ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xxiii.

An Act for supplying the Inhabitants of the Township of *Ilkley* in the West Riding of the County of *York* with Water. [28th *May* 1852.]

WHEREAS the Township of *Ilkley* in the West Riding of the County of *York* is not at present sufficiently supplied with Water, and the Construction of Waterworks for effectually supplying the same would be of great local Benefit: And whereas the Parties herein-after named, and others, are willing to carry such Undertaking into execution, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict. cc. 16 & 18. and 10 & 11 Vict. c. 17. incorporated with this Act.

I. That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act.

Short Title. II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Ilkley* Waterworks Act, 1852."

Limits of Act. III. That the Limits of this Act shall comprise and include the Township of *Ilkley* in the Parish of *Ilkley* in the West Riding of the County of *York*.

Incorporation of Company. IV. That *William Bolling*, *Francis Dobson*, *Edward Hudson*, *William Hudson*, *Edward Usher*, *Ann Lister*, *Joseph Fletcher*, *George Brumfit*, *James Critchley*, *Antoine Rischaneck*, *Ann Welfitt Nicholls*, *John Beck*, *Thomas Brogden*, *Elizabeth Hardisty*, *Elizabeth Beanlands*, *Sarah Whitley*, *John Spence*, *John Batty*, *Rebecca Batty*, *Sarah Batty*, *Ann Vickers*, *Catherine Vickers*, *Elizabeth Vickers*, *Rebecca Vickers*, *Samuel Wilde*, *Michael Dobson*, *Brian Rigg*, *John Snowdon* Clerk, *Benjamin Dixon*, *William Greenwood*, *Thomas Horsfall*, *Edwin John Pickslay*, *James Cockshott*, *Joseph Ickeringill*, *Ann Robinson*, *Richard Vickers*, *John Kendall*, *Edward Hudson* the younger, *Thomas Robinson*, *William Masterman Harris*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company, for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the Limits of this Act, and for making Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions of the said recited Acts and of this Act, and for other Purposes herein and in the said recited Acts contained; and for such Purposes the Company aforesaid shall be and the same are hereby incorporated by and under the Name of "The *Ilkley* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Amount of Capital. V. That the Share Capital of the Company shall be Two thousand five hundred Pounds.

Shares. VI. That the Number of Shares into which the said Capital shall be divided shall be Two hundred and fifty, and the Amount of each Share shall be Ten Pounds.

Calls. VII. That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and

and that Two Months at the least shall intervene between the making of any Two successive Calls.

Power to borrow Money on Mortgage.

VIII. That the Company may borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of Five hundred Pounds; but no Part of such Sum shall be raised until the whole of the said Capital or Sum of Two thousand five hundred Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up: Provided always, that all Monies raised by Shares, Mortgage, or Bond, under the Powers of this Act, shall be applicable only to the Purposes by this Act authorized.

Number and Qualification of Directors.

IX. That, subject to the Provisions herein contained for increasing or reducing the Number of Directors, the Number of Directors shall be Five; and the Qualification of a Director shall be the Possession in his own Right of Five Shares at least in the Undertaking.

Power to vary the Number of Directors.

X. That the Company may from Time to Time increase the Number of Directors, and from Time to Time reduce such Number; but the whole Number of Directors, after any such Increase or Reduction as aforesaid, shall not be greater than Seven nor less than Three.

First Directors.

XI. That *William Bolling*, *Edward Usher*, *Francis Dobson*, *Edward Hudson*, and *George Brumfit* shall be the First Directors of the Company.

Quorum of Directors.

XII. That the Quorum of a Meeting of Directors shall be Two.

Meetings of the Company.

XIII. That with respect to the General Meetings of the Company the First General Meeting of the Shareholders of the Company shall be held within Three Months after the passing of this Act, and a General Meeting shall be held in the Month of *May* in each Year, and at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held within the said Township of *Ilkley*; and the Quorum for every Meeting of the Company shall be such Number of Shareholders as shall hold in the aggregate not less than Four hundred Pounds in the Capital of the Company.

Scale of voting.

XIV. That the Shareholders shall possess One Vote in respect of each Share held by them respectively.

Appointment of Auditor.

