

The Shrewsbury Waterworks Act, 1856.

Twenty thousand Pounds in Four hundred Shares of Fifty Pounds each, but they have only raised the Sum of Sixteen thousand three hundred and nine Pounds by the Creation and Issue of Three hundred and forty-seven Shares of Fifty Pounds each, upon which Forty-seven Pounds *per* Share have been called up and paid: And whereas the Dividends accruing upon the said Shares were for a Time applied in Payment of the Expenditure incurred in establishing the said Waterworks, and it was agreed that the Amount of Dividends so applied, and which exceeded Two thousand Pounds, should be treated as Expenditure on account of the Capital authorized to be called up in respect of the said Shares to the Extent of the Three Pounds remaining uncalled thereon as aforesaid, and the said Shares have accordingly been for many Years considered by the Company, and dealt in by the Public, as Fifty Pounds paid-up Shares, and Dividends paid thereon upon that Footing: And whereas the Company were not empowered by the said recited Act to raise Money on Mortgage of their Undertaking or of the Rates and Rents which they were thereby authorized to levy: And whereas the Town of *Shrewsbury* has greatly increased since the passing of the said recited Acts, and is still increasing, and a larger Supply of Water is required for domestic and other Purposes in the said Town and Suburbs than the existing Works of the Company are capable of efficiently supplying, and it is expedient that a new Reservoir or new Reservoirs and other Works and Conveniences should be constructed for the Purpose of supplying an additional Quantity of Water within the Limits of the Borough: And whereas the *Shrewsbury* Waterworks Company are willing to construct the new Works required for the Purposes aforesaid, and also to make their existing Works more available for supplying Water within the Borough; and to enable them so to do it is expedient that they should be authorized to raise a further Sum of Money by the Creation of Shares, and also upon Mortgage: And whereas it is expedient that Provision should be made for consolidating the existing Shares of the said Company into Stock: And whereas by the said first-recited Act it was enacted that it should not be lawful for the *Shrewsbury* Waterworks Company at any Time thereafter to sell or dispose of their Undertaking except to the Mayor, Aldermen, and Burgesses of the Town of *Shrewsbury*: And whereas by "The *Shrewsbury* Improvement Act, 1855," the Mayor, Aldermen, and Burgesses of the Town of *Shrewsbury* were constituted the Local Board of Health within the said Borough, and it is expedient that they should be authorized and empowered to purchase the Undertaking of "The *Shrewsbury* Waterworks Company," and all the Rights, Powers, Privileges, and Authorities of that Company in manner herein-after provided: And whereas, in order to avoid the Inconvenience arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the recited Acts be repealed, and that some of the Powers and Provisions thereof

18 & 19 Vict.
c. clxxviii.

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thereof be amended or re-enacted or continued by this Act, and that further Powers be conferred upon the Company; but these Purposes 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In construing this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction:

Interpreta-
tion of
Terms.

The Word "Company" shall mean the Company incorporated by this Act:

The Word "Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Shrewsbury*:

The Expression "the Council" shall mean the Council of the Borough acting as Local Board of Health within and for the Borough:

The Expression "the *Shrewsbury Waterworks*" shall mean all the Waterworks, Land, Machinery, Reservoirs, Aqueducts, Main Pipes, and Property of every kind, Rights, Powers, and Privileges of the *Shrewsbury Waterworks Company* existing at the Time of this Act, or which may be subsequently acquired by them.

II This Act shall for all Purposes be sufficiently described or referred to as "The *Shrewsbury Waterworks Act, 1856.*"

Short Title.

III. The Company incorporated by the first-recited Act is hereby dissolved, and the recited Acts are hereby repealed, but subject to the Provisions contained in this Act.

First-recited
Act re-
pealed and
Company
dissolved.

IV. "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 (except in so far as any of the Clauses of those Acts may be expressly varied by this Act); and in construing such Acts for the Purposes of this Act the Expression "the Special Act" shall mean this Act, and the Expression "the Works," or the "the Waterworks," or the "Undertaking," shall mean and include the Waterworks and Works connected therewith by this Act vested in or authorized to be made by the Company incorporated or constituted by this Act; the Expression "the Promoters of the Undertaking" shall mean the Company incorporated by this Act; the Word "Shares" shall include Consolidated Stock as well as Shares; and the Expression "Quarter Sessions" in this and the incorporated Acts shall mean any Quarter Sessions holden in and for the County of *Salop*, or any Adjournment thereof.

8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 17. incor-
porated.

Interpreta-
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tain Terms.

V. The

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Limits of
Act.

V. The Limits of this Act for supplying Water shall be the Town and Borough of *Shrewsbury*.

Re-incorporation of
Shrewsbury
Waterworks
Company.

VI. Notwithstanding the Repeal of the said recited Acts, the several Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Company hereby dissolved, and all other Persons and Corporations who have subscribed or shall hereafter subscribe to the Undertaking of the Company, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the Limits of this Act, and for the other Purposes herein and in the said incorporated Acts contained, by the Name of "The *Shrewsbury* Waterworks Company," and by that Name shall be a Body Corporate with perpetual Succession, and may sue and be sued, and shall have a Common Seal, and Powers to maintain the Waterworks acquired and constructed under the Powers of the said recited Acts, and to construct and maintain the Works by this Act authorized, and also to purchase, rent, hold, and sell Lands, Rights, or Easements for the Purposes of the said Undertaking, subject to the Restrictions and Provisions in this and the incorporated Acts contained.

Real and
Personal
Estate and
Liabilities
of the former
Company
vested in and
binding on
the Company
hereby esta-
blished.

