ANNO DECIMO QUARTO & DECIMO QUINTO

# VICTORIÆ REGINÆ.

## *Cap.* lxx.

**An Act to alter and enlarge the Powers of the *Reading* Waterworks Company, and to authorize an Extension of the Works of the said Company. [3d *July* 1851.]**

WHEREAS a Local Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, Chapter Thirty-three, intituled *An Act for better and more effectually supplying with Water the Inhabitants of the several Parishes of* Saint Mary, Saint Lawrence, *and* Saint Giles, Reading, *in the County of* Berks, by which Act a Company was incorporated for carrying into effect the Objects and Purposes thereof, under the Name of "The *Reading* Waterworks Company:" And whereas another Local Act was passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Ninety-nine, intituled *An Act to enable the* Reading *Waterworks Company to extend their Works, and for explaining and enlarging the Powers of the Act relating to such Company:* And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be amended and enlarged, and that the said Company should be authorized and empowered to alter and extend their Works, so as to enable them the better to supply with Water the Districts already authorized

7 G. 4. c. 33.

5 & 6 W. 4. c. 99.

rized to be supplied by them under the Powers of the said recited Acts, as well as to supply Water within the several Parishes, Townships, and Places of *Sonning*, *Early*, *Whitley*, *Southcot*, and *Tilehurst*, or Parts thereof, in the County of *Berks*, and the Parish of *Caversham*, or Part thereof, within the County of *Oxford*: And whereas for the Purposes aforesaid a further Capital will be required to be raised than the Capital limited by the said first-recited Act: 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, in manner following; (that is to say,)

Recited Acts repealed.

I. That, subject to the Provisions herein-after contained, the said Two recited Acts (except so much thereof as incorporates the said *Reading* Waterworks Company, with Power to purchase and hold Lands, and except such of the Provisions of the said Acts as are next herein-after excepted,) shall be and the same are hereby repealed, but without Prejudice to any Acts or Proceedings previously had, transacted, or commenced under the said recited Acts or either of them, or to any Demands or Liabilities in consequence thereof.

Excepting certain Portions of recited Acts from Repeal.

II. That the Third Section of the said first-recited Act as printed by the Queen's Printers which empowers the Company to make Alterations in the Sluice or Gate and Water-wheel of their Works, so as they do not thereby take from the River *Kennet* a greater Quantity of Water than they were authorized to take at the Time of the passing of the said Act, and the Thirteenth Section of the said secondly-recited Act as printed by the Queen's Printers which empowers the Company, under the Circumstances therein mentioned, to raise the Sluice or Gate by and through which their Works are supplied with Water, and so much of the Twenty-fifth Section of the said last-mentioned Act which enables the Trustees for the *Theale* and *Twyford* Turnpike Roads to take Water from the Works of the Company, for the Purposes and upon the Terms and Conditions therein mentioned, and the Twenty-sixth Section of the said last-mentioned Act which vests in the Company certain Leases therein mentioned, subject to the Proviso therein contained, shall be and the same are hereby excepted from the Repeal of the said Acts, and shall remain in full Force notwithstanding the passing of this Act.

Objects of Company.

III. That the said Company shall be and remain incorporated for the Purpose of supplying Water within the Limits of this Act, and for such Purpose shall have Power to purchase and hold Lands, and to put in execution the several Powers of this Act, subject to the Provisions and Restrictions therein contained.

IV. That

Repeal of Acts not to affect Interests acquired thereunder.

IV. That the Repeal of the said Acts shall not annul or in anywise prejudice or affect any Purchase, Sale, Lease, Conveyance, Grant, Contract, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, or executed under or by virtue of the said Acts or either of them, nor shall any Estate, Term of Years, Right, Title, or Interest vested in or acquired by the said Company under the Provisions of the said recited Acts or either of them be prejudicially affected by the Repeal of the said Acts or either of them, but all such Purchases, Sales, Leases, Conveyances, Grants, Contracts, Securities, Terms of Years, Rights, Titles, Interests, Acts, Matters, and Things respectively shall be and remain as good, valid, and effectual, and the Benefit and Advantage thereof respectively may be enjoyed by the said Company, or by any Person entitled thereto, as though the said Acts had not been repealed.

