



CHAP. xxx.

An Act to enable the Cambridge University and Town Waterworks Company to acquire additional lands, and to repeal some of the provisions of one of their existing Acts ; and for other purposes. A.D. 1871.
[25th May 1871.]

WHEREAS by "The Cambridge University and Town Waterworks Act, 1853," the Cambridge University and Town Waterworks Company (in this Act called "the Company") were incorporated for the purpose of supplying water to the University and borough of Cambridge, the parish of Cherry Hinton, and other parishes, townships, and places in the county of Cambridge, and which limits of supply were extended to other parishes by "The Cambridge University and Town Waterworks Act, 1866 :"
16 & 17 Vict.
c. xxxiii.

And whereas by "The Cambridge University and Town Waterworks (Capital) Act, 1855," the Company were authorised to raise more money :
29 & 30 Vict.
c. lxxxii.

And whereas by "The Cambridge University and Town Waterworks Act, 1866," reciting that the Company drew their supply of water from the springs constituting the source of the Cherry Hinton or Paper Mills Brook, further powers were (section 13) conferred upon the Company for purchasing, taking, and using lands and springs in the said parish of Cherry Hinton, and (section 14) the Company were required to discharge and to continue to discharge out of the springs constituting the source of the Cherry Hinton or Paper Mills Brook into the said brook a quantity of water after the rate of not less than one hundred gallons per minute constantly, such quantity to be ascertained by means of a gauge or gauges of suitable materials through or over which the said water should at all times flow, such gauge or gauges to be constructed and for ever afterwards maintained at the expense of the Company on the said brook at or near a point on the lands of John Okes, Esquire,
18 & 19 Vict.
c. iii.
29 & 30 Vict.
c. lxxxii.

A.D. 1871. — marked C on a plan signed by James Simpson, the Company's engineer, and deposited with the clerk of the peace for the county of Cambridge, and it was provided (section 15), that if from any cause the Company should at any time neglect or omit to supply such supply of water as last aforesaid into the said brook, they should pay to the said John Okes or other the person or persons entitled to the immediate possession of the mansion house and pleasure ground then belonging to him at Cherry Hinton aforesaid, and through which the said brook flowed, as or by way of ascertained damages, the sum of five pounds for every day on which the supply of water therein-before required to be discharged into the said brook should not be so discharged as aforesaid, and that in default of payment of the said sum, on demand being made of the secretary or clerk for the time being of the Company, the said John Okes, or the person or persons for the time being entitled to the immediate possession of the said mansion house and pleasure ground through which the said brook flowed, might sue for and recover the same, together with costs of suit against the Company, by action in any court of competent jurisdiction: Provided nevertheless, that nothing therein contained should operate to abridge or prejudicially affect the rights of the said John Okes, his heirs or assigns, or other the person or persons entitled as aforesaid, either at law or in equity to enforce the actual discharge of water in the said brook in the manner and quantity therein-before provided:

And whereas by the same Act (section 16) provision was made for a right of way for the Company over the land of the said John Okes for the purpose only of constructing and keeping in repair the said gauge or gauges, and (section 17) the clauses and provisions of the Public General Act, 1 Vict. chapter 83., were extended and applied to the plan aforesaid:

And whereas by the same Act (section 22) the purchase by the Company of a mill and land at Fen Ditton, described in the second schedule to that Act, (in this Act called the "Paper Mills estate,") was confirmed, and the Company were authorised to hold and to sell and otherwise dispose of or demise the same:

And whereas the said John Okes is lately deceased, and the Company have the opportunity of acquiring the said mansion house and pleasure ground and certain adjoining lands (all which are in this Act included in the term "the Cherry Hinton estate," and are more particularly described in the schedule to this Act):

And whereas the Cherry Hinton estate abounds with water, and abuts in part on a public road within the Company's limits of supply, and in which their pipes are laid, and it would be advantageous to the Company and beneficial to the said estate if the

Company were authorised to purchase the said estate and to appropriate the waters thereon for the purposes of their undertaking: A. 1871.

And whereas since the passing of the said Act of 1866 the town of Cambridge and the suburbs thereof, and the demand for water therein, have increased and are increasing, and it is expedient that upon the purchase by the Company of the Cherry Hinton estate their obligations as to the discharge of water into the said brook and the maintenance of the said gauge or gauges be repealed:

And whereas it is expedient that the Company be authorised to demise and mortgage the Cherry Hinton estate, and to mortgage the Paper Mills estate:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited for all purposes as "Cambridge University and Town Waterworks Act, 1871." Short title.

2. "The Lands Clauses Consolidation Act, 1845," except the clauses and provisions of that Act with respect to the purchase and taking of lands otherwise than by agreement, and except where it is expressly varied by this Act, is incorporated with this Act. 8 & 9 Vict.
c. 18. incor-
porated.

3. In this Act the several words and expressions to which by the Act partially incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be in the subject or context something repugnant to such construction; and the expression "the Company" means the Cambridge University and Town Waterworks Company; and the expression "court of competent jurisdiction," or any other like expression in this Act, or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts. Interpre-
tation of
terms.

4. The Company may by agreement purchase and take from the owner thereof for the time being and may hold the Cherry Hinton estate described in the schedule to this Act. Purchase
of Cherry
Hinton
estate.

A.D. 1871.

Power to
lease same.

5. The Company may from time to time, after they shall have purchased the Cherry Hinton estate, let or demise the same, or any part thereof, for any term they think fit, and subject to such covenants, reservations, and conditions as they think fit.

Power to
mortgage
estate.