VII. From and immediately after the passing of this Act all the Streams and Springs of Water, Reservoirs, Aqueducts, Conduits, Pipes, Gauges, Engines, and all the Works of every Description belonging to the Company hereby dissolved, and all the Lands, Tenements, and Hereditaments, and all Rights, Claims, Easements, and Privileges, and all Moneys, Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the Company hereby dissolved, shall be and the same are hereby vested in the Company hereby incorporated; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the Company hereby dissolved shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the Company hereby incorporated; and all Debts which immediately before the passing of this Act were due and owing by the Company hereby dissolved shall be paid, with all Interest (if any) due and to accrue due thereon, by the Company hereby incorporated; and all Rates or Rents which immediately before the passing of this Act were due and payable, or were then accruing due under or by virtue of the first-recited Act to the Company hereby dissolved, shall be and become due and payable to the Company hereby incorporated, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates and Rents by this Act made payable to the Company hereby incorporated, and all Grants con-
ferring

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ferring or purporting to confer upon the Company hereby dissolved any Right, Easement, or Privilege to make, form, construct, lay, or place, maintain, repair, or continue any Conduit, Aqueduct, or Pipe under any Lands, Tenements, or Hereditaments shall be as good, valid, and effectual in the Law to all Intents and Purposes, to and in favour of the Company hereby incorporated, as if the same had been originally made and executed to and in favour of the said Company under the Provisions of this Act, and all other Grants, Conveyances, Contracts, Mortgages, Bonds, Covenants, Liabilities, Securities, Arrangements, and Agreements made or entered into before the passing of this Act to, with, in favour of, or by or for the Company hereby dissolved shall be and remain as valid and effectual in favour of or against and with reference to the Company hereby incorporated, and may be proceeded on, enforced, and satisfied in the same Manner to all Intents and Purposes as if the Company hereby incorporated had been a Party to, executed, and incurred the same, or had been named or referred to therein, instead of the Company hereby incorporated by the first-recited Act.

VIII. The Company hereby incorporated shall, with reference to every Act done or left undone, and with respect to every Liability of what Nature or Kind soever incurred by the Company hereby dissolved prior to the passing of this Act, or which would have been incurred by them if they had not been dissolved by this Act, be considered as identical with that Company, in like Manner in all respects as if this Act had not been passed, and the Company hereby incorporated were the Company hereby dissolved.

Continuing
Liability of
dissolved
Company.

IX. Notwithstanding the Repeal of the recited Act, the Company may, with the Powers and subject to the Provisions of this Act and the incorporated Acts, continue to supply their Waterworks from the River *Severn*, and all and every of the Streams, Springs, and Sources from which the dissolved Company were by the recited Acts authorized to supply the same, and may maintain the now existing Waterworks, Reservoirs, and Works of the said dissolved Company, and the Conveniences thereof, and extend from Time to Time whenever it shall be necessary their Pipes and Mains, and use the same Waterworks, Reservoirs, Works, Pipes, and Mains for the Supply of Water within the Limits prescribed by this Act.

Company to
continue to
supply their
Works from
present
Sources.

X. Notwithstanding the Repeal of the recited Acts, all Clauses and Provisions whatsoever in favour of or relating to the Company or the Directors, Officers, or Servants of the Company respectively contained in any Act or Acts (other than the said recited Acts), and which immediately before the passing of this Act are in force, shall continue and be in full Force accordingly, and the Company and

Powers and
Liabilities
under other
Acts to con-
tinue in
force.

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their Directors, Officers, and Servants may and shall accordingly, and for the Purposes of this Act, be entitled to and have, exercise, and enjoy and be subject to all such Rights, Interests, Powers, Authorities, and Privileges, Liabilities, Penalties, and Restrictions whatsoever in the same Manner as if this Act had not been passed.

Saving of present and future Rights and Liabilities under repealed Acts.

XI. Notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the repealed Acts respectively shall be as valid as if this Act were not passed; and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if such Repeal had not happened and this Act were not passed, would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Things so done and suffered respectively, and all such Rights, Liabilities, Claims, and Demands, the Company hereby incorporated shall to all Intents and Purposes represent the Company hereby dissolved: Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

Rates and Rents now payable to continue till altered.

XII. All Rates, Rents, or Charges made or imposed under or by virtue of the first-recited Act, and which at the Time of the passing of this Act shall be due and payable or accruing due and payable, or if this Act had not been passed would have been due and payable or would have accrued due and payable, shall continue to be payable until the same shall be altered under the Authority of this Act, and may be collected and recovered by such Means and under such Restrictions and Regulations as any Rates, Rents, or Charges to be received in pursuance of this Act may be collected or received.

Transfer of Shares, &c. to remain in force.

XIII. All Sales, Transfers, and Dispositions executed before the passing of this Act of any Share or Shares in the Joint Stock of the Company hereby dissolved shall remain in full force and virtue, and shall be and continue available in all respects whatsoever in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

Actions, &c. not to abate, and Penalties to be recoverable.

XIV. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Company hereby dissolved previous to the passing of this Act shall abate or be discontinued or prejudicially affected by this Act, but on the contrary the same shall continue and take effect either in favour of or against the Com-
pany

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pany hereby incorporated in the same Manner in all respects as the same would have continued and taken effect in favour of or against the Company hereby dissolved if this Act had not been passed; and also all Penalties incurred by any Offence against the Provisions of the first-recited Act previously to the passing of this Act may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the said recited Acts may be prosecuted in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Company hereby incorporated being in reference to the Matters aforesaid in all respects substituted in place of the Company hereby dissolved.

XV. All Register Books of Shareholders, Registers of Transfers, Declarations as to Transfer of Shares, Books of Account, Balance Sheets, Minutes of Proceedings of the Meetings of Directors, or other Records of the Affairs or Proceedings of the Company hereby dissolved shall be preserved, and shall be admissible and admitted as Evidence in all Courts of Justice and elsewhere, in like Manner as the same would have been admissible and admitted as Evidence if the said Company had not been dissolved and the said recited Acts had not been repealed.

Books of dissolved Company to be Evidence.

XVI. The Plan and Book of Reference of the Works by the first-recited Act authorized to be made and constructed which were deposited with the Clerk of the Peace for the County of *Salop*, or Extracts therefrom certified by any such Clerk of the Peace, shall (notwithstanding the Repeal of the said recited Act) be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Plan and Book of Reference of Works authorized by first-recited Act, &c. to be Evidence.

XVII. All Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of the said recited Acts, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy their respective Offices and Employments, together with the Salaries or Emoluments thereunto annexed, until they shall be removed therefrom by the Company or the Directors, and all such Clerks, Officers, and Persons shall have the like Powers and Authorities for the Purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all respects whatsoever as if they had been appointed by virtue of this Act.

Present Officers to continue till removed.

XVIII. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in *Shrewsbury*.

Advertisements.

XIX. The

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Capital.

XIX. The Capital of the Company, inclusive of their now existing Share Capital of Twenty thousand Pounds, shall be Thirty-two thousand Pounds.

Appropriation of Stock.

