CHAP. ix.

An Act for better supplying with Water the parish and borough of Louth and parish of Louth Park in the county of Lincoln. A.D. 1871.

[25th May 1871.]

WHEREAS the present supply of water to the parish and borough of Louth and parish of Louth Park in the county of Lincoln is insufficient for the wants of the inhabitants thereof, and it is expedient to increase and improve such supply, and for such purposes to make and maintain the works herein-after mentioned:

And whereas plans and sections of the wells, reservoirs, aqueducts, or main pipes, and other works proposed to be made for the purpose of affording a better supply of water as aforesaid, showing the line and levels thereof, with a book of reference to such plans, have been deposited with the clerk of the peace for the parts of Lindsey in the county of Lincoln, and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the persons herein-after named, and others, are willing at their expense to provide such increased and improved supply, and to make and maintain the necessary works for the purposes aforesaid, on being incorporated into a company (in this Act called "the Company") for that purpose:

And whereas the objects aforesaid 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:

1. This Act may be cited for all purposes as "The Louth Waterworks Act, 1871." Short title.

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Limits of Act.

2. The limits of this Act shall be the parish and borough of Louth and the parish of Louth Park in the county of Lincoln.

Provisions of general Acts herein named incorporated.

3. "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction: the expression "the Company" shall mean the Company incorporated by this Act; the expression "the undertaking" shall mean the undertaking by this Act authorised or any part thereof; the expression "the corporation" shall mean the mayor, aldermen, and burgesses of Louth in the county of Lincoln; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act, or any Act wholly or partially 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.

Company incorporated.

5. John Bell, Henry Greenbank, Dan Gresswell, Lionel Richard Lucas, Francis Phipps Onslow, Thomas Sharpley, and John Wilson Theobald, Esquires, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of supplying with water the inhabitants, buildings, lands, and premises within the limits of this Act, and for making and maintaining waterworks for that purpose, together with all proper works and conveniences connected therewith, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Louth Water Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make works according to deposited plans.

6. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the several works by this Act authorised and herein-after described, and may enter upon, take, and use such of the lands delineated on the said plans and described in the

deposited book of reference as may be required for that purpose.
The works herein-before referred to and authorised by this Act are,—

1stly, a conduit or line of pipes, distinguished on the deposited plans as conduit No. 1, commencing at a spring shown on the deposited plans in a certain field in the parish of Hallington, called Hubbard's Hill and Hubbard's Hill Bottom, and numbered 2 on the deposited plans, and passing through lands in the parish of Hallington aforesaid, and terminating at the pumping station next herein-after described:

2ndly, a pumping station to be situate in a certain piece of land in the parish of Hallington, numbered 11 on the deposited plans aforesaid, with all necessary sumphs, shafts, and wells:

3rdly, a conduit, rising main, or line of pipes, distinguished on the deposited plans as "conduit No. 3," commencing at the pumping station lastly herein-before described, and passing partly through the parish of Hallington aforesaid, and thence through the parish and borough of Louth under an occupation road leading from Hall's Mill to Crow Tree Lane, and thence along the last-mentioned road to an occupation road called Little Crow Tree Lane, and thence along the last-mentioned road and through the land numbered 6 and 7 on the deposited plans, and terminating in the reservoir next herein-after described:

4thly, a reservoir, with all convenient approaches, embankments, pipes, valves, sluices, drains, conduits, and other works and conveniences connected therewith, situate in the parish and borough of Louth aforesaid, in the lands numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 on the deposited plans, or some of them, or partly in one and partly in others of them:

5thly, a conduit or line of pipes, distinguished on the deposited plans as "conduit No. 5," commencing in the reservoir lastly herein-before described, and terminating in the market place at Louth: Provided always, that such conduit shall be laid and carried as nearly as the limits of deviation will permit along the south-easterly side of the turnpike road leading from Louth to Horncastle, so as not unnecessarily to interfere with or impede the traffic of such road.

Capital.

7. The capital of the Company shall be twenty thousand pounds, in two thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

8. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

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Calls.

