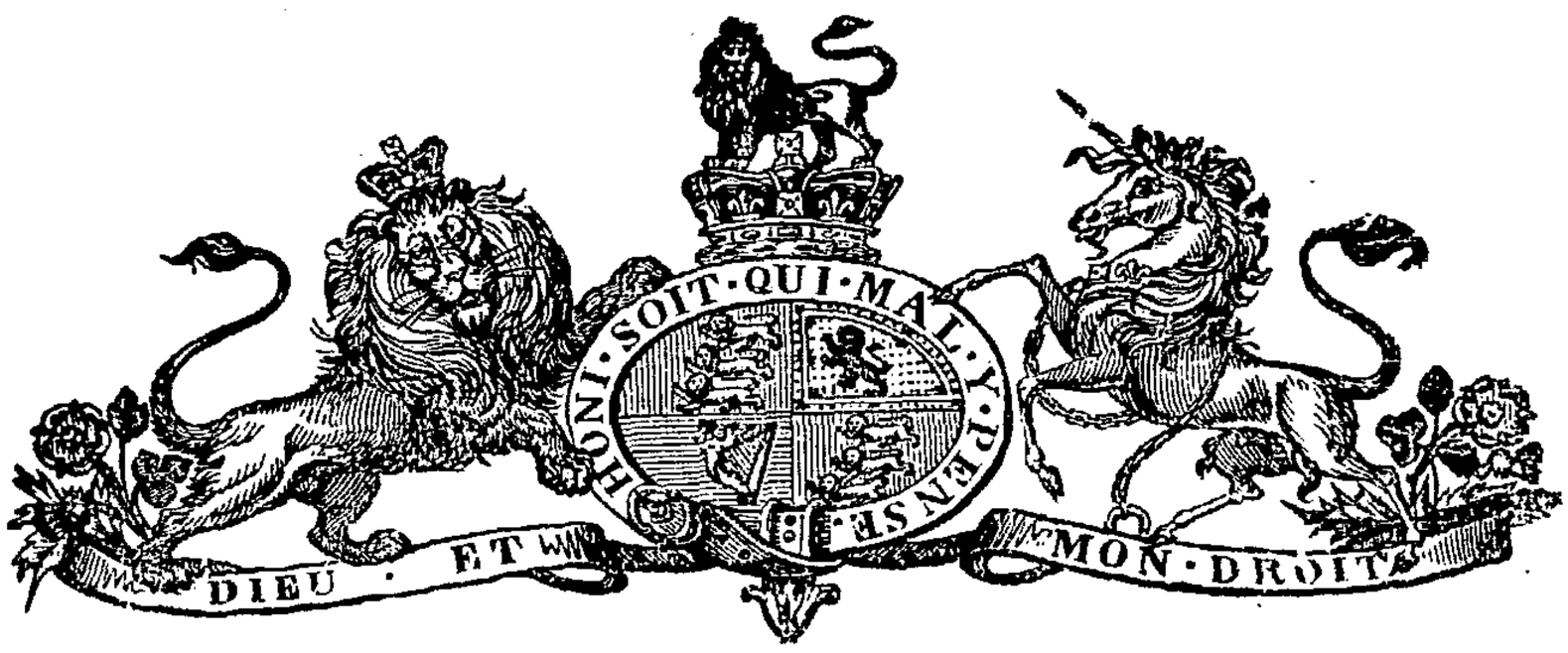


ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. cvi.

An Act for better supplying with Water the Towns of *Kidderminster*, *Stourport*, and *Bewdley*, and certain Parishes and Places adjacent thereto, in the County of *Worcester*. [19th *June* 1865.]

WHEREAS the Towns of *Kidderminster*, *Stourport*, and *Bewdley*, and the Parishes and Places in the Neighbourhood thereof, are at present inadequately supplied with Water, and it is expedient that a better Supply should be afforded to them: And whereas such Supply of Water could be obtained from the River *Severn*: And whereas Plans and Sections of the Reservoirs, Aqueducts, and other Works (herein-after called "the Waterworks") proposed to be made for the Purpose of affording such Supply of Water, showing the Line and Levels thereof, with a Book of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through and upon which the Waterworks are proposed to be constructed, have been deposited at the Office of the Clerk of the Peace for the County of *Worcester*: And whereas the several Persons herein-after named and others are willing, at their own Expense, to afford such Supply, and to

make and maintain all the necessary Works for the Purpose; but such Objects 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 "*Kidderminster, Stourport, and Bewdley* Waterworks Act, 1865."

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

2. The several Provisions of "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863," are incorporated with this Act.

Interpretation of Terms.

3. In this Act the Words "the Company" mean the Company incorporated by this Act; the Words "the Undertaking" or "the Waterworks" mean the Waterworks, Reservoirs, Conduits, Mains, Pipes, Pumping Stations, Works, and Conveniences connected therewith by this Act authorized to be constructed; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or other like Expression in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Meanings to Words, &c. in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Subscribers incorporated.