XX. Whereas the Capital of the Company hereby dissolved consisted of Four hundred Shares of the nominal Value of Fifty Pounds each, of which only Three hundred and forty-seven Shares have been created and issued: Be it enacted, That the said last-mentioned Shares shall be and the same are hereby converted and consolidated into a general Capital Stock of Seventeen thousand three hundred and fifty Pounds, and every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares in the Capital of the Company hereby dissolved of the nominal Value of Fifty Pounds each shall for each such Share be entitled to the Sum of Fifty Pounds of Consolidated Stock in the Capital of the Company hereby incorporated, and the Consolidated Stock is hereby vested in such Persons and Corporations accordingly.

Consolidated Stock to be subject to the same Trusts as the old Shares.

XXI. All Persons and Corporations in whom any such Consolidated Stock is or shall be vested shall stand and be possessed thereof upon the same Trusts, and subject to the same Powers, Provisions, Declarations, and Agreements, Charges, and Incumbrances upon or to which the Share or Shares in the Capital of the Company hereby dissolved, in respect of which such Consolidated Stock is or shall be so vested, was or were subject and liable immediately before the passing of this Act, and so as to give Effect to and not revoke any Will or other Testamentary Instrument disposing of or affecting such Share or Shares.

Power to raise Money by Creation new Shares.

XXII. It shall be lawful for the Company, with the Consent of a General Meeting or Meetings of the Shareholders, to raise by the Creation and Issue of new Shares such Sum or Sums of Money as they shall from Time to Time think fit, not exceeding in the whole the Sum of Fourteen thousand six hundred and fifty Pounds, including the Sum of Two thousand six hundred and fifty Pounds the Balance of the Sum of Twenty thousand Pounds authorized to be raised by the first-recited Act, but for which Sum of Two thousand six hundred and fifty Pounds no Shares have hitherto been created or issued by the Company.

Power to raise Money by Mortgage.

XXIII. The Company may immediately after the passing of this Act, with Consent of a General Meeting or Meetings of their Shareholders, raise by Mortgage of their Undertaking the Sum of Five thousand five hundred Pounds, and they may with such Consent as aforesaid raise the further Sums of Money following by Mortgage of their

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their Undertaking as follows ; (that is to say,) the further Sum of Two thousand Pounds when and so soon as the Sum of Six thousand Pounds, Part of the Capital hereby authorized to be raised, shall have been subscribed for and One Half thereof paid up ; and the further Sum of One thousand five hundred Pounds when and so soon as the Remainder of the Capital hereby authorized to be raised shall have been subscribed for and One Half thereof shall have been paid up.

XXIV. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and 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.

Arrears may be enforced by Appointment of a Receiver.

XXV. All Money to be raised under the Provisions of this Act, whether by means of Shares or by Exercise of the Powers of borrowing or otherwise, shall be applied to the Purposes of the Undertaking by this Act authorized, and to no other Purpose.

Application of Money.

XXVI. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of the Company convened with due Notice of that Object, to resolve that any Portion of the borrowed Capital of the Company, or any Debenture or other Security for which or for the Interest whereof the Company are lawfully liable then subsisting on the Security of outstanding Mortgages or Bonds, not exceeding an Amount to be defined in and by such Resolution, may be converted into Shares or Stock of the Company of like Amount, either by Agreement with the Holders of such Mortgages or Bonds respectively before the same respectively became due, or by paying off the same respectively when due, and issuing Shares or Stock of a corresponding Amount instead of reborrowing the Sums so paid off ; and also with the like Consent from Time to Time to resolve that the whole or any Part to be defined in and by such Resolution of the Monies which the Company shall have Authority to raise by borrowing under the Powers of this Act, and which shall not then have been raised, shall or may be raised by the Creation and Issue of Shares or Stock of a corresponding Amount instead of borrowing the same ; and also with the like Consent to attach to the Shares or Stock so authorized to be created and issued for any of the Purposes aforesaid a fixed and perpetual irredeemable yearly Dividend or Interest at any Rate not exceeding the Rate of Five Pounds for every One hundred Pounds thereof, payable in equal half-yearly Portions ; and it shall thereupon be lawful for the Directors of the Company to carry into effect such Resolution or Resolutions, by the Creation and Issue of

Power to convert Loans into Capital.

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so many Shares or so much Stock as may from Time to Time be necessary for that Purpose, having such fixed Rate of Interest or Dividend as aforesaid; and the Shares or Stock so created and issued shall be a Charge upon the Rates and Undertaking, and Lands, Tenements, and Hereditaments of the Company, but shall be distributable, transmissible, and transferable as and in other respects have the Incidents of Personal Estate, and the said Interest or Dividend shall for ever have Priority of Payment over all other Dividends on any other Stock or Shares of the Company; and every Deed or other Instrument creating, issuing, granting, or transferring such Debenture Shares or Stock shall be chargeable with the same Stamp Duty as a Mortgage or Transfer of a Mortgage respectively, and shall be duly stamped for denoting the said Duty accordingly: Provided always, that after the Conversion of any such Mortgages or Bonds into Shares or Stock it shall not be lawful for the Company to issue Mortgages or Bonds or any other Securities, or again to borrow the Sum so converted, but the Powers of borrowing by the Company shall, to the Extent of the Sums so from Time to Time converted into Shares or Stock, be extinguished.

As to Votes
of Holders of
Mortgage
Stock.

XXVII. The Holders of such Mortgage Stock shall not be entitled to vote in the Affairs of the Company, unless it shall be otherwise resolved by a Majority of Three Fifths of the Votes of the Shareholders present at an Extraordinary Meeting.

Limiting
Dividends
upon Capital.

XXVIII. The Dividends upon the said Capital Stock of Seventeen thousand three hundred and fifty Pounds, and also upon any Shares to be created for raising the said Sum of Fourteen thousand six hundred and fifty Pounds or any Part thereof, shall not exceed the Rate of Seven Pounds Ten Shillings *per Centum per Annum* on the Amount for the Time being paid up in respect of such Shares, and the Dividends upon any Shares or Stock which may hereafter be created under the Powers of this Act, for raising Money by Shares or Stock instead of by Mortgage, shall not exceed the Rate of Five Pounds *per Centum per Annum* upon the Amount for the Time being paid up in respect of such Shares, or, as the Case may be, upon the Amount of such Stock, unless in any of the above-mentioned Cases 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 yearly Rate of Seven Pounds Ten Shillings *per Centum per Annum* or Five Pounds *per Centum per Annum*, as the Case may be; and such Dividend shall be deemed the prescribed Rate of Dividend under the Waterworks Clauses Act, 1847.