XV. That the Company shall annually elect an Auditor for the Purpose of auditing the Accounts of the Company; and in case the Office of such Auditor shall, before such Accounts have been audited by

by him, be vacant by Death or from any other Cause, the Company shall from Time to Time appoint an Auditor to supply such Vacancy.

Power to make Waterworks according to deposited Plans.

XVI. And whereas Plans and Sections showing the Line and Levels of the Waterworks, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands in or through which the same are intended to be made or to pass, or which are required for the Purposes of the Company, have been deposited with the Clerk of the Peace for the West Riding of the County of *York:* It shall be lawful for the Company, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make and maintain the said Waterworks in the Line, on the Level, and upon the Lands delineated on the said Plans and Sections and described in the said Book of Reference, and to enter upon, take, and use, or to agree for and take a Lease of such of the Lands, Streams, and Waters mentioned in the said Plans and Book of Reference as shall be necessary for that Purpose, and take therefrom such Water as the Company may require for the Purposes of this and the said incorporated Acts.

Owners may grant Leases.

XVII. That the Persons empowered by the said "Lands Clauses Clauses Consolidation Act" to convey Lands shall have full Power to grant Leases of any Lands and Streams for the Purposes of this Act, or any Easement, Power, or Authority in or over such Lands or Streams; and the Company may subsequently purchase the Reversion of such Lands or Streams, or the Discharge thereof from the Rents and Covenants reserved or contained in any such Lease.

Lands to be leased at best yearly Rent.

XVIII. That in every Lease taken by the Company under the Powers of this Act of any Lands from any Person under any Disability or Incapacity to sell and convey Lands, as defined in the said "Lands Clauses Consolidation Act," there shall be reserved the best or most usual yearly Rent for or in respect of such Lands; and no Fine, Premium, or Foregift shall be paid upon or in respect of such Lease.

Form of Lease.

XIX. That all Leases of Land to be taken on Lease by virtue of the Powers or Provisions of this or the said incorporated Acts may be according to the Form in the Schedule to this Act annexed, or as near thereto as the Circumstances of the Case will admit.

Period for compulsory Purchase of Lands, &c.

XX. That the Powers of the Company for the compulsory Purchase of Lands and Streams for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

XXI. That

Period within which Waterworks are to be completed.

XXI. That the Works hereby authorized shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Company for completing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend so as to restrain the Company from enlarging and extending their Mains and Pipes and Works from Time to Time, whenever it shall be necessary for the Purpose of supplying the said Inhabitants with Water.

Rate at which Water is to be supplied for domestic Purposes.

XXII. That the Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Company shall be laid, or 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 Person a sufficient Supply of Water for domestic Use, at Rates not exceeding the Rates herein-after specified; (that is to say,)

Where no Watercloset or private Bath.

If there be no Watercloset or private Bath in or appurtenant to the Dwelling House or Part of the Dwelling House to be supplied with Water, at the following Rates, according to the annual Value of such Dwelling House or Part of a Dwelling House:—

Where such annual Value shall not amount to Three Pounds, at the Rate of Six Shillings *per Annum:*

Where such annual Value shall amount to Three Pounds but shall not amount to Five Pounds, at the Rate of Ten Shillings *per Annum:*

Where such annual Value shall amount to Five Pounds but shall not amount to Ten Pounds, at the Rate of Twenty Shillings *per Annum:*

Where such annual Value shall amount to Ten Pounds but shall not amount to Fifteen Pounds, at the Rate of Thirty Shillings *per Annum:*

Where such annual Value shall amount to Fifteen Pounds but shall not amount to Twenty Pounds, at the Rate of Forty Shillings *per Annum:*

Where such annual Value shall amount to Twenty Pounds and upwards, at the Rate of Ten Pounds *per Centum per Annum* on such annual Value.

If there be a Watercloset or private Bath.

XXIII. That if there be a Watercloset or Waterclosets, or private Bath or private Baths, in such Dwelling House, then, in addition to the Rates computed as above specified, the following Rates shall be payable,

payable, according to the annual Value of such Dwelling House or Part of a Dwelling House; (that is to say,)

Where such annual Value does not exceed Twenty Pounds *per Annum*, for One Watercloset or private Bath the Sum of Twenty Shillings *per Annum*, and for each additional Watercloset or private Bath (if more than One) the Sum of Ten Shillings *per Annum*:

Where such annual Value shall exceed Twenty Pounds *per Annum*, for One Watercloset or private Bath the Sum of Twenty-five Shillings *per Annum*, and for each additional Watercloset or private Bath (if more than One) the Sum of Ten Shillings *per Annum*:

Proviso as to Construction of Water-closets, &c.