Property of Company to remain vested in them.

V. That all the Works, Lands, Buildings, Machinery, Rights, Easements, and Privileges, and the Benefit of all Contracts, Leases, and Agreements, and all Monies, Goods, Chattels, Deeds, Securities, Books, Writings, and other Personal Estate and Effects belonging to the said Company, or to which they were entitled at Law or in Equity immediately before the passing of this Act, shall be and continue vested in the said Company, in like Manner as though the said Acts had not been repealed; and all Debts due to or by the said Company immediately before the passing of this Act, and all Rents or Rates accruing due to the said Company, shall be recoverable, and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made by or in favour of the said Company, and in force at the Time of the passing of this Act, shall remain as good, valid, and effectual, and may be proceeded on and enforced by or against the said Company, as the Case may be, in like Manner as though the said Acts had not been repealed.

Actions, &c. not to abate.

VI. That no Action, Suit, Prosecution, or other Proceeding commenced by or against the said Company prior to the passing of this Act shall be discontinued or prejudicially affected by the Repeal of the said Acts, but the same shall continue and take effect both in favour of and against the said Company in like Manner as though the said Acts had not been repealed; and all Penalties incurred by any Offence against the Provisions of the said repealed Acts or either of them, previously to the passing of this Act, may be enforced, and all Offences which may have been committed before the passing of this Act against the Provisions of the said repealed Acts or either of them may be prosecuted, in the same Manner as though the said Acts had not been repealed.

Officers of Company to remain till removed.

VII. That the several Officers and Servants of the Company who shall be in their Employ at the Time of the passing of this Act shall retain

retain their respective Offices and Places, and the Emoluments attached thereto, until removed by the said Company or the Directors thereof, and such Officers and Servants shall have the same Powers and Authorities as though they had been appointed subsequently to the passing of this Act.

**Books, &c. to remain Evidence.**

VIII. That all Books and other Documents by the said repealed Acts or either of them authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in like Manner as though the said Acts had not been repealed, and all Plans, Sections, and Books of Reference referred to in the said Acts or either of them as being deposited with the Clerk of the Peace for the County of *Berks* shall remain with and be kept by the said Clerk for the Purposes specified in the said Acts.

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

IX. 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," so far as the same are not inconsistent with the Provisions herein contained, shall be incorporated with and form Part of this Act.

**The Words "Towns Commissioners" in 10 & 11 Vict. c. 17. to mean Corporation of Reading.**

X. That the Expression "Towns Commissioners" in the Waterworks Clauses Act, incorporated in this Act, shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Reading*.

**Short Title.**

XI. That in reciting this Act in any other Act of Parliament, or in any legal Instruments as Pleadings, it shall be sufficient to refer thereto as "The *Reading* Waterworks Act, 1851."

**Capital.**

XII. That the Capital of the Company shall be Forty-two thousand Pounds, to be divided into Shares of Ten Pounds each; and it shall be lawful for the Company to raise the Sum of Twenty-one thousand Pounds by the Creation of new Shares, in addition to the Sum of Twenty-one thousand Pounds which they were authorized to raise under the Powers of the said first-recited Act.

**Mortgage.**

XIII. That after the whole of the said Capital shall have been subscribed for, and One Half thereof paid up, it shall be lawful for the Company to raise by Mortgage or Bond, on the Credit of their Undertaking, any Sum not exceeding in the whole, together with any Sum already borrowed by them under the Powers of the said first-recited Act, the Sum of Fourteen thousand Pounds: Provided always, that all Mortgages or Securities for Money (if any) which may have been created or granted by the Company under the Provisions of the said recited Acts or either of them, and which shall be

in force at the Time of the passing of this Act, shall during the Subsistence thereof have Priority over any Mortgage or Security for Money to be created or granted by the Company under the Powers of this Act.