As to
Amount,
Payment,
and Disposal
of Shares.

XXIX. All Shares which may be created by virtue of this Act shall form Part of the general Capital of the Company, and shall be of such Amount respectively, and payable by such Instalments or Calls, and

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and at such Periods, and shall be allotted and disposed of in such Manner and upon such Terms and Conditions as the Company shall think proper; and it shall be lawful for the Company, with the Consent of Three Fifths at least of the Votes of the Shareholders present in Person or by Proxy at any General Meeting or Meetings of the Company specially convened for the Purpose, to guarantee such fixed Amount of Dividend on any such Shares not exceeding Five Pounds *per Centum per Annum* on the Amount for the Time being paid thereon, and to attach such other Privileges to any such Shares in the way of Preference or Priority, in Payment of Dividend or otherwise, as shall be determined at such Meeting or Meetings: Provided always, that Ten Pounds *per Centum* of the total Amount of any such Shares shall be the highest Amount of any One Instalment or Call in respect of such Share, and there shall be an Interval of Three Months at the least between any Two successive Calls, and no more than Forty Pounds *per Centum per Annum* on the total Amount of any such Share shall be called thereon in any One Year.

XXX. At all Meetings of the Company every Holder of Stock or Shares, as well original as new, representing the Sum of Fifty Pounds in the Capital of the Company and upwards shall be entitled to One Vote in respect of every Sum of Fifty Pounds represented by such Stock or Shares. Manner of voting at Meetings.

XXXI. If any Money be payable to any Shareholder being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same. Receipts for Money payable to Minors, &c.

XXXII. Subject to the Provisions herein-after contained for reducing the Number of Directors, the Number of the Directors of the Company shall be Nine, and the Qualification of a Director shall be the Possession by him in his own right of One hundred Pounds at least of the Capital of the Company. Number and Qualification of Directors.

XXXIII. It shall be lawful for the Company by Vote of any General Meeting from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Five. Power to vary the Number of Directors.

XXXIV. The Persons who immediately before the passing of this Act were the Directors of the Company hereby dissolved shall be the First Directors of the Company. First Directors.

XXXV. A Quorum of a Meeting of Directors shall be Three. Quorum.

XXXVI. The

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- Quorum of Committees. XXXVI. The Quorum of Committees of Directors shall be left to the Discretion of the Directors.
- Qualification of Auditors. XXXVII. The Qualification of an Auditor shall be the Possession by him in his own Right of One hundred Pounds at least of the Capital of the Company.
- Quorum of General Meeting. XXXVIII. The Quorum of any General Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Five thousand Pounds of paid-up Capital of the Company.
- First and other Meetings. XXXIX. The First Ordinary Meeting of the Company shall be held within Two Months after the passing of this Act; and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* and *August* in every succeeding Year.
- Rate at which Water is to be supplied for domestic Purposes. XL. The Company shall, at the Request of any Owner or Occupier of any House or Part 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 of 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 Rates not exceeding Seven Pounds *per Centum* on the Rackrent of the Premises rated.
- Company in certain Cases not compelled to supply Waterclosets. XLI. Provided always, That the Company shall not be compelled to supply with Water any Watercloset, 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 or other noisome or impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Company.
- Company may contract with Landlords of Houses under Rent of 10*l.* per Annum. XLII. Wherever the Landlord or Owner of a Number of Houses let at Rents not exceeding Ten Pounds a Year for every House is desirous of agreeing with the Company for a Supply of Water for the same, the Company shall contract with such Landlord or Owner for the Supply required according to the Rate specified in this Act, or may contract with him on such other Terms and Conditions as may be mutually agreed on.
- What shall be deemed domestic Purposes. XLIII. A Supply of Water for domestic Purposes shall not include a Supply of Water for Steam Engines or Railway Purposes, or for working any Machine or Apparatus, or for Horses, Cattle, or washing Carriages, where such Horses or Carriages are kept by a Dealer

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Dealer for the Purposes of Hire, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

XLIV. The Company may supply any Person with Water for other than domestic Purposes at such Rate and upon such Terms and Conditions as may be mutually agreed on between the Company and such Persons.

As to Supply of Water for other than domestic Purposes.

XLV. Whenever, by reason of the Elevation of any Premises, it shall be difficult to afford a continuous and constant Supply of Water thereto without the Intervention of a Cistern, the Owner or Occupier of any such Premises shall, if required by the Company, provide a proper Cistern or other Receptacle for the Water with which he shall be so supplied, with an efficient Ballcock or other like Apparatus; and the Surveyor, or any other Person acting under the Authority of the Company, may between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon enter into any House in order to examine if there be any Waste, Misuse, or undue Consumption of Water by means of any Overflow Spout, Waste Pipe, or other Means or Contrivance; and in case any such Waste, Misuse, or undue Consumption of Water shall be found to exist, or shall be deemed likely to occur from the Use of any such Overflow Spout, Waste Pipe, or other Means or Contrivance it shall be lawful for such Surveyor or other Person to give notice to the person so supplied with Water either to repair and amend or to remove such Overflow Spout, Waste Pipe, or other Means or Contrivance; and if the same shall not be forthwith repaired and amended or removed in accordance with such Notice, it shall be lawful for the Company immediately thereafter to turn off the Water from the House, and to cease to supply the same with Water until the Thing complained of shall be repaired or amended or removed.

Cisterns to be supplied with proper Ballcocks, &c., and Company empowered to enter Houses in certain Cases.

XLVI. The Brass Ferule or other Medium of Connexion between the Service Pipe of any Inhabitant and any Main or Service Pipe of the Company shall in all Cases be provided and fixed by the Company, who shall be entitled to make and recover a reasonable Charge in respect of the same; and no Inhabitant shall on any Pretence be authorized to tap, break into, or interfere with any Main or Service Pipe of the Company, unless the Company shall have neglected or refused to make such Connexion after Five Days Notice left at the Company's Office requiring such Connexion to be made: Provided always, that no Inhabitant, except the Owner or Occupier of a Dwelling House laying any Service Pipe for the Supply of such Dwelling House, or other Person entitled to demand a Supply of Water under this Act or the Provisions of "The Waterworks Clauses

No Inhabitant to tap or interfere with any Main Pipe of the Company.