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

Power to borrow on mortgage.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole five thousand pounds, but no part thereof shall be borrowed until the whole capital of twenty thousand pounds is subscribed for, issued, and accepted, and one half thereof 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 the whole of such capital has been subscribed for, 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their 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 shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

11. 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, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Debenture stock.

12. The Company may create and issue debenture stock.

Moneys borrowed on mortgage to have priority.

13. All moneys to be borrowed on mortgage under this Act from the time when the said moneys shall be advanced, and the interest for the time being due thereon, shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them: Provided always, that such priority shall not prejudice or affect any claim against the Company or their property in respect of any rentcharge to be granted by them in pursuance of the provisions of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything hereinbefore contained prejudice or affect any claim or lien in respect of

any land taken, used, or occupied by the Company for the purposes of the undertaking, or injuriously affected by the construction thereof, or by the exercise of any of the powers by this Act conferred on the Company.

Application of moneys.

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

First ordinary meeting.

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

Manner of voting at meetings.

16. At all the meetings of the Company every holder of five shares and under shall be entitled to one vote, and every shareholder shall be entitled to an additional vote for every five shares held by him beyond the first five.

The number of shareholders to convene extraordinary meeting.

17. The number of shareholders on whose requisition an extraordinary meeting of the Company may be required to be convened shall not be less than twenty shareholders, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Newspaper for advertisements.

18. The newspaper for advertisements shall be any newspaper published or circulating in the county of Lincoln.

Number of directors.

19. The number of directors shall not be more than seven nor less than three, to which it shall be lawful for the Company from time to time to reduce the number.

Qualification of directors.

20. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

21. The quorum of a meeting of directors shall be three, unless the number of directors shall be reduced to three, in which case the quorum shall be two.

First directors.

22. John Bell, Henry Greenbank, Dan Gresswell, Lionel Richard Lucas, Francis Phipps Onslow, Thomas Sharpley, and John Wilson Theobald, Esquires, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions

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in "The Companies Clauses Consolidation Act, 1845," 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 same Act.

Lands for extraordinary purposes.

23. The Company may from time to time by agreement purchase or acquire for the purposes of this Act any lands not exceeding in quantity five acres, in addition to the lands which they are by this Act authorised to take by compulsion.

Powers for compulsory purchases limited.

24. The powers of the Company for compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

25. The works by this Act authorised shall be completed within six years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; provided that nothing in this Act shall restrain the Company from extending their reservoirs, aqueducts, mains, pipes, works, and conveniences from time to time whenever they find it requisite for the purposes of increasing their supply of water, or supplying water within the limits of this Act.

Power to take lands and waters for purposes of Act.

26. Subject to the provisions of this Act, the Company may enter upon, take, and use for the purposes of this Act such of the lands, springs, and waters shown on the deposited plans and specified in the deposited book of reference as may be taken by the works described in section 6 of this Act; but nothing in this Act contained shall empower the Company to take or abstract water for any purpose whatever from the Saint Helen's Spring and Aswell Spring, or either of them, or from the Hallington Beck or stream and the tributaries and branches thereof, other than the springs intercepted by conduit No. 1, as shown on the deposited plans.

Respecting quantity of water to be taken from shaft sunk at Silver Springs.

27. Whenever after the sinking of any shaft (not being a sumph for collecting the water from the springs shown on the deposited plans, and intercepted by conduit No. 1), as provided by the second part of the 6th clause of this Act, and pumping therefrom the supply of water from the springs known as Aswell Spring and Saint Helen's Spring, shall be diminished to one half the distance between the mean and minimum levels of the water at those springs, or either of them, to be ascertained as herein-after provided, the Company shall discontinue to pump water from such shaft so sunk as aforesaid.

For determining levels of water in Aswell and St. Helen's Springs.

