

ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxlvii.

An Act for supplying the Township of Stourbridge and the Neighbourhood thereof with Water.

[10th July 1854.]

THEREAS the Inhabitants of the Township of Stourbridge and the Neighbourhood thereof are inadequately supplied with Water, and the Construction of Waterworks for affording a better Supply would be of great public Advantage: And whereas the several Persons herein-after named, with others, are willing, at their own Expense, to carry such Undertaking into execution; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That "The Companies Clauses Consolidation Act, 1845," 8 & 9 Vict. "The Lands Clauses Consolidation Act, 1845," and "The Water-cc. 16. & 18. works Clauses Act, 1847," shall be incorporated with and form Part of Vict. c. 17. this Act, and the Provisions of the said Acts shall be applicable to incorporated. the Purposes of this Act, except so far as the same or any of them are expressly altered by this Act.

II. That

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Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, Notices, and Proceedings, it shall be sufficient to use the Expression "The Stourbridge Waterworks Act, 1854."

Limits of Act.

III. That the Limits of this Act for the Supply of Water shall be deemed and taken to extend to and shall comprise and include the Township of Stourbridge, and the adjacent Townships or Hamlets of Upper Swinford, Lower Swinford, the Lye, Wollaston, Wollescote, in the Parish of Old Swinford in the County of Worcester, the Hamlet of Amblecote in that Part of the Parish of Old Swinford in the County of Stafford, and Part of the Parish of Kingswinford called Wordsley in the said County of Stafford.

Incorporation of Company.

IV. That the Right Honourable George Harry Earl of Stamford and Warrington, John Amery, John Farmer, James Fisher, Thomas Hughes, Alfred Keep, William Francis Price, William Watkin, George Hackett, Joseph Pitman, and Thomas Fawell, Esquires, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the said Limits, and for making Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions of the said incorporated Acts and of this Act, and for other the Purposes herein and in the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The Stourbridge Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in ' the said incorporated Acts contained.

Capital.

V. That the Capital of the Company shall be Twenty thousand Pounds.

Shares.

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

Calls.

VII. That Two Pounds per Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and that Two Months at the least shall intervene between the making of any Two successive Calls, and no more than Three Fourths of the Amount of a Share shall be called up in any One Year.

VIII. That

VIII. That it shall be lawful for the Company from Time to Time Power to to borrow, for the Purposes of the Undertaking, on Mortgage or Bond, borrow Money on any Sums of Money which shall be from Time to Time authorized to Mortgage. be borrowed by a General Meeting of the Company; but the aggregate Amount of such Sums of Money so to be borrowed shall not at any Time exceed One Fourth of the Capital for the Time being of the Company in Shares or Stock, and no Part of such Sums shall be borrowed until the whole of the said Capital or Sum of Twenty thousand Pounds shall have been subscribed for, and One. Half thereof shall have been actually paid up.

IX. That it shall be lawful for the Mortgagees of the Company to Arrears may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order ment of a to authorize the Appointment of such Receiver, in the event of the Receiver. Principal Monies not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Two thousand Pounds in the whole.

be enforced by Appoint-

X. That the First General Meeting of the Company shall be held First and within Six Months next after the passing of this Act, and the subse- cther Meetings. quent Ordinary Meetings of the Company shall be held in the Month of August in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and such Meetings shall be held at such Place within the Township of Stourbridge as the Directors shall from Time to Time appoint.

XI. That, subject to the Provisions herein contained for increasing Number and or reducing the Number of Directors, the Number of Directors shall of Directors. be Seven, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Undertaking; and a Quorum of a Meeting of Directors and of a Committee of Directors shall be Three.

XII. That the Company may from Time to Time decrease the Power to Number of Directors, so that after such Reduction the Directors be Number of not less than Six.

Directors.

XIII. That the said John Amery, William Watkin, George First Direc-Hackett, John Farmer, Alfred Keep, William Francis Price, and tors. Jacob Stokes, Esquires, shall be the First Directors of the Company.

XIV. That the prescribed Amount of Dividend to be divided Declaration annually among the Shareholders of the Company under the Provisions of the "Waterworks Clauses Act, 1847," shall not exceed the Sum of Eight Pounds on every One hundred Pounds of the Capital for the Time being paid up.

of Dividends.

XV. That

Appointment of Auditor.

XV. That the Company shall annually elect an Auditor for the Purpose of auditing the Accounts of the Company, and in case the Office of Auditor shall, before such Accounts have been audited by him, be vacant by Death or from any other Cause, the Company shall from Time to Time appoint an Auditor to supply such Vacancy.

