ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xxx.

An Act for the better Supply of *Spalding* with Water. [15th *May* 1860.]

WHEREAS the present Supply of Water to the Town of *Spalding* in *Lincolnshire* is insufficient, and it is expedient to increase and improve such Supply, and for that Purpose to make and maintain the Works herein-after mentioned: And whereas a Plan and Section of the Works, showing the Line and Levels thereof, with a Book of Reference to the Plan, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands in or through which the Works will be made, have been deposited with the Clerk of the Peace for the *Holland* Division of *Lincolnshire*: 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 the said Works, and for that Purpose are desirous of being incorporated; but the Objects aforesaid 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,)

I. "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. 8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 17. incorporated.

Limits of Act.

II. The Limits of this Act shall comprise and include the Town and Parish of *Spalding* in *Lincolnshire*.

Incorporation of Company.

III. *Henry Hawkes*, *Samuel Parke*, *Thomas Smith*, *William Hobson*, 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 into a Company for the Purpose of constructing and maintaining Waterworks, and of laying down Pipes, and of executing and maintaining all other Works necessary or convenient for supplying with Water the Inhabitants, Buildings, and Lands within the Limits of this Act, and according to the Provisions and for the Purposes of this Act, and for the Purposes aforesaid the Company shall be incorporated by the Name of "The *Spalding* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, but subject to the Restrictions of this Act.

Capital.

IV. The Share Capital of the Company shall be Eight thousand Pounds, divided into Eight hundred Shares of Ten Pounds each.

Calls.

V. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall intervene between the making of any Two successive Calls, and not more than Three Fourths of the Amount of a Share shall be called up in any One Year.

Receipts for disqualified Persons.

VI. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot or Lunatic, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder.

Power to borrow on Mortgage.

VII. When the whole of the Capital or Sum of Eight thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, the Company may borrow on Mortgage or Bond any Sums of Money not exceeding in the whole Two thousand Pounds.

First Ordinary Meeting.

VIII. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act.

Quorum of Meetings.

IX. The Quorum of every Meeting of the Company shall be Five Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

X. Subject to the Provisions herein contained for increasing their Number, the Number of Directors shall be Four, and the Qualification of a Director

a Director shall be the Possession in his own Right of Twenty-five Shares at least in the Undertaking.

Power to increase Number of Directors.

XI. It shall be lawful for the Company from Time to Time to increase the Number of Directors to Five.

First Directors.

XII. *Henry Hawkes*, *Samuel Parke*, *Thomas Smith*, and *William Hobson*, Esquires, shall be the First Directors of the Company.

Quorum.

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

Power to construct Waterworks according to deposited Plan.

XIV. Subject to the Provisions in this and in the incorporated Acts contained, the Company may make and maintain the said Waterworks in the Line and on the Levels and upon the Lands delineated on the said Plan and described in the said Book of Reference, and they may enter upon, take, and use such of the Lands, Springs, Streams, and Waters delineated on the said Plan and described in the said Book of Reference as shall be necessary for the Purposes of the said Waterworks, or they may agree for a Lease in perpetuity of such Lands and Streams, and take therefrom such Water as they may require for the Purposes of this and the said incorporated Acts.

Protecting Lands in the Spalding and Pinchbeck Drainage.

XV. Provided always, That whenever, between the Fourteenth Day of *July* and the Thirty-first Day of *October* in any Year, the Water in the *Blue Gowt Drain* for the Space of Four Days after the Steam Engine upon the said Drain shall have ceased working shall have been and shall be at a less Depth than Three Feet upon the Wheel of the said Steam Engine, as shown by the Water Gauge in the Engine House, and so long afterwards during the same Period as the Water shall remain below such Depth, it shall not be lawful for the Company, after having received Notice from the Trustees of the *Spalding and Pinchbeck* Drainage, or their Clerk for the Time being, not to do so, to take any Water from the *Little Graft* or *Blue Gowt Pup Drain*, or by any other Means to abstract any Water from the said *Blue Gowt Drain*, without the previous Consent in Writing of the said Drainage Trustees given at a Meeting of Two or more of such Trustees duly convened with Notice of the Matter; and a Gauge at the same Level as the Gauge in the said Engine House shall be put down and maintained by the Company at the Place where the Water Pipe of the Company connects their Works with the said *Little Graft* or *Blue Gowt Pup Drain*.

Protecting Works of Commissioners of Sewers.

XVI. Nothing in this Act contained shall authorize the Company to take or use or to exercise any Control over any Tunnels or other Works belonging to or under the Jurisdiction of the Commissioners of Sewers for the County of *Lincoln*, or of the Trustees of the *Spalding and Pinchbeck* Drainage.

XVII. In

Power to deviate.

XVII. In constructing the Waterworks the Company may make lateral Deviations from the Line of Works, not exceeding the Limits of Deviation defined on the said Plan, and they may deviate from the Levels as delineated on the said Section to any Extent not exceeding Five Feet.

For Protection of Great Northern Railway.