5. *Gregson Bridgett, Alfred Talbot, Henry Wansey*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking by this Act authorized, their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of constructing, forming, and laying down Reservoirs, Conduits, and Aqueducts, or Main Pipes, and all other Works necessary or convenient for supplying the Inhabitants and other Persons within the Limits of this Act with Water, by and under the Name of "*Kidderminster, Stourport, and Bewdley* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession and

and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions in this Act and in the incorporated Acts contained.

Capital.

6. Inasmuch as the estimated Expense of the Waterworks is Twenty-five thousand Pounds, and the Company will from Time to Time require additional Capital for extending the Supply of Water within the Limits of this Act, therefore the Capital of the Company shall be Fifty thousand Pounds, divided into Two thousand Shares of Twenty-five Pounds each, and shall be divided into Two equal Parts of Twenty-five thousand Pounds each, whereof One Part shall be called "original Capital," and the other Part "additional Capital," and Part II. of "The Companies Clauses Act, 1863," except so much of Part II. as relates to Preference Shares or Stock, shall be incorporated with this Act and be applicable to the said additional Capital.

Shares not to issue until One Fifth Part paid up.

7. It shall not be lawful for the Company to issue any Shares, 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 is paid up in respect thereof.

Calls.

8. Two Pounds *per* Share shall be the greatest Amount of a Call, and Two Months at the least shall be the Interval between each successive Call, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share.

Receipts of Guardians, &c. to be sufficient Discharge.

9. If any Money be payable to a Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of his or her respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Power to borrow on Mortgage.

10. When all the Shares in the original Capital shall have been subscribed for or *bonâ fide* taken, and One Half thereof shall have been actually paid up, and the Company shall 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 the whole of the Capital are issued and accepted, and that One Half thereof is paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid up on account thereof, before or at the Time of the Issue or Acceptance thereof, and that all such Shares are taken in good Faith and held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same (of which Matters the Certificate of the Justice shall be sufficient

sufficient Evidence), the Company may from Time to Time borrow on Mortgage any Sums not exceeding Six thousand two hundred and fifty Pounds, and when the whole of the additional Capital has been subscribed for and paid up, the Company may from Time to Time borrow further Sums of Money, provided the Money due and owing upon Mortgage by the Company do not exceed the additional Sum of Six thousand two hundred and fifty Pounds; but no Part of such additional Sum of Six thousand two hundred and fifty Pounds shall be borrowed or raised until Shares for the whole of the additional Capital by this Act authorized to be raised by Shares shall have been subscribed for, and One Half of such last-mentioned Sum shall have been paid up, and the Company shall 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 the whole of the additional Capital are issued and accepted, and that not less than One Fifth Part of the Amount of each separate Share has been paid up on account thereof, before or at the Time of the Issue or Acceptance thereof, and that all such Shares are or is taken in good Faith and held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same (of which Matters the Certificate of the Justice shall be sufficient Evidence).

Arrears may be enforced by Appointment of a Receiver.

11. The Mortgagees of the Company may enforce Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and the Amount necessary to authorize the Appointment of a Receiver shall not be less than Two thousand Pounds in the whole.

Debenture Stock.

12. The Company may create and issue Debenture Stock, and Part III. of "The Companies Clauses Act, 1863," is incorporated with this Act.

First and other Meetings.

13. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* and *August* in every Year.

Quorum of General Meetings.

14. The Quorum of General Meetings of the Company shall be Seven Shareholders, present personally or by proxy, holding in the aggregate not less than Three thousand Pounds in the Capital of the Company.

Number of Shareholders to convene

15. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than

than Five, and such Shareholders shall hold in the aggregate not less than Two thousand Pounds in the Capital of the Company. Extraordinary Meeting.

16. The Number of Directors shall be Three until the First Meeting of the Company, and after such First Meeting shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking. Number and Qualification of Directors.

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

18. *Gregson Bridgett*, *Alfred Talbot*, and *Henry Wansey* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders, present personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter, the Shareholders, present personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by "The Companies Clauses Consolidation Act, 1845." First Directors, who shall continue in Office until First Meeting after passing of this Act.

19. Subject to the Provisions in this and in the incorporated Acts contained, the Company may make and maintain the Waterworks in the Lines, upon the Levels, and upon the Lands delineated on the said Plans and Sections and described in the said Books of Reference, and for those Purposes may enter upon, take, and use such of the Lands and Waters delineated on the deposited Plans within the Limits of Deviation shown thereon and described in the Book of Reference, and also any Easement, Privilege, Power, or Authority in or over the same as shall be necessary for the Purposes of this Act, and may take and divert from the River *Severn* such Water as they require for the Purposes of this Act; and in constructing the Works by this Act authorized to be made, the Company may make lateral Deviations from the Line of such Works not exceeding the Limits of Deviation shown on the said Plans, and may deviate from the Levels of the Reservoirs to any Extent not exceeding Three Feet, and of other Works as delineated on the deposited Sections to any Extent not exceeding Five Feet. Power to make Waterworks and take Lands for Works.

Powers for compulsory Purchases limited.

20. The Powers of the Company for the compulsory Purchase of Lands granted by this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for additional Purposes.

21. The Company may purchase by Agreement and hold any Quantity of Land not exceeding Five Acres which they may require, in addition to the Lands herein-before authorized to be taken for the Purposes of this Act.

