the same undertaking Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

40. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on debenture stock created and issued under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on the mortgages or debenture stock.

Application of moneys.

41. All moneys raised under this Act whether by stock shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

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

Votes at meetings.

43. At all general meetings of the Company every shareholder shall have one vote for every share held by him and every holder of stock (not being debenture stock) shall have one vote for every ten pounds of such stock held by him.

Number of directors.

44. The number of directors shall until the first general meeting of the Company be three but the Company may at that or any subsequent meeting increase the number to five and may from time

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to time reduce and again increase the number provided that the number be not less than three or more than five.

Qualification of directors.

45. The qualification of a director shall be the possession in his own right of not less than fifty shares or not less than five hundred pounds of share capital or other stock not being debenture stock.

Quorum of directors.

46. The quorum of a meeting of directors shall be three.

First directors.

47. Ernest George Pretyman Frederick John Bugg and William Jolly shall be the first directors of the Company and shall continue in office until the first ordinary meeting held in the year next after the passing of this Act At that meeting the shareholders present in person or by proxy may (subject to the power herein-before contained for varying the number of directors) 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 they continue 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 varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Contracts not to disqualify for office of director.

48. Any contract to be made under this Act with any public body shall not disqualify any of the members of such public body for the office of director of the Company but no director of the Company being a member of any such public body shall vote upon any question with reference to any contract with such public body.

Power to maintain waterworks.

49. Subject to the provisions of this Act the Company may continue and maintain their existing waterworks and particularly they may continue and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the conduit line of pipes and other works shown on the deposited plans among which are the following (that is to say) :—

(*a*) A pumping station and other works connected therewith situate wholly in the parish of Trimley St. Mary in and upon

a certain close of land at the north end of an occupation roadway known as Sprites Hall Lane leading from the public highway from Felixstowe to Ipswich to a farm called "Candlet" which close of land belongs or is reputed to belong to the Limited Company and is occupied by them and is numbered 177 on the $\frac{1}{2500}$-inch Ordnance map;

(*b*) A pumping station and water-tower and other works connected therewith situate in the parish of Felixstowe in and upon a certain plot of land abutting on the west side and near to the northern end of Felix Road which plot of land belongs or is reputed to belong to the Limited Company and is occupied by them;

(*c*) A conduit or line of pipes commencing in the said parish of Trimley St. Mary at or in the pumping station (Work *a*) and terminating at the said pumping station (Work *b*):

And the Company may also from time to time on any lands now belonging to them or acquired under the powers of this Act maintain all such wells adits culverts drains tanks water-towers filters walls approaches engines machinery and appliances as may be necessary or expedient in connexion with the foregoing works or any of them or for obtaining and distributing water for the purposes of their undertaking:

Provided that the Company shall not be at liberty to continue the supply of water from a certain waterhead in the cliffs at the rear of the offices of the said urban district council situate in Undercliffe Road Felixstowe except for the purpose of road watering or flushing sewers.

Power to take lands and waters.

50. Subject to the provisions of this Act the Company may enter upon take and use such of the lands described in the deposited plans and books of reference as they require for the purposes of this Act and may divert collect impound take appropriate and use for the purposes of the Company all springs which may be found in on or under any of the lands for the time being belonging to the Company.

Power to take easements &c. by agreement.

51. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable

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in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Purchase of lands by agreement.

52. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole twenty acres in extent or any easement (not being an easement of water in which other than parties to the agreement have an interest) in over or under any such lands Provided that the Company shall not deal with such lands so as to create or permit a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company.

Restriction on taking houses of labouring class.

53. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Company may lease &c. spare lands of undertaking.

54. The Company may from time to time demise and lease for any terms not exceeding seven years in possession and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable) and on the lease or sale by the Company of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject

Reservation of water rights &c. on sale.

to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

As to pressure.

55. The Company shall provide a constant supply in accordance with the provisions of the Waterworks Clauses Act 1847 but they shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the water-tower at the existing pumping station in Felixstowe.

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

56. The Company shall on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at rates and charges according to the rateable value of his dwelling-house or part of a dwelling-house not exceeding the following (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed five pounds per annum the sum of two pence per week ;

Where the rateable value exceeds five pounds but does not exceed seven pounds and ten shillings per annum the sum of three pence per week ;

Where the rateable value exceeds seven pounds and ten shillings but does not exceed ten pounds per annum the sum of four pence per week ;

Where the rateable value exceeds ten pounds but does not exceed fifteen pounds at a rate per annum not exceeding nine per centum of such rateable value ;

Where the rateable value exceeds fifteen pounds but does not exceed fifty pounds at a rate per annum not exceeding seven pounds and ten shillings per centum of such rateable value ;

Where the rateable value exceeds fifty pounds but does not exceed eighty pounds at a rate per annum not exceeding seven pounds per centum of such rateable value ;

Where the rateable value exceeds eighty pounds at a rate per annum not exceeding six pounds and ten shillings of such rateable value :

Provided as follows :—

The Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house

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were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable:

The Company shall not be compellable to furnish such supply for any less sum than eight shillings and eightpence in any one year but subject thereto nothing contained in this section shall enable the Company to charge more than half the above rates for empty and unfurnished houses from the time when the same shall have become empty and unfurnished and notice to that effect shall have been given to the Company until the same shall again be occupied or furnished:

All inns and hotels whether public or private the rateable value of which exceeds five pounds shall be liable to a yearly rate not exceeding nine pounds per centum:

When the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor), such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

For the purposes of this section the rateable value shall be the net rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

Rates for waterclosets and private baths.

