



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. xlvii.

An Act for better supplying with Water the Town  
of *Ipswich*. [13th July 1857.]

**W**HEREAS the Town and Borough of *Ipswich* have been until recently supplied with Water from various Systems of Waterworks, whereof the principal one was the Property of the Mayor, Aldermen, and Burgesses of the said Borough, hereinafter called the Corporation, and the others were the Properties of *William Charles Fonnereau*, since deceased, of *Richard Dykes Alexander*, of *John Cobbold*, of *John Chevallier Cobbold*, and of *John Orford*, Esquires, severally: And whereas by an Indenture, bearing Date the Twenty-fourth Day of *September* One thousand eight hundred and fifty-five, between the said Corporation of the First Part, Two of the Lords Commissioners of Her Majesty's Treasury of the Second Part, and the said *John Cobbold*, *Richard Dykes Alexander*, *John Chevallier Cobbold*, and *John Orford*, hereinafter called the Joint Proprietors, of the Third Part, the said Corporation conveyed to the said Parties of the Third Part the Lands, Waterworks, and other Property in the said Indenture mentioned, in consideration of the Payment of Twenty-one thousand five hundred Pounds to the said Corporation, and also in consideration of certain Covenants and Stipulations to be observed and performed by the

Indenture,  
dated 24th  
Sept. 1855.

[Local.]

7 R

Parties

*The Ipswich Waterworks Act, 1857.*

Parties of the Third Part to the said Indenture: And whereas One thousand five hundred Pounds, Part of the said Purchase Money, was paid by the Joint Proprietors on or before the Execution of the said Indenture, and by the said Indenture it is covenanted that the Remainder of the said Purchase Money of Twenty-one thousand five hundred Pounds shall be paid by yearly Instalments of Five thousand Pounds each, and that the Balance thereof from Time to Time due shall bear yearly Interest at the Rate of Four *per Centum*, and there remains due to the Corporation the Sum of Ten thousand Pounds, which is charged on so much of the Waterworks as was conveyed by the said Indenture of the Twenty-fourth Day of *September* One thousand eight hundred and fifty-five, and also on the Reservoirs, Wells, and other Works which shall be laid down in pursuance of the Covenants contained in the said Indenture: And whereas the said *Richard Dykes Alexander, John Cobbold, John Chevallier Cobbold, and John Orford* are also jointly indebted on account of their Waterworks, over and above the said Sum of Ten thousand Pounds, in various Sums of Money, amounting in the whole to Thirty-five thousand Pounds, whereof Twenty-nine thousand nine hundred Pounds is secured by Bonds or Debentures: And whereas the said several Persons have also jointly purchased the Waterworks of the said *William Charles Fonnereau*, and have agreed to unite their several Undertakings, and have in pursuance of the Covenants contained in the before-mentioned Deed constructed certain Waterworks, whereby the Town of *Ipswich* is now supplied with Water at high Pressure, and they have agreed to admit as Joint Proprietors with them in their Undertaking such Persons as shall subscribe or take Shares therein; and it is expedient, and will contribute to the better Supply of the said Town and Borough, if the same Persons and such Subscribers as aforesaid were incorporated, and if Powers were granted to them for the better carrying on of their Undertaking; But, inasmuch as the Authority of Parliament is necessary for the Purposes aforesaid, may it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

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

I. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act: Provided always, that nothing in this Act contained shall authorize the Company to purchase or take Lands otherwise than by Agreement.

II. In

*The Ipswich Waterworks Act, 1857.*

II. In construing those Acts respectively in connexion with this Act, and in construing this Act, the Expressions "the Undertaking," and "the Waterworks," shall include the existing Lands, Tenements, Springs, Hereditaments, Easements, Waterworks, Chattels, Rights, and Privileges jointly possessed by the before-named Persons, and used for supplying *Ipswich* with Water; and the Expression "the Joint Proprietors" shall mean the said *Richard Dykes Alexander, John Cobbold, John Chevallier Cobbold, and John Orford*, as Joint Owners of the Waterworks. Interpretation of Terms.

III. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Ipswich Waterworks Act, 1857.*" Short Title.

IV. The Limits of this Act shall comprise and include the Town and Borough of *Ipswich* in the County of *Suffolk*. Limits of Act.

V. The said *Richard Dykes Alexander, John Cobbold, John Chevallier Cobbold, John Orford*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, and Lands within the Limits of this Act, by and under the Name of "the *Ipswich Waterworks Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall and may sue and be sued, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, and may otherwise carry the Purposes of this Act into execution, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained. Incorporation of Company.

VI. The Waterworks which immediately before the passing of this Act were vested jointly in the before-named Persons or in any Person on their Behalf, and all Mains and Pipes, Plugs, Apparatus, Matters, and Things which have been by them purchased or provided, laid down, erected, or placed in any Street or Road within the Limits of this Act, and all the Property whatsoever so possessed jointly by them, or by any Trustees on their Behalf, for the Purpose of supplying *Ipswich* with Water, shall be and the same are hereby vested in the Company. Waterworks vested in Company.

VII. The said Indenture of the Twenty-fourth Day of *September* One thousand eight hundred and fifty-five, and all Deeds, Contracts, Bonds, and Agreements entered into or made before the passing of this Contracts prior to Act to be binding.

*The Ipswich Waterworks Act, 1857.*

this Act by or with the before-named Persons jointly as Owners of the said Waterworks, or by or with any Trustees or any Persons acting on their Behalf, and in force at the passing of this Act, shall, except so far as the same are by this Act varied, be as binding and as of full Force and Effect in all respects against or in favour of the Company, and may be enforced as fully and effectually as if, instead of the before-named Persons, or the Trustees or Persons acting on their Behalf, the Company had been a Party thereto; and all Bodies Politic or Corporate, and all Persons whomsoever who immediately before the passing of this Act were indebted to the said Persons jointly as aforesaid in any Sum of Money, shall be liable for the Payment thereof to the Company; and in case of Nonpayment thereof or of any Part thereof, the Company may proceed for the Recovery thereof, and recover the same in such and the same Manner, and shall have and may exercise the same Remedies in respect thereof, as if the same were due to the Company under the Provisions of this Act.

Actions, &c.  
not to abate.

VIII. Provided always, That nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which shall be pending by or against the said Joint Proprietors, or any of them, in relation to the Waterworks, or to which the said Joint Proprietors, or any of them, in relation to the Waterworks shall be Parties immediately before the passing of this Act; but any such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by, in favour of, or against the Company (as the Case may be) in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the said Joint Proprietors, or any of them, if this Act had not been passed, the Company being in reference to the Matters aforesaid in all respects substituted for the said Joint Proprietors.

As to Reco-  
very of Debts  
owing at  
passing of  
this Act.

IX. All Debts owing by the said Joint Proprietors before the passing of this Act may be enforced against the Company in the same Manner as if such Debts had been incurred by the Company after the passing of this Act.

Judgments  
in respect of  
existing Lia-  
bilities may  
be enforced  
against Indi-  
viduals.

X. Provided always, That if any Judgment shall at any Time after the passing of this Act be obtained against the Company in respect of any Debt or Liability owing or incurred by the said Joint Proprietors before the passing of this Act, and such Judgment shall not, after due Diligence for that Purpose shall have been used, be fully satisfied out of the Property and Effects of the Company, then and in every such Case such Judgment may be enforced and Execution thereof  
issued

*The Ipswich Waterworks Act, 1857.*

issued against the Person, Property, and Effects of the said Joint Proprietors, in the same Manner in all respects as if this Act had not been passed.

XI. Provided also, That any of the said Joint Proprietors against whom or against whose Property or Effects Execution upon any Judgment as aforesaid shall have been issued shall be entitled to recover against the Company all Loss, Damages, Costs, and Charges which such Person may have incurred by reason of such Execution; and that after due Diligence used to obtain Satisfaction thereof against the Property and Effects of the Company, such Person shall be entitled to Contribution for so much of such Loss, Damages, Costs, and Charges as shall remain unsatisfied from the several other Persons against whom Execution upon such Judgment obtained against the Company might also have been issued under the preceding Section, and that such Contribution may be recovered from such Persons as aforesaid in the same Manner as Contributions in ordinary Cases of Copartnership.