Owners may grant Easements.

22. The Persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell and convey or release Lands, shall have full Power to grant to the Company, subject to the Provisions of those Acts respectively, in Fee, and in consideration of any yearly or other Rent, or otherwise, any Lands or any Easement, Right, or Privilege in or over or affecting any Lands by this Act authorized to be taken or held by the Company, and which the Company from Time to Time think requisite for any of the Purposes of their Undertaking.

Application of 23 & 24 Vict. c. 106. to Easements.

23. For the Purposes of this Act the several Provisions of "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, extend and apply to Easements and Rentcharges reserved by Grants and Leases of Easements respectively.

Period within which Works are to be completed.

24. If the Waterworks shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers of the Company for making the Waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much as is then completed: Provided always, that subject to the Restrictions and Provisions of this Act, the Company may from Time to Time alter, enlarge, and extend their Engines, Machinery, Wells, Mains, and Pipes in such Way and Manner as shall be necessary for supplying Water within the Limits of this Act.

Works affecting Severn Valley Railway to be made under the Survey of their Engineer.

25. All Works to be constructed under the Powers of this Act beneath or in any way affecting the Line of the *Severn Valley* Railway shall be made under the Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the *Severn Valley* Railway Company, or their Lessees, during the Continuance of any Lease of that Railway, and so as to cause no Injury to or Interference with the said Railway or the Passage of Traffic thereon; and if any Injury or Interference shall arise to the said Railway or the Works thereof;

thereof, the Company shall make full Compensation to the *Severn Valley* Railway Company, or their Lessees, in respect of such Injury or Interference.

As to Pipes affecting the Staffordshire and Worcestershire Canal.

26. The Company shall not lay or construct any Pipe or other Works across or over any Bridge belonging to the *Staffordshire and Worcestershire* Canal lower than the Soffit of the Arch of any such Bridge, or so as to reduce the present Headway under any such Bridge, or across or over the said Canal, so as in any Manner to interfere with or hinder the Passage of Boats or other Vessels, and the Cargoes thereof, along the said Canal, or any Person, Horse, or other Animal passing along the said Canal or the Towing-path thereof.

Limits of Act.

27. The Limits of this Act for the Supply of Water by the Company comprise the Town and Borough of *Kidderminster*, and the Parishes, Townships, and Places of *Kidderminster*, *Lower Mitton*, *Stourport*, *Bewdley*, *Hartlebury*, *Upper Mitton*, *Areley Kings*, and *Ribbesford*, in the County of *Worcester*.

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

28. 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, which shall include One Watercloset, furnish to such Owner or Occupier or other Persons a sufficient Supply of Water for domestic Uses at Rates not exceeding the yearly Rates herein specified, according to the annual Rackrent or Value of such Dwelling House or Part of a Dwelling House; (that is to say,)

Where the annual Rackrent or Value of the Premises so supplied with Water shall not exceed Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings:

Where such annual Rackrent or Value shall exceed Twenty Pounds and not exceed Forty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds:

Where such annual Rackrent or Value shall exceed Forty Pounds and not exceed Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings:

Where such annual Rackrent or Value shall exceed Eighty Pounds, at a Rate *per Centum per Annum* not exceeding Six Pounds:

For every Watercloset beyond the first, the Sum of Five Shillings *per Annum*:

For every Bath the Sum of Ten Shillings *per Annum*:

Provided

Provided always, that the Company shall not be obliged to furnish any such Supply for any less Sum than Twopence *per* Week.

Protection from Impurities and against Waste.

29. The Company shall not be compellable to supply with Water any Watercloset or private Bath, or the Pipes or Apparatus connected therewith, unless the same shall be so constructed and used 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 connected or communicating therewith, nor any private Bath which shall be so constructed as to contain, when filled for use, more than Fifty Gallons of Water.

Regulations to be made for preventing Waste of Water, &c.

30. The Company from Time to Time may make such Regulations as shall be necessary or expedient for the Purpose of preventing the 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 Arrangements and the Use of any Pipes, Cocks, Cisterns, or other Apparatus which may tend to such Waste or Misuse as aforesaid.

Limitation of Pressure.

31. 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 Pipes communicating with the Service Reservoir of the Company.

Water may be supplied by Agreement.

32. The Company may supply any Person 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 desiring such Supply.

Company may remove Pipes from unoccupied Premises on giving Notice to the Owner.

33. 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 giving 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, by affixing the same for Three Days 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 remove and carry away any Pipe, Fittings, or other Works the Property of the Company.

34. In

Recovery of Charges for Supply of Water.

34. 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 Two 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.

Recovery of Sums by Action.

35. 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 own Remedies in that Behalf.

Several Sums in One Summons.

36. 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.

37. 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.

38. 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 to be disqualified by

39. No Justice shall be disqualified for acting in the Execution of this Act by reason of his being a Shareholder in the Company, or

being a Shareholder, &c.

or by being liable to Payment of any Rent or other Charge under this Act.

Expenses of Act.

40. All the Costs, Charges, and Expenses of obtaining and passing this Act, and preparatory or incidental thereto, shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.