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first the sum of seven shillings and sixpence per annum and to every fixed bath the sum of ten shillings per annum Provided that for every bath containing as usually filled for use more than fifty gallons the Company may if they supply the same charge an increased rate in proportion to the size of the bath Such additional sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Certain provisions as to supply.

57. The Company shall not be compelled to supply water in the following cases:—

To any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company;

To any bath which shall be capable of containing when filled for use more than fifty gallons of water:

Provided that the foregoing provisions shall not entitle the Company to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate:

Nor shall the Company be compelled to supply water in the following cases except as therein mentioned:—

To any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purposes for which water is required otherwise than by agreement or by meter at the option of the consumer;

To any workhouse hospital or other large public institution otherwise than by meter upon such terms as may be from time to time agreed between the Company and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or than as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

Rate for supply by meters in certain cases.

58. The price to be charged by the Company to those owners or occupiers who under the provisions of the last preceding section shall elect to take the water by meter or who shall be compellable by the Company to accept a supply by meter shall be as follows:—

Where the quantity taken in any quarter of a year shall not exceed fifty thousand gallons at a rate not exceeding two shillings for every thousand gallons;

And where the quantity taken in any quarter of a year shall exceed fifty thousand gallons then at a rate not exceeding one shilling and sixpence for every thousand gallons:

The Company shall not be compellable to afford a supply by meter for a less sum than one pound and ten shillings in any one year.

Power to Company to supply water for other than domestic purposes.

59. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes Provided that such supply for other than domestic purposes shall not at any time interfere with the supply for domestic purposes throughout the limits of supply of the Company.

Company not bound to supply several houses by one pipe.

60. The Company shall not be bound to supply more than one house by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

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Where several houses supplied by one pipe each to pay.

61. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

Supply of water to tenements in a row.

62. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements or any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water and every person offending against this enactment shall be liable for every such offence to a penalty not exceeding five pounds.

Incoming tenant not liable for arrears.

63. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Notice of discontinuance.

64. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by prepaid letter to the office for the time being of the Company.

Water for flushing sewers &c.

65. The Company shall when required supply every road authority and every sanitary authority within the limits of supply with water for flushing sewers and drains or for watering streets or other public purpose at a rate not exceeding one shilling and sixpence for every thousand gallons.

Power to sell or let meters.

66. The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meter and fittings and for securing safe access to and the safety and return to the Company of such meter and fittings as the Company may prescribe or as may from time to time be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rates rents or charges due to the Company.

Notice to Company of connecting or disconnecting meters.

67. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of an officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Register of meter to be primâ facie evidence.

68. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed Any dispute as to such quantity shall be determined on the application of either party by a court of summary jurisdiction who may order by whom the costs of the proceedings shall be paid and the decision of such court shall be final and binding upon all parties.

Fraudulently injuring meters &c.

69. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Repair of meters.

70. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and

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replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Power to remove meters and fittings.

71. The Company after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal.

Power for Company to supply materials &c.

72. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and water-closets apparatus receptacles fittings and appliances as are required or permitted by their byelaws in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Byelaws for preventing waste of water.

73. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say):—

(1.) The Company may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination:

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(2.) No such byelaws shall be of any force or effect except within such part or parts of the district which the Company for the time being are bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such byelaws shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed byelaws shall have been given by or on behalf of the Company to every sanitary authority within the limits of supply and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient:

(3.) All such byelaws shall be subject to the provisions contained in sections 182 183 and 184 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority:

(4.) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy:

(5.) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof:

(6.) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to

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or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable:

(7.) Any person who shall offend against any such byelaws shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction therefor and the Company may in addition thereto recover the amount of any damages sustained by them.

Where byelaws confirmed Company bound to supply water under constant pressure in parts of district specified in the byelaws.

74. Any byelaws which the Company from time to time submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the district to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Company shall thenceforth be bound to supply with water under constant pressure the part or parts of the district specified in the byelaws so confirmed.

Form and service of notices by Company.

75. Any notice to be served on a person supplied with water may be in writing and shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in writing and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Contracts for supplying water for public purposes.

76. The Company may from time to time enter into and carry into effect agreements with the county council of Suffolk and with any sanitary authority public body officers or persons for the supply by the Company to the said county council and to any such sanitary authority public body officers or persons respectively of water in bulk whether within or without the limits of supply Provided that such supply of water do not at any time interfere with the supply of water for domestic purposes within the limits of supply and

provided further that the powers of this section shall not be exercised within the limits of supply of any Company authorised by Act of Parliament or Provisional Order confirmed by Act of Parliament to supply water without the consent in writing of such Company.

Representation of the Company in bankruptcy &c.

77. In proceedings under any bankruptcy or liquidation by arrangement or deed of composition or arrangement the secretary of the Company or any person appointed on his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Liability to water rent not to disqualify justices &c.

78. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of summons &c.

79. 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 sums.

Costs of distress.

80. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Costs of Act.

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

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