Calls.

XIV. That the greatest Amount which it shall be lawful for the Company to call for at any One Time in respect of any Share which may be created under the Powers of this Act shall be Two Pounds Ten Shillings, and the shortest Interval which shall elapse between any Two Calls shall be Two Months.

Preserving Rights of existing Shareholders.

XV. That the several Holders of the Shares created under the Provisions of the said first-recited Act shall in respect thereof be entitled to such Participation in Dividends according to the Amount paid upon such Shares respectively, and to such Rights of voting, as they would have been entitled to if the said Shares had been created under the Provisions of this Act; and the Repeal of the said Acts shall not in any Manner affect or prejudice the Right or Title to any such Shares, or any Trusts upon which the said Shares were held, or any Liens or Charges or other Provisions affecting the same, at the Time of the passing of this Act.

Number of Directors.

XVI. That (subject as herein-after mentioned) the Number of the Directors of the said Company shall be Three, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares at least in the Undertaking.

Power to increase Number of Directors.

XVII. Provided always, That it shall be lawful for the Company from Time to Time, by the Vote of any General or Special General Meeting, to increase the Number of the said Directors to Six, and from Time to Time to reduce such Number to Three.

First Directors.

XVIII. That the First Directors of the said Company shall be *William Stephens*, *Charles Stephens*, and *John Bligh Monck*, Esquires.

Quorum of Directors.

XIX. That a Quorum of any Meeting of the Directors, or of any Committee of the Directors, so long as the Number thereof shall not exceed Three, shall be Two; and if the Number of the said Directors shall at any Time be more than Three, then any Three of the said Directors shall form such Quorum.

Meetings.

XX. That One Ordinary or General Meeting of the Shareholders in the said Company shall be held annually in the Month of *December* in the Town of *Reading*; and in order to constitute such Meeting, or any other Ordinary as well as Extraordinary Meeting of the Com-

pany, there shall be Shareholders present holding in the aggregate at least Two thousand Pounds in the Capital of the Company.

**Auditors.**

XXI. That inasmuch as the Shareholders of the Company consist of a small Number, the Number of the Auditors of the Company shall be Two; but it shall not be necessary that such Auditors should hold any Share in the Company as a Qualification for their Office.

**Limiting Profits on Capital paid up.**

XXII. That it shall not be lawful for the Company to divide in any One Year, out of the Profits of their Undertaking, any greater Amount than after the Rate of Seven *per Cent.* on the Capital paid up, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said Amount.

**Power to execute Works according to deposited Plan, &c.**

XXIII. And whereas a Plan and Section showing the Line or Situation and Levels of certain Reservoirs, Aqueducts, and other Works proposed to be made by the said Company within the Tything of *Southcot*, and the several Parishes of *Saint Mary* and *Saint Giles*, *Reading*, and the Hamlet of *Whitley*, all in the County of *Berks*, together with a Book of Reference to such Plan, containing the Names of the reputed Owners and Lessees and Occupiers of the Lands and Waters required by the said Company for the Purposes of this Act, have been deposited with the Clerk of the Peace for the said County and with the Clerk of the Peace for the County of *Oxford* respectively: Be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the said Company to construct and maintain, and from Time to Time to renew, as Occasion may require, the several Works delineated and described on the said Plans and Sections, and for such Purposes to enter upon, purchase, take, and use such of the Lands and Waters mentioned or described on the said Plans and in the said Books of Reference as may be necessary for the Purposes of this Act.

**Power to take Water from the River Kennet.**

XXIV. That it shall be lawful for the said Company to divert, take, and appropriate so much of the Waters of the River *Kennet*, where the same is situate at or near a Place called *Southcot Mill* in the Tything of *Southcot* aforesaid, in addition to such Waters (if any) as they may from Time to Time take at their existing Source of Supply from the Head of the Mill called *Saint Giles' Mill* in the Parish of *Saint Giles*, *Reading*, as shall be sufficient for the Purposes of this Act, so as that the total Amount of Water taken by them from the said River from both the said Sources of Supply does not exceed the Amount of Water which they were authorized to take from the Head of the said Mill called *Saint Giles' Mill* prior to the passing of this Act.