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Act, 1847," shall be entitled to have any Service Pipe connected with any Main or Service Pipe of the Company, except he shall have agreed with the Company for a Supply of Water to his Buildings and Premises.

Rates above 20% may be recovered by Distress.

XLVII. In case any Company or Person who shall have been supplied with Water by the Company, or who shall be liable for Payment in respect of a Supply of Water under the Provisions of this Act, shall neglect or refuse to pay any Sum or Sums due in respect of such Supply, such Sum or Sums amounting to Twenty Pounds or upwards, the same may be ascertained and recovered by Distress of the Goods of the Company or Person liable as aforesaid in the Manner provided by Section Eighty-five of "The Waterworks Clauses Act, 1847," with respect to the Recovery of Damages not specially provided for.

Costs to be included in Distress Warrant.

XLVIII. Any Justice who shall issue any Warrant of Distress for the Recovery of any Rate or other Moneys payable under this Act, or any Acts or Parts of Acts incorporated herewith, may order that the Costs of the Proceedings for the Recovery of such Rates or other Moneys shall be paid by the Person liable to pay such Rates or other Moneys, and such Costs shall be ascertained by such Justice, and levied by Distress, and the Amount thereof shall be included in the Warrant of Distress for the Recovery of such Rates or other Moneys.

Water Rates under 20% may be recovered in the County Court.

XLIX. In case any Company or Person who shall have been supplied with Water by the Company, or who shall be liable for Payment in respect of a Supply of Water, under or by virtue of the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Fourteen Days after the Demand thereof by the Company, their Agent or Collector, it shall be lawful for the Company either to recover the same by Distress in Manner herein-before provided, or to sue for the same by Plaint in the County Court, although the Sum due shall not Amount to Twenty Pounds.

Recovery of Sums not exceeding 50%.

L. Whenever any Person neglects to pay any Rate or Sum due to the Company, not exceeding 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.

Several Names may be included in One Warrant.

LI. 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 Notice or Warrant or in a Schedule thereto.

LII. Not

The Shrewsbury Waterworks Act, 1856.

LII. Notwithstanding anything in this Act contained, the Company may from Time to Time, and in addition to the other Lands and Premises which they are by this Act authorized to take, purchase and take any Lands, Waters, and Streams which the Company from Time to Time require for the Purposes of this Act, or the User thereof, and any Easement, Power, or Authority in or over the same, but only by Agreement with the Owners thereof, and with the Consent of the Parties interested in and entitled to sell the same, on such Terms as may be mutually agreed on, and may construct and maintain in and upon such Lands and Premises such Works as they may consider necessary for more effectually carrying out the Purposes of this Act.

Power to purchase Land, &c. by Agreement.

LIII. All Persons by this Act empowered to convey Lands to the Company shall have full Power, for the Purposes of this Act, to grant to the Company any Easement, Power, or Authority in or over such Lands, Waters, or Streams.

Power for Owners to grant Easements.

LIV. And whereas a Plan showing the Situation of the Land, Buildings, and Houses required to be taken for the Purposes of constructing and maintaining the new Reservoir or Reservoirs and other Works proposed to be erected by the Company for the Purpose of enabling them to increase their Supply of Water within the Limits of this Act, together with a Book of Reference thereto, containing the Names of the Owners and Lessees, or reputed Owners and Lessees and Occupiers of the said Lands, Buildings, and Houses, has been deposited with the Clerk of the Peace for the County of *Salop*: The Company may, subject to the Provisions in this and the incorporated Acts contained, enter upon, take, purchase, and use such of the Lands, Buildings, and Houses shown on the said Plan, and described in the said Book of Reference, as the Company may deem necessary, and may thereupon make and maintain such Reservoirs, Filtering Beds, Stand Pipes, Engines, and other Works as may be required in connexion with their existing Works, for the Purposes of enabling them to furnish a sufficient Supply of Water within the Limits of this Act.

Power to take Lands, and to make and maintain Works thereon.

LV. The Powers of this Act for the compulsory Purchase of Land shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for compulsory Purchases limited.

LVI. The Works by this Act authorized to be constructed, except Works for the Distribution of Water, shall be completed within Four Years after the passing of this Act and on the Expiration of that Period the Powers by this Act granted to the Company for executing those Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for Completion of Works.

LVII. Not-

The Shrewsbury Waterworks Act, 1856.

Limitation
of high
Service.

LVII. Notwithstanding anything in this or "The Waterworks Clauses Act, 1847," contained, the Water to be supplied need not be constantly laid on under Pressure in Terms of the Thirty-fifth Section of the said Act, but the Company shall be bound to lay on a sufficient Supply of Water once at least daily, with the Exception of *Sundays*, at such a Pressure as will make the Water reach the Top Story of every Dwelling House within the Town of *Shrewsbury*.

Company
not to be
bound to
give im-
proved Sup-
ply until
new Works
completed.

LVIII. Provided always, That the Company shall not be bound, until the Expiration of the Period hereby limited for the Completion of the said Works, to furnish a Supply of Water of a Nature, Quality, or Extent different from or superior to that which they are at present bound and able to supply under the Provisions of the recited Acts of the Company hereby dissolved; neither shall any of the Powers, Rights, and Remedies provided by "The Waterworks Clauses Act, 1847," in the event of the Failure of the Company to furnish the improved Supply contemplated by this Act, attach or be capable of being enforced until the Expiration of such Period as aforesaid.

Powers for
Justices to
order Re-
pair of
Reservoirs,
and to direct
the Water
therein to be
lowered.

LIX. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be made or maintained under the Provisions of this Act, be it enacted, That whenever any Person interested complains to Two Justices that any such Reservoir is in a dangerous State, the Justices shall forthwith make Inquiries into the Truth of the Complaint: Provided always, that any Two Justices on their own View, and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them.

Power to
Justices in
case of Dan-
ger to order
immediate
Repair.

LX. If on any such Inquiry the Justices be satisfied that the Complaint is well founded, and that any Reservoir as aforesaid is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they may, if they think fit, order such Persons as they think fit to enter on the Property of the Company, and to do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of
Justices
after Sum-
mons on
Company
to repair
Reservoir.

LXI. If on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such imminently dangerous Condition so as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Company to answer the Complaint; and upon hearing the Parties, or upon Default of Appearance of the Company, then in their Absence, the Justices shall, by Order in Writing under their Hands, order the Company, within such Period as the Justices think reasonable and specify in the Order, to do such Works and
Things

The Shrewsbury Waterworks Act, 1856.