28. For the purpose of ascertaining from time to time whether the level of the water in such springs is diminished as in the last preceding section mentioned, the Company shall, before they commence to supply water for any purpose, set up in a substantial and permanent manner, and for ever maintain at their own expense in good order and repair, at the said springs a scale or index which shall show the maximum, mean, and minimum level of the water at those springs, and the said scale or index shall be at all reasonable times open to inspection by the corporation and their officers and servants, and by all persons entitled to use the waters of the said Saint Helen's Spring and Aswell Spring, or either of them.

Mode of asertaining levels of water at Aswell and St. Helen's Springs.

29. The levels of the water at Aswell and Saint Helen's Springs shall be ascertained, and the position, level, and mode of fixing the scale or index determined, by an engineer to be agreed upon between the Company and the corporation before the Company commence to pump water from any shaft for any purpose; and in case the Company and the corporation fail to agree upon an engineer, then the same shall be determined by an engineer to be appointed for that purpose by the Board of Trade on the application of either party.

Penalty for not discontinuing to pump.

30. If at any time the water in the Aswell and Saint Helen's Springs is reduced to a lower level than by this Act provided, the Company shall, if they do not discontinue pumping during such reduction, be liable to a penalty of twenty pounds, and to a further penalty of ten pounds for every day after the first during which such pumping shall continue, such penalty to be recoverable by the corporation, or any of the persons entitled to use the waters of the said springs or either of them, but once only in respect of each offence.

For the protection of millowners on the river Ludd and Messrs. Hoff & Son.

31. If by reason of the works of the Company the supply of water from the Silver Springs to the river Ludd shall be so diminished as to affect injuriously the owners, lessees, and occupiers of any mills or other works on the river Ludd, the Company shall make compensation to such owners, lessees, and occupiers in manner provided by the Waterworks Clauses Act, 1847, and in addition the Company shall supply on the premises occupied by Messrs. Hoff and Son, free of cost, such quantity of water as may be required by them for dyeing purposes during the months of September, October, November, and December, not exceeding three thousand gallons in any one week.

Owners may grant easements.

32. Subject to the provisions of "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," the persons by those Acts authorised to sell and convey or release lands shall have full power to grant to the Company any easement (not being an easement of

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water), liberty, or privilege in or over or affecting any lands, streams, or waters authorised to be taken by this Act, and the provisions of "The Lands Clauses Consolidation Act, 1845," as amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860," with reference to the purchase of lands by agreement, shall extend to the purchase by agreement of easements, liberties, and privileges in or over lands.

Deviations.

33. In making the works by this Act authorised, the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans, and vertically to any extent, in case of reservoirs, not exceeding three feet, and in case of any other work to any extent not exceeding five feet; provided that where any work is to be made in any road, the limits of lateral deviation, if not otherwise shown on the deposited plans, are the boundaries of the road.

Company to sell undertaking to corporation if required.

34. The Company, if required so to do by the corporation, shall, on receiving six months notice in writing under the seal of the corporation, sell to the corporation the undertaking by this Act authorised, and all the estate, right, title, and interest of the Company therein and thereto, and if the Company and corporation cannot agree upon the amount of the purchase money, and all other matters incidental to the sale and purchase, then the matters on which they fail to agree shall, as a question between them of disputed compensation, be determined by arbitration, in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," save only that the umpire, if any, shall be appointed by the Board of Trade, the Company shall be considered as vendors by agreement and not by compulsion, and the corporation shall bear the costs, charges, and expenses of the Company of and incident to such arbitration: Provided always, that the corporation shall not be entitled to give notice to the Company under this section until the expiration of five years from the day on which the Company commence to supply water under the authority of this Act: Provided further, that if the corporation, under any Public Act to be hereafter passed, shall be compelled to make waterworks and use the water therefrom, the Company shall complete so much of their works within the time limited by such Public Act for completion of any works required by such Act as shall enable them to supply water, and if the Company refuse or are unable to complete such works, the Company shall not be entitled to the benefit of the last-mentioned proviso.

Supply of water under pressure.

35. The Company shall not be compelled to carry water to a higher level than can be reached by the pressure afforded by their reservoirs.