Newspapers for Insertion of Advertisements. XVI. That the Newspaper or Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper or Newspapers printed in the County of *Worcester* or in the County of *Stafford*, and if no Newspaper shall be printed within those Counties, then in some Newspaper or Newspapers usually circulated in the said County of *Worcester*.

Power to make Water-works according to deposited Plans.

XVII. And whereas Plans and Sections showing the Line and Levels of the proposed Works, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands and Streams in or through which the same are intended to be made or to pass, or which are required for the Purposes of the said Waterworks, have been deposited with the Clerks of the Peace for the Counties of Worcester and Stafford: Be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make and maintain the said Waterworks, Reservoirs, and other Works and Conveniences connected therewith in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the Lands and Streams delineated on the said Plans and referred to in the said Book of Reference as the Company shall deem necessary for that Purpose, and to take therefrom such Water as the Company may require for the Purposes of this and the said incorporated Acts.

Power to deviate from Plans in certain Cases.

XVIII. That, subject to the Restrictions in the said incorporated Acts contained, it shall be lawful for the Company, in making the Works by this Act authorized, where Limits of Deviation are marked upon the said Plans, to deviate from the Lines delineated on the said Plans so deposited with the Clerk of the Peace to the Extent of the Limits of Deviation marked on the said Plans.

Works.

XIX. That the Works by this Act authorized comprise the following; (to wit,)

First, a Reservoir or Reservoirs at, near to, or upon Lands belonging to Alexander Brodie, Cochrane, Henry Bate, and William Francis Price, or some or one of them, at or near a Place called the Heath, in the Township of Stourbridge in the County of Worcester, and to take, divert, intercept, impound, and use for

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the Purposes of the said Undertaking the Water or Stream, or some Part thereof, which runs down or through the said Lands commonly called or known as the Gig Mill Stream:

Second, a Reservoir in a certain Field or Fields in the Occupation of the Representatives of Edward Hill deceased, and being Part of the Estate known as the Amblecote Hall Estate, in the Hamlet of Amblecote in that Part of the Parish of Old Swinford which lies in the County of Stafford:

Third, the Aqueducts or Main Pipes following; (that is to say,) an Aqueduct or Main Pipe, Aqueducts or Main Pipes, from the said first-mentioned Reservoir or Reservoirs, or one of them, at or near the *Heath* aforesaid, to the said secondly-described intended Reservoir at or near Amblecote Hall aforesaid, together with all necessary and proper Tunnels, Embankments, Cuttings, Bridges, Drains, Sewers, Weirs, Dams, Sluices, Filtering Beds, Engines, Pumps, Conduits, and Lines of Pipes, Reservoirs, and other Conveniences, to be made in and pass through and into the several Parishes, Townships, Hamlets, and other Places, (that is to say,) Stourbridge, Upper Swinford, Lower Swinford, the Lye, Wollaston, Wollescote, in the Parish of Old Swinford in the County of Worcester, and Amblecote in the said Parish of Old Swinford and Wordsley in the Parish of Kingswinford in the said County of Stafford.

XX. That, so far as may be necessary for the Purposes of this Act, Company it shall be lawful for the Company to cleanse, deepen, and otherwise may cleanse Stream, and improve the said Gig Mill Stream, and the Beds, Banks, and Water prevent Imthereof, described upon the said Plans so deposited as aforesaid, and purities to the Watercourse, Conduits, Pipes, and other Conveniences for conveying the Water into and through the said Township of Stourbridge, and the several adjacent Townships or Hamlets aforesaid, and to make, do, and execute all proper and necessary Works for protecting the said Water from Impurities, arising either from Bathing or the Drainage or Sewerage, or any other Cause whatsoever.

Water.

XXI. That, in addition to the Lands, Springs, and Streams author Company rized to be taken and purchased as aforesaid, it shall be lawful for the may pur-Company to contract with any Party willing to sell the same for the not exceed-Purchase of any Streams or Springs of Water, or of any Land not ing Twenty exceeding in Quantity Twenty Acres, which shall be deemed proper or extraordiexpedient for extraordinary Purposes, (that is to say,) for the Purpose nary Purof making and providing additional Banks, Aqueducts, Reservoirs, and Poses. other Buildings and Conveniences, or for making convenient Roads or Ways to the said Works, or for any other Purposes connected with the said Waterworks which the Company may think beneficial to the [Local.]Undertaking:

chase Land

Undertaking: Provided always, that nothing herein contained shall authorize the said Company to divert or use any such Stream or Spring of Water unless and until they shall purchase the Interests therein of and from all Persons whose Use thereof shall be affected thereby.