6. The Company may from time to time borrow on mortgage of the Cherry Hinton estate and the Paper Mills estate, or of either estate, or of any part thereof, any sums of money, and may convey or assign the same estates, or either of them, or any part thereof, as securities for the moneys so borrowed, and any such mortgage or security shall not attach upon or affect the undertaking of the Company, or any lands or hereditaments of the Company, other than the said estates, or such one of them, or such part thereof, as shall be specifically mentioned in the mortgage or security, and any such mortgage or security may be made and granted either before or after the Company shall have made any lease or demise of the premises included therein.

Estate not to
be deemed
part of the
undertaking.

7. The Cherry Hinton estate shall not be deemed part of the undertaking of the Company charged with the general mortgages or debenture stock thereof.

Protection of
lenders and
purchasers.

8. Any person lending money to the Company on any such mortgage or security, or purchasing the said estates, or either of them, or any part thereof from the Company shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss, misapplication, or nonapplication of any money paid by him.

Repeal of
provisions
as to water
supply and
gauge.

9. When the Company shall have purchased the Cherry Hinton estate the herein-before recited sections of the "Cambridge University and Town Waterworks Act, 1866," numbered 14 and 15 and 16 and 17, are by this Act repealed.

Company to
compensate
parties in-
jured by
repeal of
gauge
clauses.

10. The Company shall make full compensation to all parties interested for all damage sustained by them through or by reason of the repeal of the said sections of the Cambridge University and Town Waterworks Act, 1866.

Provision
for Mr.
Evans'
brewery, &c.

11. The Company, unless prevented by frost, unusual drought, or other inevitable accident, shall immediately on the passing of this Act, and at all times thereafter, supply Francis Evans, or other the occupier for the time being of the brewery and premises occupied by Francis Evans adjoining the paper mills, with such a quantity of water from their mains as may reasonably be required for the brewery and for domestic purposes, and all other reasonable purposes, and such water shall be supplied by measure, (the said Francis

Evans or other such occupier having the option of providing his own meter, subject to its inspection and approval by the Company's officer before it is used and from time to time during user,) and at the rate and to the extent of one thousand five hundred gallons a day for each working day in the year; such supply shall be furnished gratis and without charge to the said Francis Evans or other such occupier, and for all water supplied to him beyond that rate and extent he shall pay the Company at the same rate as is for the time being charged by them to other customers using water for purposes of trade, and the owner and occupier of the said brewery and premises shall not have or be entitled to any compensation whatever other than the compensation provided by this section, and the sections numbered 14 and 15 of the Waterworks Clauses Act, 1863, shall apply to such supply and to the meters for measuring it.

A.D. 1871.

12. The Company may appropriate for the purposes of their undertaking any water which they may obtain by draining Cherry Hinton estate.

Appropriation of water from Cherry Hinton estate.

13. The Company may from time to time sell or otherwise dispose of the Cherry Hinton estate or any part thereof, (and whether or not previously demised or mortgaged under the authority of this Act,) and on any such sale the Company may reserve to themselves all or any part of the water or water rights or other easements belonging to the lands sold, and may make the sale subject to such reservations accordingly, and also, if they so think fit, subject to such other reservations, conditions, restrictions, and provisions with respect to the use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter, as they think fit.

Power to sell Cherry Hinton estate.

14. Provided that this Act shall not be deemed to enable the Company to mortgage or demise, sell or dispose of, any other or greater estate or interest in either of the said estates than the vendor thereof to the Company could lawfully convey.

Limited powers of sale.

15. All moneys raised by the Company by such mortgages, demises, sales, or other dispositions shall be applied in or towards the purchase of the Cherry Hinton estate, and the costs and expenses thereof, and the costs, charges, and expenses of this Act, and subject thereto for the purposes of the Acts herein-before recited, and any money raised or to be raised under those Acts, and which the Company do not require for the purposes of those Acts, may be applied for the purposes of this Act.

Application of moneys raised under this Act.

16. The deed dated the thirty-first day of December one thousand eight hundred and sixty-seven, and made between the Company of the first part and the said John Okes of the second part, and Henry

Confirming a reconveyance to Mr. Okes.

A.D. 1871. — Mason of the third part, whereby the Company reconveyed to uses in favour of the said John Okes two pieces of land at Cherry Hinton aforesaid, containing respectively three roods and twenty-seven perches or thereabouts, and three roods or thereabouts, and numbered respectively 95 and 97, in the parish of Cherry Hinton, on the plans deposited with the clerk of the peace of the county of Cambridge, as in "The Cambridge University and Town Waterworks Act, 1853," mentioned, which pieces of land were in one thousand eight hundred and fifty-five purchased by the Company of him for the purpose of laying down pipes between their works and high-level reservoir, (subject to and reserving to the Company an easement over such land for the purpose of repairing and renewing their pipes,) is hereby confirmed as between the parties thereto, and declared binding on the Company.

Expenses of
Act.

17. The costs, charges, and expenses of and preliminary and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

The mansion house at Cherry Hinton, with the stabling, outbuildings, lodge, gardens, pleasure grounds, stream and fish-pond, orchards, paddocks, and pasture land, containing in the whole thirty-five acres one rood thirty perches, or thereabouts, all in the parish of Cherry Hinton in the county of Cambridge, and lately occupied by and belonging or reputed to belong to John Okes, Esquire, deceased, and bounded on the southward by a public road leading from Cherry Hinton to Cambridge, and on the northward by another road known by the name of Daw's Lane, and leading from the fields in Cherry Hinton to the village of Cherry Hinton, on the westward by lands respectively belonging or reputed to belong to the Master and Fellows of St. Peter's College, Francis Headly, and George Coe, and on the eastward by lands respectively belonging or reputed to belong to Henry Headly Emson, the trustees of St. Thomas's Hospital, Edward Layton, and to the trustees of the said John Okes.