Provided always, that the Company shall not be compelled to supply with Water any Watercloset or private Bath, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air and other noisome or impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Company, nor any private Bath which shall be so constructed as to contain when filled for Use more than Fifty Gallons of Water.

What shall not be deemed domestic Purposes.

XXIV. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Horses, Cattle, or washing Carriages, unless where the annual Value of the House amounts to Thirty Pounds, nor shall such Supply for domestic Purposes be held to include a Supply for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

Power to lease the Rents or Rates.

XXV. That the Company may lease the whole or any of the Rates or Rents payable to the Company by virtue of this Act or otherwise to any Person or Persons, for any Term not exceeding Five Years, and upon such Rents, Covenants, and Conditions as the Company shall think fit: Provided always, that no such Lease shall defeat or abridge the Powers by the said "Waterworks Clauses Act" given to the Court of Quarter Sessions of directing the Reduction of the Rates; and the Company shall reduce the Rates in the same Manner they would have done in case no Lease had been granted.

Water need not be under Pressure.

XXVI. That the Water to be supplied need not be constantly laid on under Pressure.

Water for other than domestic Purposes to be supplied

XXVII. That the Company may supply any Person with Water for other than domestic Purposes for such Remuneration and upon such Terms and Conditions as shall be agreed upon between the said

said Company and the Person desirous of having such Supply of Water. by Agreement.

XXVIII. That all Water Rates or Rents due to the Company, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount of which shall not be disputed, may be levied by Distress, and any Justice, on Application, shall issue his Warrant accordingly. Undisputed Rates, Damages, &c. may be recovered by Distress.

XXIX. That any Justice who shall issue any Warrant of Distress for the Recovery of any Money payable under this Act or any Act incorporated herewith may order that the Costs of the Proceedings for the Recovery of such Money shall be paid by the Person liable to pay such Sum of Money, and such Costs shall be ascertained by such Justice, and shall be included in the Warrant of Distress for the Recovery of such Money. Costs of Proceedings may be included in Warrant of Distress.

XXX. That nothing in this Act or any Act incorporated herewith contained shall prevent the Company from recovering any Sum of Money not exceeding Twenty Pounds which shall be due to them for Water Rates or Rents, Damages, Costs or Expenses, by Action or Proceeding, in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds. Sums not exceeding 20*l.* may be recovered in the County Court.

XXXI. That nothing herein contained shall be deemed or construed to exempt the said Company from the Provisions of the "Public Health Act, 1848," or of any General Act relating thereto or to the Subject Matter thereof which may pass during the present or any future Session of Parliament. Undertaking not to be exempt from Provisions of 11 & 12 Vict. c. 63.

XXXII. That the Company shall have full Power and Authority to contract and agree with any Local Board of Health established or which may hereafter be established in or for the said Town of *Ilkley*, for the Supply of Water for the Purposes of the "Public Health Act," in any Manner whatsoever. Power to make Agreement with Local Board of Health.

XXXIII. That all Costs, Charges, and Expenses incident to the applying for and passing this Act shall be paid by the Company. Expenses of Act.

The SCHEDULE to which the foregoing Act refers.

Form of Lease.

I of in consideration of the Rent herein-after reserved and made payable by the Ilkley Waterworks Company, do hereby demise to the said Company, their Successors and Assigns, all [*describing the Premises to be demised*], together with all Ways, Rights, and Appurtenances thereunto belonging, to hold the Premises to the said Company, their Successors and Assigns, for the Term of Years from the Day of the Date hereof, yielding and paying therefore yearly and every Year during the said Term the Sum of Pounds, free from Land Tax, Sewers Rates, and all other Taxes and Outgoings (Property and Income Tax excepted), by equal quarterly Payments in the Year, the First Payment to be made on the Day of according to the true Intent and Meaning of the Act of Parliament incorporating the said Company. In witness whereof I have hereto set my Hand and Seal, and the said Company have hereunto affixed their Common Seal, the Day of 18 .

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