Reimbursement of Persons against whom Execution issued in respect of existing Liabilities.

XII. Every Trustee or other Person in whom or in whose Name any Lands, Tenements, Springs, Works, Erections, Buildings, or other Property belonging to the said Joint Proprietors were vested immediately before the passing of this Act, and who shall have entered into any Bond, Covenant, Contract, or Engagement in respect of or with reference to such Lands, Tenements, Springs, Works, Erections, Buildings, or Property, or who shall have entered into any other Contract on behalf of the said Joint Proprietors, shall be indemnified and saved harmless out of the Funds or Property of the Company from all Liability and against all Loss, Costs, Charges, and Expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such Bond, Covenant, Contract, or Engagement.

Trustees to be indemnified.

XIII. The Capital of the Company shall be One hundred thousand Pounds.

Capital.

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

Shares.

XV. One thousand eight hundred and twenty-one Shares in the said Capital shall be allotted and distributed to and among the Joint Proprietors in the Proportions mentioned in the Schedule to this Act, and the Shares so allotted shall be deemed to have been paid in full, and no further Calls shall be made thereon; and the remain-

Distribution of Shares.

[*Local.*]

7 S

ing

*The Ipswich Waterworks Act, 1857.*

ing Shares in the said Capital shall be disposed of by the Company in such Manner as they shall deem most for the Advantage of the Company.

Calls.

XVI. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share, and Two Months at least shall intervene between the making of any Two successive Calls.

Application of Capital.

XVII. The Money derived by the Sale of Shares or from the Calls made thereon from Time to Time shall be applied, in the first instance, in discharge of the existing Debts and Liabilities of the Joint Proprietors with relation to the Waterworks, and then for the general Purposes of the Waterworks.

As to existing Mortgage or Bond Debt.

XVIII. It shall be lawful for the Company to have outstanding or to borrow on Mortgage or Bond any Sums of Money not exceeding in the whole the Sum of Thirty-three thousand three hundred Pounds, inclusive of the Balance of Purchase Money due to the said Corporation, or of any Mortgages or Bonds issued by the Company in discharge of the same Balance: Provided always, that so long as the Debt due from the Company on Mortgage or Bond, or otherwise charged on the Waterworks, shall exceed Thirty-three thousand three hundred Pounds, it shall not be lawful for the Company to divide among themselves directly or indirectly any greater Profits than at the Rate of Five *per Centum per Annum* upon the Capital paid up.

Power to borrow on Mortgage.

XIX. The Company may from Time to Time borrow any further Sums of Money on Mortgage or Bond for the Purpose of paying off any Part of the Moneys which they are by this Act authorized to borrow, but for no other Purpose, and the Sums so borrowed shall be applied to that Purpose only.

Number and Qualification of Directors.

XX. Subject to the Provisions herein contained for increasing the Number of Directors, the Number of Directors shall be Four, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares at least in the Undertaking.

Power to vary the Number of Directors.

XXI. It shall be lawful for the Company from Time to Time to increase the Number of Directors, but the whole Number of Directors after any such Increase as aforesaid shall not be more than Six.

XXII. The

*The Ipswich Waterworks Act, 1857.*

XXII. The said *Richard Dykes Alexander, John Cobbold, John Chevallier Cobbold, and John Orford* shall be the First Directors of the Company. First Directors.

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

XXIV. An annual Sum, the Amount whereof shall be determined from Time to Time by a General Meeting, shall be allowed to the Directors out of the Income of the Waterworks as a Remuneration to them for managing the Affairs thereof, and such annual Sum shall be divided among the Directors for the Time being as they shall from Time to Time determine among themselves; but the said annual Sum shall in no Case exceed One hundred Pounds. Remuneration of Directors.