XVIII. Provided always, That nothing in this Act contained shall authorize the Company to interfere with the Works of the *Great Northern* Railway, and that in constructing the Waterworks between the Commencement thereof at *Vernatt's Drain* and the Road numbered on the deposited Plan 6. in the Parish of *Spalding* the Company shall adopt the Line which may be prescribed by the *Great Northern* Railway Company, so far as the same Works affect the Land of the same Company, and shall be bound by the reasonable Directions of the Engineer of the *Great Northern* Railway Company in the Construction and in the Maintenance of the said Works; and provided also, that nothing in this Act contained shall enable the Company to appropriate to themselves any of the Land of the *Great Northern* Railway Company, without the Consent in Writing of the said Company first had and obtained, or to enter upon and use any of such Land, unless for the Purpose of laying down and maintaining therein their Pipes or Aqueducts, in pursuance of this Enactment.

Power to purchase Lands, &c. on Grants in perpetuity.

XIX. The Persons empowered by "The Lands Clauses Consolidation Act, 1845," to convey Lands, shall have full Power to grant to the Company, for the Purposes of this Act, any Lands or Streams which the Company are by this Act authorized to take in Fee Simple, or the Right of User thereof, or any Easement, Liberty, Privilege, Power, or Authority in or over the same, in Fee Simple, in consideration of a Sum in gross or of an annual Rent.

Grants by Persons under Disability to be at best Rent.

XX. In any such Grant to be made by any Party under any Disability or Incapacity to sell and convey Lands, as defined by "The Lands Clauses Consolidation Act, 1845," there shall be reserved the best yearly Rent or Remuneration for or in respect of the Premises thereby granted that can be gotten, and no Fine, Premium, or Foregift shall be paid upon or in respect of such Grant, such Rent or Remuneration being not less than shall be determined by Two able practical Surveyors or their Umpire, in accordance with the Ninth Section of "The Lands Clauses Consolidation Act, 1845:" Provided always, that the Company may at any subsequent Period purchase the Release or Discharge of the Rent or Remuneration, Covenants and Stipulations, reserved by and contained in any such Grants.

Annual Rent to enure to same Uses as Lands, &c. conveyed.

XXI. The Rent or Remuneration paid or reserved in respect of any such Grant shall be and remain upon the same Uses, Trusts, and Purposes as those upon which the Rents and Profits of the Land so granted, or in respect of which the Easement, Liberty, Privilege, Power, or Authority is granted, stood settled or assured at or immediately before such Grant.

XXII. Every

Rents to be first discharged.

XXII. Every such yearly Rent shall be charged on the Water Rate or Water Rates payable under this Act, or if the Rates be leased, then on the Rent reserved by the Lease, in preference to any other Charge whatever; and if at any Time any such Rent be not paid within Thirty Days after the same becomes payable, and after Demand thereof in Writing, the Person to whom such Rent is payable may either recover the same from the Company, with Costs of Suit, by Action of Debt in any Court of competent Jurisdiction, or may levy the same by Distress of the Goods and Chattels of the Company.

Remedies for Recovery thereof.

Powers for compulsory Purchases limited.

XXIII. The Powers of the Company for the compulsory Purchase or Taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XXIV. The Works shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend 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 Purposes of supplying Water within the Limits of this Act.

Land for extraordinary Purposes.

XXV. The Company may from Time to Time, by Agreement, purchase or take for the Purposes of this Act any Land not exceeding One Acre, in addition to the Land which by this Act they are authorized to take by Compulsion.

Water need not be laid on under Pressure.

XXVI. The Water to be supplied by the Company need not be constantly laid on under Pressure.

Rates at which the Company are to supply Water.

XXVII. The Company shall, at the Request of any Person entitled to demand a Supply of Water under the Waterworks Clauses Act, furnish to every Occupier of a Dwelling House and Tenement within the Limits of this Act a sufficient Supply of Water for the domestic Uses of every such Occupier, at any Rate not exceeding Seven Pounds *per Centum per Annum* on the annual Value or Rackrent of such Dwelling House or Tenement: Provided always, that the Company shall not be bound to supply any Dwelling House or Tenement for any less Sum than Eight Shillings *per Annum*; provided also, that a Supply of Water for domestic Purposes shall include a Supply of Water for One Watercloset, but not a Supply of Water for more than One Watercloset, and shall not include a Supply of Water for Cattle or for Horses, or for washing Carriages, if the same Horses or Carriages are kept for Hire or by Common Carriers,

or are the Property of a Dealer, or for Steam Engines or for Railway Purposes, or for warming or ventilating Purposes, or for working any Machine or Apparatus, or any Trade, Manufacture, or Business whatsoever, or for watering Gardens by means of any Tap, Tube, Pipe, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for public Baths, or for any private Bath having the Water laid on, and from which there shall be a Waste Pipe, or for any ornamental Purpose whatever.

Limiting Amount of Charge for Water for Watercloset.