Things as they think requisite and proper for removing the Cause of Complaint.

LXII. If in any such Case the Company do not, within such Period as the Justices specify in that Behalf in the Order, do the Works and Things hereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices on being satisfied as to such Failure by the Company, may, if they think fit, order such Persons as such Justices think fit to enter on the Property of the Company, and to do all such Works and Things specified in the Order and not done by the Company, and all such other Works and Things, if any, as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Company to obey their Orders.

LXIII. Any such Order of Justices may be in the Form or to the Effect following :

Form of Order.

‘ To *A.B.* of
 ‘ WE, the undersigned, Two of Her Majesty’s Justices of the Peace
 ‘ acting for the Borough of Shrewsbury, do hereby order and
 ‘ direct you (and such Person or Persons as you may require to aid
 ‘ and assist you therein), forthwith to do all such Works and Things
 ‘ as are requisite to repair and make good [*here specify the Reservoir*
 ‘ *to be repaired and made good*] (and you shall do as little Injury as
 ‘ possible to the Property of the said Company), and in acting in obe-
 ‘ dience to the Premises this shall be your sufficient Warrant.
 ‘ Given under our Hands this Day of in the
 ‘ Year of our Lord One thousand eight hundred and .’

LXIV. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser, and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do, or instigate or suffer to be done, anything in contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Persons acting under Order of Justices not to be Trespassers, &c.

LXV. If the Justices so think fit, they may by any such Order under this Act impose on the Company, for not carrying the Order into effect, any Penalty not exceeding Ten Pounds for every Day’s Default which the Justices think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Persons to remove the Cause of Complaint.

Justices may impose Penalty on Company for disobeying Order.

LXVI. The Justices may order all or such Part as they think fit of the Costs of and incident to, the applying for and obtaining of any such Order on the Company, and also all and such Part as the Justices think fit of the Expenses of the Works and Things done in
 [Local.] 7 H pursuance

Order of Justices on Company for Payment of Costs.

The Shrewsbury Waterworks Act, 1856.

pursuance of any such Order by any Person other than the Company, to be paid by the Company, and every Amount so to be paid shall be paid by the Company to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Power to
Company to
appeal.

LXVII. Provided always, That if the Company feel aggrieved by any Order of Justices under the Act, or any Determination by the Justices, or any such Complaint, the Company shall have like Power of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that pending any such Appeal, and except only so far, if at all, as on the Appeal it be quashed or altered, the Order appealed against shall be in force.

Company
not to be
responsible
for Conse-
quences of
such Order.

LXVIII. Provided always, That the Company shall not be liable to pay any Persons any Damages, Penalties, Costs, Charges, or Expenses for or in respect of or be answerable or accountable to any Persons for any Diminution or Cessation of the Supply of Water, or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under this Act which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in this Act to the contrary notwithstanding.

Power to
sell and pur-
chase the
Undertaking
of the Com-
pany.

LXIX. It shall lawful for the Company, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any General Meeting of such Company specially convened for the Purpose, to sell to the Corporation as such Local Board of Health as aforesaid, and it shall be lawful for the Corporation to purchase, at such Price and upon such Terms and Conditions as shall be mutually agreed upon between them, the said *Shrewsbury Waterworks*; subject nevertheless and without Prejudice to all Mortgages and other Debts of the Company which shall be directly charged upon the said Undertaking, or any Part thereof.

Receipt of
Three Direc-
tors to be
sufficient
Discharge
for Purchase
Money.

LXX. The Receipt in Writing, under the Hands of any Three of the Directors for the Time being of the said *Shrewsbury Waterworks Company*, shall be a sufficient Discharge to the Corporation for the Purchase Money agreed to be paid for the Undertaking of the Company, or for so much thereof as in such Receipt shall be expressed to have been received; and the Corporation shall not be obliged or concerned to see to the Distribution of such Purchase Money, or to be otherwise answerable or accountable for any Loss or Misapplication or Nonapplication thereof, or any Part thereof.

Payment and
Application

LXXI. The Sum agreed upon as the Price or Consideration for the Purchase of the said *Shrewsbury Waterworks* shall be paid into such
Bank

The Shrewsbury Waterworks Act, 1856.

Bank as the Directors for the Time being of the Company shall appoint, to the Account of such Company, and shall be applied by such Directors in manner following; (that is to say,) first, in discharging all outstanding Debts and Liabilities of the Company which shall not have been secured by Mortgage or other direct Charge upon the Undertaking, or any Part thereof; and secondly, in making a fair rateable Division of the Residue thereof amongst the Shareholders of the Company, in proportion to their respective Shares and Interests in the Undertaking sold.

of Purchase Money.

LXXII. The Directors of the Company shall give notice of the Time and Place for Payment to the Shareholders of their respective Portions of such Purchase Money in like Manner as they are required to give notice of General Meetings of the Company, and shall pay the same accordingly to such of the Shareholders as shall apply for and give Receipts for the same.

Time and Place of Payment to Shareholders.

LXXIII. In carrying into execution the Provisions of this Act with respect to the Payment of such Purchase Money to the Shareholders, the Directors of the Company shall not be bound to regard any Manner of Trust, Limitation, Disposition, or Appointment of or affecting any Share in the Undertaking sold or the Purchase Money for the same, but may deal with the Person who shall be registered in the Books of the Company as the Holder of such Share, or the Executors or Administrators of any such deceased Person, as the absolute Proprietor thereof, and the Receipt of such Person, or if Two or more Persons shall be jointly registered as the Holder of any such Share, then the Receipt of such Person shall be a sufficient Discharge to the Directors for the Purchase Money therein expressed to be received for the same; and if any Person so registered as aforesaid, or his Executors or Administrators, shall be a Femme Covert, not in Law or Equity a Femme Sole, Infant, or Lunatic, the Receipt of her Husband or his Guardian or Committee, as the Case may be, shall be a sufficient Discharge, and the Directors shall not be bound to see to the Application of such Purchase Moneys, or be answerable for any Loss, Misapplication, or Nonapplication thereof; but nevertheless such Moneys shall, when paid by the Directors, be subject and liable to the same Trusts, Limitations, Dispositions, and Appointments, testamentary or otherwise, as the Share or Shares in respect of which they were paid was or were subject or liable to, or would have been subject or liable to if the Undertaking had not been sold.