Supply of water to tenements in a row.

36. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Company to any other such tenement, unless the tenant or occupier be, in respect of the tenement so occupied by him, rated under this Act for a supply of water, and every person so taking or using water or allowing the same to be used contrary to the provisions of this Act shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Rates for supply of water for domestic purposes.

37. The Company shall, at the request of every person entitled under this Act to demand a supply of water, furnish to the occupier of every dwelling-house or part of a dwelling-house to which the request relates within the limits in that behalf of this Act a sufficient supply of wholesome water for the domestic purposes (including one watercloset) of every such occupier at any rate not exceeding the following rates; (that is to say,)

Where the yearly value of the premises supplied does not exceed five pounds, at a rate not exceeding twopence per week:

Where the annual value of a house or part of a house shall exceed five pounds and not exceed thirty pounds, a yearly rate not exceeding seven pounds per centum on the annual value of such house or part of a house:

Where such annual value shall (except as herein-after mentioned) exceed thirty pounds, a yearly rate not exceeding six pounds per centum on the amount of such annual value:

Provided that all inns and hotels, whether public or private, to which the supply is laid on, the annual value of which exceeds five pounds, shall be liable to a rate not exceeding seven pounds ten shillings on the amount of such annual value, whether the same exceeds thirty pounds or not.

Rates for waterclosets and baths.

38. The Company may charge in any one year in respect of the first bath supplied with water in or belonging to any private dwelling-house the sum of ten shillings, and in respect of every watercloset beyond the first, and of every bath beyond the first, the sum of five shillings.

Rates payable quarterly in advance.

39. The rates for a supply of water for domestic purposes shall be payable in advance by equal quarterly payments on Lady-day, Midsummer-day, Michaelmas-day, and Christmas-eve in every year.

Water for other than domestic purposes to be supplied by agreement.

40. The Company may supply any person with water for other than domestic purposes for such remuneration and on such terms and conditions as are agreed on between the Company and the persons desirous of having the supply: Provided always, that the Company shall not supply water for other than domestic purposes if the same

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shall in any way interfere with or unduly diminish the supply of water for domestic purposes as by this Act authorised.

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

41. Every person using for other than domestic purposes any water of the Company without having previously agreed with them for a supply of water for other than domestic purposes, or any person using for any purpose other than the purposes so agreed on any water so supplied by the Company, shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Regulation for supply of water.

42. The Company shall not be obliged to supply any water unless the pipes and cocks and other apparatus necessary for the supply are constructed of such strength, material, and size, and on such principle, as are required or approved by the Company, and are used so as to prevent the waste or undue consumption of the water of the Company, and the access of foul air and other noisome or impure matter to the pipes belonging to or connected with the mains or pipes of the Company.

Incoming tenant not liable to pay arrears of water rate.

43. In case any consumer of the water of the Company shall leave the premises where such water has been supplied without paying to the Company the rate due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have agreed with the former tenant to pay or exonerate him from the payment of such arrears.

Undisputed rates may be recovered by distress.

44. All rates and sums due to the Company, and all damages, costs, and expenses by this Act directed to be paid, and the amount whereof respectively is not disputed, may be levied by distress after the defaulter has been duly summoned, and any justice, on application by the Company, may and shall issue his warrant accordingly.

Costs of distress.

45. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of the rate or sum shall be paid by the person liable to pay the rate or sum, and the costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of the rate or sum.

Several names in one warrant.

46. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the Company for any of the purposes of this Act, and may be stated either in the body of the warrant or notice, or in a schedule thereto.

Liability to rates not to disqualify justices.

47. No justice or judge of any county court shall be disqualified from acting in the execution of this Act by reason of his being

liable to any rate or sum under this Act, or by reason of his being a shareholder in the Company. A.D. 1871.

Penalties not cumulative.

48. Penalties imposed on the Company by several Acts for one and the same offence shall not be cumulative, and for this purpose this Act and each of the several Acts incorporated therewith shall be deemed a separate Act.

Expenses of Act.

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

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