XXV. That

Regulating the Amount of Water which the Company may take.

XXV. That the said Company shall not at any Time draw through or by means of the said Mill called *Southcot Mill*, or any of their Works at or near the said Mill, any such Amount of Water as shall have the Effect of lowering the Head-water in the said Navigation below a certain Water Mark which has been fixed for the Purpose by Agreement between the Company of Proprietors of the *Kennet and Avon* Canal Navigation and the said Waterworks Company in the Wall of the Pound Lock adjoining the said Mill; and if at any Time the said Head-water in the said Navigation shall be lower than the said Mark (and such Deficiency of Water shall not be occasioned by any Act, Omission, or Default of the said Company of Proprietors of the *Kennet and Avon* Canal Navigation, either in the proper Maintenance and Repairs of their Works, Locks, Sluices, and Gates, or otherwise,) the said Waterworks Company shall and they are hereby required to shut and to keep shut all Hatches, Sluices, and Gates under their Control whereby any Water may pass out of the said Navigation until the said Top-water shall have risen above the said Mark; and if the said Company shall fail so to shut and keep shut the said Hatches, Sluices, and Gates, it shall be lawful for any Servant or Officer of the said Company of Proprietors of the *Kennet and Avon* Canal Navigation to enter upon the Lands and Works of the said Waterworks Company, and to shut such Hatches, Sluices, and Gates as aforesaid, the said Company of Proprietors doing no unnecessary or wilful Damage or Injury thereto.

Company to regulate Hatches, &c., to prevent Waste of Water.

XXVI. That the said Company shall also at all Times hereafter cause the Hatches and Sluices at *Burghfield Pen* Lock on the said Navigation to be so regulated as that the Water in the said Navigation shall not be reduced below the Level aforesaid, and so that the same shall not overflow the adjoining Lands, and shall use their best Endeavours at all Times, in the Control and Management of their Undertaking and of the said *Pen* Lock, to maintain a proper Head of Water in the said Navigation, the said Company of Proprietors on their Part affording to the said Company all reasonable Facilities for carrying into effect the Object and Purposes of the said Undertaking, and for the Construction of the Works necessary for the Purposes thereof: Provided always, that all such Works, so far as they may be made in connexion with or affecting the said Navigation, or upon any Lands or Works belonging to the said Company of Proprietors, shall be performed by the said Waterworks Company under the Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the said Company of Proprietors.

Power to purchase additional Lands.

XXVII. That it shall be lawful for the said Company to purchase or rent on Lease or otherwise and to hold the said Mill called *Southcot Mill*, and all Machinery and Works belonging thereto, and also any

any Quantity of Land not exceeding Ten Acres which they may require, in addition to the Lands vested in them by this Act, and the Lands herein-before authorized to be taken for the Purposes of the Works by this Act authorized.

Limiting Service Pressure.

XXVIII. That, notwithstanding anything in the said Waterworks Clauses Act contained or implied to the contrary, it shall not be incumbent on the Company to supply Water under any Degree of Pressure greater than that afforded from the Service Reservoirs belonging to or which may hereafter be made by the said Company under the Provisions of this Act.

Limits of Act.

XXIX. That the Limits within which this Act may be put in force shall include the Parishes, Townships, and Places of *Saint Mary*, *Saint Lawrence*, and *Saint Giles* within the Borough of *Reading*, and so much and such Parts of the Parishes, Townships, and Places of *Sonning*, *Early*, *Whitley*, *Southcot*, and *Tilehurst* in the County of *Berks*, and *Caversham* in the County of *Oxford*, as are comprised within a Circle of which the Radius is Two Miles measured in an horizontal Plane from the Centre of the Tower of *Saint Mary*'s Church in the said Borough of *Reading*.