Directors may deal with registered Shareholders as absolutely entitled.

Purchase Money to be subject to same Trusts as Shares.

LXXIV. Immediately on the Payment by the Corporation of such Purchase Money to Three of the Directors of the Company, or in such other Manner as shall have been agreed, and on the Execution by the Company of a Conveyance under their Common Seal (duly stamped)

On Payment of Purchase Money and Execution of Conveyance the Property

The Shrewsbury Waterworks Act, 1856.

of the Waterworks Company to vest in the Corporation.

stamped) of the *Shrewsbury* Waterworks to the Corporation, the *Shrewsbury* Waterworks shall, by virtue of this Act, become absolutely vested in the Corporation, for all such or the like Estate or Interest as the Company were seised or possessed of or entitled to therein at the Date of such Conveyance.

When Waterworks are vested in the Corporation, the Powers of Company under their Acts to be transferred to Corporation.

LXXV. Immediately upon the *Shrewsbury* Waterworks being purchased by and becoming vested in the Corporation under the Provisions herein-before contained, all the Powers, Authorities, Rights, and Privileges contained in this Act shall be extended to and vested in the Corporation, and be exercised and put in force by the Council, in the same Manner as if they had throughout this Act been named instead of the said Company.

Conveyances, &c. made in favour of or by the Company to operate in favour of and against the Corporation.

LXXVI. Immediately upon the *Shrewsbury* Waterworks being purchased by and becoming vested in the Corporation under the Provisions herein contained, all Contracts, Engagements, Agreements, Conveyances, Leases, Covenants, Indemnities, and Liabilities made or entered into with, to, or in favour of, or by or for or on behalf of the Company, previously to the Completion of such Purchase, shall be and remain as good, valid, and effectual in favour of and against and in reference to the Corporation, and may be proceeded on and enforced in the same Manner by or against the Corporation, to all Intents and Purposes, as if the Corporation had been Parties to and executed or entered into the same, or had been named or referred to therein instead of the Company.

Things done or suffered before Purchase to remain valid.

LXXVII. Immediately upon the *Shrewsbury* Waterworks being purchased by and becoming vested in the Corporation under the Provisions herein contained, everything before that Time done or suffered under the said recited Acts or this Act shall be as valid as if such Purchase had not been made, and such Purchase and Transfer shall accordingly be subject and without Prejudice to anything done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the said Purchase had not been made, would be incident to or consequent on any and every thing done or suffered under the last-mentioned Acts or any of them; and with respect to all such Rights, Liabilities, Claims, and Demands, the Corporation shall to all Intents and Purposes represent the Company: Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

Eventual Dissolution of *Shrewsbury* Water-

LXXVIII. Upon the Completion of the Sale and Transfer by the Company of the whole of their Undertaking in manner aforesaid, and when and as soon as the Purchase Money paid in respect of such Sale shall

The Shrewsbury Waterworks Act, 1856.

shall have been appropriated and divided in manner herein-before directed, such Company shall cease and determine.

works Com-
pany.

LXXIX. It shall be lawful for the Council, for the Purpose of acquiring and maintaining the said *Shrewsbury Waterworks*, to borrow and take up at Interest, upon the Security of the Rates, Rents, and Profits to be levied and received under the Authority of this Act, and of the *Shrewsbury Waterworks* when acquired, and of the Borough Rate, and of any Property vested in or belonging to the Corporation, any Sum or Sums of Money not exceeding Forty thousand Pounds, and all the Provisions of "The Commissioners Clauses Act, 1847," with respect to Mortgages to be executed by the Commissioners, shall be incorporated with and form Part of this Act, and shall be applicable to the borrowing of such Sum or Sums of Money as aforesaid by the Council, and shall be read and construed as if the Words "the Council" had been in every Case inserted therein instead of the Words "the Commissioners."

Power to
borrow
Money.

LXXX. In order to enable the Council to make a Rate, if necessary, for the Purpose of more effectually securing any Sum or Sums which may be borrowed by the Council for the Purposes of this Act, and any Interest payable in respect thereof, and in order to provide for the Payment thereof, the said Council is hereby authorized and required, from Time to Time, as Occasion requires, to order a sufficient Rate to be made within the said Borough, which Rate shall be so made as a separate Rate, but shall be considered to be a Borough Rate, and be levied in the Manner authorized in that Behalf by the Provisions of the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, and the other Acts of Parliament passed or to be passed in respect of the levying Borough Rates, and shall be applicable to the Payment of the said Sum or Sums, and the Interest thereof, in the same Manner as if the Amount of such Sum or Sums and Interest were Expenses incurred in carrying into effect within the Borough of *Shrewsbury* the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth.

Power to
levy Rate to
secure Mo-
ney bor-
rowed.

LXXXI. And whereas by "The Public Health Act, 1848," Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and Land covered with Water, or used only as a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, are exempted from the Payment of any greater Proportion than One Fourth of certain Rates leviable under the said Act; and it is just and expedient that the Occupiers of any such Land should not be required to pay any greater Proportion in respect of the Purchase of the said Waterworks, and the Supply of Water within

Principle of
11 & 12 Vict.
c. 63. to be
applied to
the Assess-
ment of cer-
tain Lands.

[Local.]

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the

The Shrewsbury Waterworks Act, 1856.

Certain Drawbacks to be allowed to the Occupiers of such Lands.

the said Borough, and the Costs and Expenses of carrying this Act or any Act incorporated herewith into effect, than the Proportion which they would or might pay, or be called on to pay, under the Provisions of the said Public Health Act for the Purposes thereof: Be it therefore enacted, That if after the passing of this Act any Sum shall be paid or be required to be paid out of the Borough or other separate Rate or Land within the Borough, under or in respect of the Provisions of this Act, then and in such Case, and so often as the same shall happen, the said Council shall and they are hereby required to allow or repay to the Occupiers respectively to whom any such Land situate within the said Borough may belong a Drawback on the Assessment of such Land to the said Borough, or other separate Rate or Fund, equivalent to the full Amount of Three Fourths of so much of such Rate or Fund as the said Occupiers respectively might otherwise be liable to pay or may have paid for or towards the Amount which the said Council may require to apply or may have applied in manner aforesaid; and the Amount which such Occupiers may at any Time have paid in excess of the respective Proportions payable by them as aforesaid may be recovered from the Corporation by an Action at Law; or otherwise the said Council shall deduct and allow to the said Occupiers respectively the full Amount of the Excess as paid by them, any or either of them, from and out of the next Borough or other separate Rate which may be levied within the said Borough.