Power for Justices to order Repair of Reservoirs, and in certain Cases to direct the Water therein to be lowered.

XXII. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be purchased or enlarged under the Provisions of this Act, be it enacted, That whenever it shall be represented to Two Justices by the Owners or Occupiers of any Dwelling House, Mill, Factory, or other Works situate below any such Reservoir as aforesaid, and so as to be in danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if they shall be satisfied that such Reservoir is in a dangerous State, they shall, by Writing under their Hands, order and require the Company, within a Time to be specified in such Writing, to put such Reservoir into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Company shall not, within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any Two Justices, have repaired the said Reservoir, or constructed the said Works, or in case, upon receiving such Representation as aforesaid, the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands, order and direct the Officer in charge of such Reservoir, or any other Person or Persons whom they may think proper, to enter upon the Premises of the Company, and to open the Sluices of such Reservoir, or otherwise to let off so much of the Water from such Reservoir as may be necessary to remove the Danger, and to keep the Water in such Reservoir at the reduced Level until the said Reservoir shall have been repaired, or such Work as aforesaid shall have been constructed to the Satisfaction of the Justices who shall have made such Order, or any other Two Justices, who shall signify their Satisfaction by Writing superseding such Order, or until such Order shall be superseded upon Appeal as herein-after mentioned; and such Order may be in the Form or to the Purport and Effect following; that is to say,

' To A. B.

'WE, the undersigned, Two of Her Majesty's Justices of the Peace acting in and for the County of

'do hereby order and direct you, and such Person or Persons as you 'may require to aid and assist you herein, forthwith to do all such

'Acts as may be necessary to lower the Water in a certain Reservoir known as the Reservoir, by the Space of

Feet or thereabouts, and to keep the same at that 'Level

- 'Level until you shall be further instructed by us or by Two other
- ' Justices of the Peace acting in and for the said County, and you
- 'shall do as little Injury as possible to the Property of the Company;
- ' and in acting in obedience to the Premises this shall be your suf-
- 'ficient Warrant.
 - 'Given under our Hands, this

Day of

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(Signed)

And no Person acting under and in pursuance of such Order shall be deemed a Trespasser; and any Person who shall obstruct or prevent such Person in the Discharge of such Order, or shall wilfully do any act in contravention of such Order, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds: Provided always, that, except when the Urgency of the Case will not admit of the Delay, the Justices, before making an Order to repair any such Reservoir, or to construct any Works as aforesaid, or to lower the Water in any such Reservoir, shall cause Notice to be given to the Clerk of the Company, and shall hear and consider any Evidence that may be tendered on behalf of the Company against the making of such Order; provided also, that if the Company shall consider themselves aggrieved by any such Order they may appeal against the same to any Quarter Sessions, upon giving to the Justices who shall have made such Order Three Weeks Notice in Writing of the Grounds of such Appeal; and the Court of Quarter Sessions shall hear and determine such Appeal, and may either confirm or supersede the Order of the said Justices, as they may think proper, but until such Order shall be superseded it shall continue in full Force; and all the Costs, Charges, and Expenses of applying for, obtaining, and enforcing such Order shall be borne by the Company, unless the Justices making the Order shall direct such Costs, Charges and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do; and the Costs of any such Appeal as aforesaid shall be in the Discretion of the said Court of Quarter Sessions.

XXIII. That the Waterworks shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Works are to Powers by this or the said incorporated Acts granted to the Company becompleted. for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Waterworks 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 extending their Mains and Pipes from Time to Time, whenever it shall be necessary for supplying the Inhabitants and other Persons requiring the same within the Limits of this Act with Water.

Period with-

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

XXIV. That the Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which or within a Hundred Yards of which any Main Pipe of the Company shall be laid, or 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 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 Part of the Dwelling House to be supplied with Water, the following Rates:

Where the annual Value of such House or Part of a House shall not exceed Five Pounds, at a Rate not exceeding Six Shillings per Annum:

Where such annual Value shall be Five Pounds but shall not exceed Fifty Pounds, at a Rate per Centum per Annum not exceeding Seven Pounds Ten Shillings:

Where such annual Value shall exceed Fifty Pounds, at a Rate per Centum per Annum not exceeding Five Pounds:

If there be a Watercloset.