XXVIII. In addition to the Rates herein-before defined, the Company may, where the House contains more than One Watercloset, charge for every Watercloset more than One in or belonging to any separate Dwelling House the Sum of Five Shillings *per Annum*.

Houses to be supplied under certain Regulations.

XXIX. The Company shall not be bound to supply any Water, unless the Cisterns, Pipes, and Cocks necessary for such Supply shall be constructed of such Strength, Material, and Size, and on such Principle, as shall be required or approved of by the Company, and be used so 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 Pipes belonging to or connected with the Mains or Pipes of the Company.

Water for other than domestic Purposes to be supplied by Agreement.

XXX. It shall be lawful for the Company to supply any Person with Water for domestic and other Purposes, and by Measure or otherwise, 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.

Company may let for Hire Meters.

XXXI. The Company may let for Hire any Meter or Instrument for ascertaining the Quantity of Water consumed and supplied, and any Pipes and Apparatus for the Conveyance and Storeage of such Water, for such Remuneration in Money as may be agreed upon between the Company and the Person to whom the same is so let, and such Remuneration shall be recoverable in the same Manner as the Rates or Sums due to the Company for Water; and such Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress for Rent of the Premises where the same are used, or to be attached or taken in Execution under any Process of any Court of Law or Equity, or any Fiat or Sequestration in Bankruptcy, or any other legal Proceeding against the Person in whose Possession the same are.

Powers of Company for ascertaining Quantity consumed by Meter, and

XXXII. The Officers of the Company may enter any House, Building, or Lands supplied by the Company by Measure, in order to inspect the Meters, Instruments, Fittings, and Works for regulating the Supply of Water, and for the Purpose of ascertaining the Quantity of Water

Water consumed or supplied, and may from Time to Time enter any House, Building, or Lands for the Purpose of removing and carrying away any Meter, Instrument, Pipes, Fittings, or other Works the Property of the Company; and if any Person hinder any such Officer from entering and making such Inspection or effecting such Removal, every Person so offending shall for every such Offence forfeit to the Company a Sum not exceeding Five Pounds: Provided always, that, except with the Consent of a Justice, such Power of Entry shall not be exercised at any Hour not authorized by "The Waterworks Clauses Act, 1847." for removing Meters, &c.

XXXIII. If any Person supplied with Water by the Company shall wilfully do or cause to be done any Act, Matter, or Thing in contravention of the Provisions of this Act or of any Act incorporated herewith, or shall wilfully omit or neglect to do any Matter or Thing which under such Provisions ought to be done, for the Prevention of the Waste, Misuse, or undue Consumption or the Contamination of the Water of the Company, it shall be lawful for the Company to cut off the Pipe or Pipes by or through which Water is supplied by them to such Person, and to cease to supply such Person with Water so long as the Cause of Injury remains or is not remedied, and also to recover from such Person, by Action or Suit in any Court of competent Jurisdiction, the Amount of any Loss, Damage, or Injury which the Company may sustain by reason of or in consequence of any such Act, Matter, or Thing as aforesaid, or of any such wilful Omission or Neglect as aforesaid, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies under "The Waterworks Clauses Act, 1847," for or in respect of the several Matters aforesaid. Water may be cut off in certain Cases.

XXXIV. Every Person using for other than domestic Purposes any Water supplied by the Company, and not having previously agreed with the Company for a Supply for such other Purposes, and every Person having agreed with the Company for a Supply of Water for any other than domestic Purposes, and using for any Purposes other than the Purposes so agreed on the Water so supplied by the Company, and every Person who shall wilfully do or suffer to be done any Act whereby the Water supplied under the Provisions of this Act shall be wasted, shall respectively for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds. Penalty for using Water for other than domestic Purposes without Agreement.

XXXV. Whenever any Person neglect to pay any Rate or Sum due to the Company, and such Rate or Sum does not exceed Fifty Pounds, 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 other Remedies for the Recovery of such Rate or Sum. Recovery of Sums not exceeding 50*l.*

XXXVI. All

Undisputed Rates, &c. may be recovered by Distress.

XXXVI. 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 whereof shall not be disputed, may be levied by Distress, and any Justice, on Application, may issue his Warrant accordingly.

Several Names in One Warrant.

XXXVII. 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.

Costs of Distress.

XXXVIII. Any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Rate or Sum shall be paid by the Person liable to pay such Rate or Sum; and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Rate or Sum.

Liability to Rates not to disqualify Justices.

XXXIX. No Justice or Judge of any County Court shall, except as by this Act provided, be disqualified for acting in the Execution of this Act by reason of his being liable to any Rate, Rent, or Charge under this Act, or of his being a Shareholder in the Company.

Penalties not cumulative.

XL. 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 the Acts incorporated therewith shall be deemed several Acts.

Expenses of Act.

XLI. All the Costs, Charges, and Expenses of and incident to the Application for and passing of this Act shall be paid by the Company.

Short Title.

XLII. This Act may be cited for all Purposes as "The *Spalding* Waterworks Act, 1860."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.