Company to supply Water for Purposes mentioned in Public Health Act, 1848.

XXX. That the Company are hereby required to supply all such Water as may be required by any Local Board of Health which may be established within the Limits of this Act, under the Provisions of "The Public Health Act, 1848," for the Purposes mentioned in the said Act, upon such Terms as in case of Difference may be fixed and determined in the Manner provided by the said Act.

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

XXXI. That the Company shall, at the Request of the Owner or Occupier of any House or Proprietor 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 the Rates herein-after specified; that is to say,

Where no Watercloset.

If there be no Watercloset or Bath in the Dwelling House or on the Premises to be supplied with Water, then at the following Rates:

Where the annual Value of such House shall not amount to Six Pounds, at a Rate not exceeding Four Shillings and Fourpence *per Annum*:

Where the annual Value of such Dwelling House shall be Six Pounds and under Fifteen Pounds, at a Rate *per Centum per Annum* not exceeding Four Pounds:

Where

Where the annual Value of such Dwelling House shall be Fifteen Pounds and upwards, at a Rate *per Centum per Annum* not exceeding Four Pounds Ten Shillings:

If there be a Watercloset. If there be a Watercloset or Waterclosets in such Dwelling House, then, in addition to the Rates above specified, the following Rates shall be payable; that is to say,

Where the annual Rackrent or Value of the Premises so supplied with Water shall not amount to Forty Pounds *per Annum*, for One Watercloset the Sum of Eight Shillings *per Annum*, and for each additional Watercloset, if more than One, the Sum of Four Shillings *per Annum*:

Where such Rent or Value shall amount to Forty Pounds and be less than One hundred Pounds *per Annum*, for One Watercloset the Sum of Ten Shillings *per Annum*, and for a Second Watercloset the Sum of Five Shillings *per Annum*, and for every additional Watercloset Four Shillings *per Annum*:

Where such Rent or Value shall amount to One hundred Pounds and upwards *per Annum*, for One Watercloset the Sum of Twelve Shillings *per Annum*, and for a Second Watercloset the Sum of Six Shillings *per Annum*, and for every additional Watercloset Four Shillings *per Annum*:

As to Charges for Baths. If there be a Bath or Baths in such Dwelling House, then the Company shall be bound, if required, to supply the same with Water at Rates not exceeding those which the Company shall be entitled to demand and receive with respect to a Watercloset or Waterclosets:

Provided always, that the Company shall not be compelled to supply with Water any Watercloset or 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.

What shall be deemed domestic Purposes. XXXII. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Horses or Cattle, or for washing Carriages, unless where the Rental of the House amounts to Fifty Pounds or upwards; nor shall such Supply for domestic Purposes be held to include a Supply for any Trade or Manufacture or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

Power to lease the Rents or Rates. XXXIII. That it shall be lawful for the Company to 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

exceeding Three 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 Session 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 for other than domestic Purposes may be supplied by Agreement.

XXXIV. That it shall be lawful for the Company to 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 Company and the Persons desirous of having such Supply of Water.

Undertaking not to be exempt from Provisions of 11 & 12 Vict. c. 63.

XXXV. 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.

Saving Rights of Corporation of Reading.

XXXVI. That nothing in this Act contained shall extend or be construed to extend in any Manner to prejudice, lessen, or defeat any legal Power, Privilege, Franchise, or Authority of the Corporation of *Reading*, or any of the Juries or Officers of their Courts or Leets within the said Borough, (save only the Power and Authority, if any such there shall be, of preventing or hindering in any respect the Execution of this Act, or of punishing any Person or Persons who shall have been before punished, by Authority of this Act, for the same Offence,) but the said Corporation, Juries, and Officers respectively shall and may exercise and enjoy all and every such Powers, Privileges, Franchises, and Authorities (save only as before is saved) in as full and ample a Manner, to all Intents and Purposes, as they have heretofore used to do, and of right could or might have done in case this Act had not been made.

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