XXV. It shall be lawful for the Company from Time to Time to maintain, extend, repair, and keep in good and efficient order the Reservoirs, Mains, Pipes, and other Waterworks and Works connected therewith belonging to them or in their Possession, or which they may construct or acquire by virtue of this Act, and to use and employ the same for the Purposes of the said Supply. Power to maintain Works.

XXVI. In addition to the Lands hereby vested in the Company, it shall be lawful for them to contract and agree with any Party or Parties willing to sell or convey the same, for the Purchase or taking of any Land, not exceeding in Quantity Five Acres, and any Springs of Water, Easements, Power, or Authority in or over any other Lands which shall be deemed proper or expedient for the Purposes of the Undertaking; and it shall be lawful for all Persons who, under the Provisions in the said incorporated Acts and this Act contained, would be enabled to sell or convey Lands for the Undertaking, to sell and convey such Land so required, or Springs of Water, Easements, Power, or Authority as aforesaid. Power to purchase Land, &c.

XXVII. Nothing in the said Indenture of the Twenty-fourth Day of *September* One thousand eight hundred and fifty-five shall compel the Company to supply with Water from the Reservoir at the North End of *Christ Church Park*, in the said Indenture mentioned, any Part of the said Borough which can be supplied at constant High Pressure from any Reservoir at a lower Elevation: Provided always, that if the said Borough should be supplied from more than One Reservoir, the Reservoirs shall be so connected that the Water contained in all of them shall be available in case of Fire so far as their respective Levels will allow. Water to be at High Pressure except in certain Cases.

XXVIII. The Company shall, at the Request of any Person entitled to demand a Supply of Water under the said Waterworks Clauses Rates at which the Company  
Act,

*The Ipswich Waterworks Act, 1857.*

are to supply Water.

Act, furnish to every Occupier of a Dwelling House and Tenement within the Limits of this Act, and not more than One hundred Feet distant from a Place in which any Service Pipe of the Company shall be laid, a sufficient Supply of Water for the domestic Uses of every such Occupier, and notwithstanding anything contained in the said Deed of Conveyance, may charge for such Supply the following Rates *per Annum*; (that is to say,)

When the gross Value of the Premises so supplied with Water shall not amount to Six Pounds *per Annum*, at a Rate of Six Shillings and Sixpence *per Annum*;

When such Value shall be Six Pounds and under Seven Pounds *per Annum*, at a Rate of Seven Shillings and Sixpence *per Annum*;

When such Value shall be Seven Pounds and under Eight Pounds *per Annum*, at a Rate of Eight Shillings and Sixpence *per Annum*;

When such Value shall be Eight Pounds and under Nine Pounds *per Annum*, at a Rate of Nine Shillings and Sixpence *per Annum*;

When such Value shall be Nine Pounds and under Ten Pounds *per Annum*, at a Rate of Ten Shillings and Sixpence *per Annum*;

When such Value shall be Ten Pounds and not exceeding Twenty Pounds *per Annum*, at a Rate *per Annum* not exceeding One Shilling and Twopence in the Pound;

When such Value shall be upwards of Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds:

And if any Dispute shall arise as to such Value, the same shall be settled by the Justices in manner prescribed by "The Waterworks Clauses Act, 1847:" Provided always, that when a House of the gross annual Value of Twenty-five Pounds or upwards is used partly as a Dwelling House and partly as a Shop or Warehouse, the Company shall be entitled only to charge at a Rate of Four Pounds *per Centum per Annum* on such Value for a Supply of Water for domestic Purposes: Provided also, that a Supply of Water for domestic Purposes shall not include a Supply of Water for more than One Watercloset, or for Stables, Horses, or for washing Carriages, when the same Horses or Carriages are kept for Hire, or are the Property of a Dealer, or Steam Engines, or for Railway Purposes, or for warming or ventilating Purposes, or for working any Machine or Apparatus, or any Trade, Manufacture, or Business whatsoever, or for watering Gardens by means of any Tap, Tube, Pipe, or other such like Apparatus, or for flushing Sewers or Drains, or for public Baths, or for any private Bath having the Water laid on, and from which there shall be a Wastepipe, or for any ornamental Purpose whatever.