Water Rents to be primarily liable to Sum borrowed.

LXXXII. As between the Waterworks and the Borough Rate the Water Rents shall be primarily liable to be applied in satisfaction of the Sums herein-before mentioned, and all Interest for the Time being due thereon, but nothing herein contained shall prejudice the Rights of any Company or Person lending any Money on the Security herein-before mentioned, and every such Company or Person may enforce all their or his Remedies in the same Manner as if this Provision had not been inserted: Provided always, but without Prejudice to the Security of any such Company or Person, and to the Claims of any such Company or Person to the Water Rents under any Mortgage thereof, that there shall from Time to Time be repaid, from the Sums standing to the Credit of the Account of the Water Rents, to the Credit of the Borough Fund, the Amount of all such Principal Money and Interest as shall from Time to Time be paid for any of the Purposes of this Act by means of any Borough Fund under this Act, or otherwise, out of the Borough Fund of the said Borough: Provided also, that whenever and so long as any such Sum remains unpaid from the Water Rents to the Borough Fund, the Council shall levy not less than One Half of the full Amount of the Water Rents by this Act authorized.

Account and Application of Profits of Waterworks.

LXXXIII. If and when the *Shrewsbury Waterworks* shall have been purchased by the Corporation, the Corporation shall keep a separate

The Shrewsbury Waterworks Act, 1856.

separate Account, to be called "the Water Account," of their Expenditure and Receipts in respect of such Undertaking, under the Powers and Provisions of this Act; and all Profits derived therefrom in every Year shall be applied as follows; namely,

First, In paying the Expenses of maintaining, extending, and keeping in repair the said Waterworks:

Secondly, In paying the Interest on all Principal Moneys secured by Mortgage or other direct Charge upon the said Undertaking only, or of the said Undertaking and of the special Rate to be levied by the Corporation under this Act:

Thirdly, In setting apart a Sum not exceeding One Twenty-fifth nor less than One Thirtieth Part of such Principal Moneys as a sinking Fund for the Payment thereof, and the Residue (if any) of such Profits shall be carried to the Credit of the Borough Fund.

LXXXIV. The Moneys, which by virtue of the Provision hereinbefore contained shall be set apart as a Sinking Fund shall be from Time to Time invested by the Corporation in the Manner prescribed by the Eighty-fourth Section of "The Commissioners Clauses Act, 1847;" and such Investments may be changed from Time to Time for others of a like Nature, or may be sold and realised, and the Money applied in Payment of Principal Moneys for discharging which such Sinking Fund was established.

Moneys set apart as a Sinking Fund to be invested.

LXXXV. It shall not be lawful for the Company at any Time hereafter to sell or dispose of any of the Rights, Privileges, Powers, or Authorities vested in them by this Act to any other Company which may hereafter be established for the Supply of Water, or to any Body Politic or Corporate, or to any Person whomsoever, nor to sell or dispose of, either temporarily or permanently, to any such Company any of the Works established by virtue or in pursuance of this Act, nor to enter into any Agreement, Understanding, Compromise, or Combination whatsoever with any such Company or Persons as aforesaid for regulating or withdrawing such Supply of Water, except to the Mayor, Aldermen, and Burgesses of the Town of *Shrewsbury*.

The Company not to alienate their Rights but to the Corporation of Shrewsbury.

LXXXVI. Nothing in this Act contained shall extend or be construed to extend to prejudice the Mayor, Aldermen, and Burgesses of the Town of *Shrewsbury*, or their Successors, in respect of the Right they now have of breaking up the Pavements in any Street or Place within the said Town, for the Purposes of laying down, taking up, and repairing, or in any Manner affecting the Pumps, Conduit, and Spring Water Pipes, or in respect of any Right, Authority, Immunity, or Privilege, vested in them as such Local Board of Health as aforesaid, in virtue of "The *Shrewsbury* Improvement Act, 1855," or otherwise: Provided also, that nothing in this Act contained

The Rights of the Corporation to Pumps, Conduit, and Spring Water Pipes preserved.

The Shrewsbury Waterworks Act, 1856.

contained shall extend or be construed to extend to affect, impeach, diminish, or take away any of the Rights, Privileges, Royalties, Franchises, Immunities, Liberties, Powers, Jurisdictions, or Authorities whatsoever which the said Mayor, Aldermen, and Burgesses in their Corporate Capacity have heretofore had, used, exercised, and enjoyed, or which they might have had, used, exercised, and enjoyed by virtue of any Charter, Letters Patent, Grant, Custom, or other Title whatsoever.

Company to provide Fire-plugs and to deliver Keys to Persons having care of Engine and Watch Houses.

LXXXVII. The Company shall, and they are hereby required, upon the laying down of any Main Pipe for supplying the Inhabitants of the said Borough with Water, to fix and place at the Time of laying down such Main Pipe proper and sufficient Fireplugs in such Places as to the Company shall seem necessary, and shall deliver a Key of such Fireplugs to the Person having the Care of the Engine House in or near to the said Fireplugs, and another Key or Keys to be hung up in the Watch House of the said Borough; and it shall be lawful for the Proprietors of the *Salop* Fire Office and for the said Local Board of Health to take and use, by the Appointment of the Company, Water from Plugs to be provided at the Expense of the said Proprietors of the said *Salop* Fire Office and of the said Local Board of Health, for the Purposes of using and practising their Fire Engines, and for watering the Streets of the said Borough free of Expense.

Saving Rights of the Shrewsbury Gas Company.

1 G. 4. c. lvi.

LXXXVIII. Nothing in this Act contained shall extend or be construed to extend to the Prejudice of any Right which the *Shrewsbury* Gaslight Company now have by virtue of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for lighting with Gas the Town and Suburbs of Shrewsbury in the County of Salop*, of breaking up the Pavements of the Streets and Bridges in the said Town, Precincts, and Suburbs, for the Purpose of laying down, amending, repairing, or taking up the Gas Pipes belonging to the said Company.

Not exempt from Provisions of 11 & 12 Vict. c. 63.

Expenses of Act.

LXXXIX. Nothing in this Act contained shall be taken to exempt the Company from any of the Powers or Provisions of "The Public Health Act, 1848," or any Act amending the same.

XC. All the Costs, Charges, and Expenses of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company.

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