If there be a Watercloset or Waterclosets, or Bath or Baths, 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 Value of such Dwelling House shall not amount to Forty Pounds per Annum, the Sum of Eight Shillings for each Watercloset or Bath, and the further Sum of Five Shillings for each additional Watercloset or Bath:

Where the annual Value of such Dwelling House shall be Forty Pounds and under One hundred Pounds, the Sum of Ten Shillings for each Watercloset or Bath, and the further Sum of Five Shillings for each additional Watercloset or Bath:

Where the annual Value of such Dwelling House shall be One hundred Pounds and upwards, the Sum of Twelve Shillings for each Watercloset or Bath, and the further Sum of Five Shillings for each additional Watercloset or Bath:

Provided always, that the Company shall not be compelled to supply 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 other Pipes belonging to or connected with the Mains or Pipes of the Company.

Supply of Water not to include Supply for Trade.

XXV. That a Supply of Water for domestic Purposes as aforesaid shall not include a Supply of Water for Railway Purposes, or for Baths, Wash-houses, or public Purposes, or for Cattle, or for Horses, or for washing Carriages, where such Horses and Carriages are kept for Hire, or for ornamental Purposes, or for any Steam Engine, or for any Brewery,

Brewery, Warehouse, Counting-house, Office, Shop, Coach-house, Stable, Store, Cellar, Vault, Workshop, Mill, Manufactory, or for any Trade, Manufacture, or Business whatsoever.

XXVI. That it shall not be lawful for the Company to charge any annual Rent, or to make any Charge whatsoever in addition to the Water Rates herein-before mentioned, for so much of the Communication Pipes and other necessary Works for the Supply of any Dwelling House with Water as shall be laid under any Ground dedicated to Public Use, dedicated to except in Situations and under Circumstances where the Company are the Public. not required to furnish a Supply of Water under the Provisions of this Act or any Act incorporated herewith.

Company to lay Service Pipes free of Charge under all Ground

XXVII. That it shall be lawful for the Company to supply any Company Person with Water at such Rent and upon such Terms and Conditions as shall from Time to Time be agreed upon between the Company and the Persons desirous of having such Supply of Water.

may supply any Person with Water by Agreement.

XXVIII. That every Person supplied with Water under the Provi- Persons sions of this Act shall, when required by the Company, or the using Water to provide Company may, at the Request of any Person, provide and affix such Stopeock. proper Tap, Stopcock, or other Approaches to the Pipe conducting the Water from the Works of the Company as the Company shall direct, and such Tap, Stopcock, or Apparatus shall be kept in good Repair, so as effectually to prevent the Water from running to Waste; and in case any such Person shall neglect to provide, when required by the Company, such Tap, Stopcock, or other Apparatus, or to keep the same in good Repair, or shall neglect or refuse to pay the Company the Cost of doing the same, it shall be lawful for the Company, or for any Person acting under their Authority, to cut off the Pipe or turn off the Water from the Premises of such Person, until such Tap, Stopcock, or other Apparatus shall be provided or repaired, or the Cost thereof paid, as the Case may require.

XXIX. That if any Person supplied with Water by the Company, Penalty for or drawing Water from the Main, shall wilfully or negligently do or waste of suffer any Act, or permit or suffer any Pipe or Apparatus to be out of Water. repair, so that the Water of the Company shall be wasted or the Supply thereof improperly increased, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings, together with the Value of the Water so wasted or improperly increased.

XXX. That it shall be lawful for the Company to repair any Company Place for Water, Pipe, Cock, or other Apparatus that shall be out of may repair and, recover 26 U[Local.] repair

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The Stourbridge Waterworks Act, 1854.

the Expenses.

repair in any Dwelling House or other Building, and the Expenses of such Repair shall be payable by the Persons occupying or using the same, and shall or may be recovered in manner by the said "Waterworks Clauses Act, 1847," provided for the Recovery of the Water Rate.

Company not exempt from Provisions of c. 63.

XXXI. That nothing herein contained shall be deemed or construed to exempt the said Company from the Provisions of the "Public Health Act, 1848," or of any General Act relating thereto or to the Subject 11&12 Vict., Matter thereof which may pass during the present or any future Session of Parliament.

Expenses of XXXII. That the Costs and Expenses of promoting and passing Act. of this Act, and of and incidental thereto, shall be borne by the Company.

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