XXIX. In



*The Ipswich Waterworks Act, 1857.*

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

Limiting Amount of Charge of Water for Water-closets.

XXX. Provided always, That the Company shall not be compelled to supply Water to any Watercloset or Baths, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste and undue Consumption of the Water of the Company, and the Return of foul Air and other noisome and impure Matter into the Mains or other Pipes of the Company.

Water-closets and private Baths to be properly constructed.

XXXI. It shall be lawful for the Company to supply any Person with Water for other than domestic Purposes for such Remuneration and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water; and if any Dispute shall arise as to such Remuneration, Terms, or Conditions, the same shall be determined by Two of Her Majesty's Justices of the Peace for the County of *Suffolk*, not being Residents in the said Borough, and such Justices shall have the same Powers in relation to such Disputes as by the "Waterworks Clauses Act, 1847," are conferred upon Justices as to Matters thereby prescribed to be determined by them.

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

XXXII. If any Person supplied with Water by the Company shall wilfully do or cause to be done any Act, Matter, or Thing in contravention of the Provisions of this Act or of any Act incorporated herewith, or shall wilfully omit or neglect to do any Matter or Thing which under such Provisions ought to be done for the Prevention of the Waste, Misuse, or undue Consumption, or the Contamination of the Water of the Company, it shall be lawful for the Company to cut off the Pipe or Pipes by or through which Water is supplied by them to such Person, and to cease to supply such Person with Water; and also to recover from such Person, by Action or Suit in any Court of competent Jurisdiction, the Amount of any Loss, Damage, or Injury which the Company may sustain by reason of or in consequence of any such Act, Matter, or Thing as aforesaid, or of any such wilful Omission or Neglect as aforesaid.

Water may be cut off in certain Cases.

XXXIII. It shall be lawful for the Company or the Directors thereof, from Time to Time, for the Purpose of preventing the Waste or Misuse of Water, to prescribe the Size, Nature, and Strength of the Pipes, Cocks, Cisterns, and other Apparatus to be used, and to interdict any Arrangements and the Use of any Pipes, Cocks, Cisterns,

Regulations may be made by the Company for preventing Waste of Water.

[*Local.*]

7 T

or

*The Ipswich Waterworks Act, 1857.*

or other Apparatus which may tend to such Waste or Misuse as aforesaid.

Cost of Proceedings may be included in Warrant of Distress.

XXXIV. Any Justice who shall issue any Warrant of Distress for the Recovery of any Money payable under this Act or any Act incorporated herewith may order that the Costs of the Proceedings for the Recovery of such Money shall be paid by the Person liable to pay such Sum of Money, and such Costs shall be ascertained by such Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Power to lease the Rates and Rents.

XXXV. The Company may lease the whole or any Part of the Rates or Rents payable to the Company by virtue of this Act or otherwise to any Person or Persons for any Term not exceeding Seven Years, and upon such Rents, Covenants, and Conditions as the Company shall think fit: Provided always, that no such Lease shall defeat or abridge the Powers by the said Waterworks Clauses Acts given to the Court of Quarter Sessions of directing the Reduction of the Rates, and the Company shall reduce the Rates in the same Manner they would have done in case no such Lease had been granted.

Sums not exceeding 50*l.* may be recovered in County Court.

XXXVI. The Company may recover any Sum of Money not exceeding Fifty Pounds which shall be due to them for Water Rates or Rents, Damages, Costs, or Expenses by Action or Proceeding in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

Expenses of Act.

XXXVII. All Costs, Charges, and Expenses incident to the applying for and passing this Act shall be paid by the Company.

---

*The Ipswich Waterworks Act, 1857.*


---

SCHEDULE to which this Act relates.

---

*Distribution of the Shares among the Joint Proprietors.*

	<i>Shares.</i>
John Cobbold - - - - -	863
Richard Dykes Alexander - - - - -	290
John Orford - - - - -	612
John Chevallier Cobbold - - - - -	56
	1,821

---

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1857.

