



CHAPTER cxii.

An Act to authorise the Saint Alban's Waterworks Company to acquire further lands and to raise further moneys and to extend their limits of supply and for other purposes. A.D. 1900.
[30th July 1900.]

WHEREAS by the Saint Alban's Waterworks Act 1865 (in this Act called "the Act of 1865") the Saint Alban's Waterworks Company (in this Act called "the Company") were incorporated for the purpose of maintaining waterworks according to the provisions of that Act and thereby the capital of the Company (herein-after called "the original capital") was declared to be twelve thousand pounds divided into twelve hundred shares of ten pounds each entitled to a maximum dividend of ten pounds per centum per annum and the Company were thereby authorised to borrow on mortgage any sums of money not exceeding in the whole one-fourth of the original capital of the Company:

And whereas by the Saint Alban's Water Order 1879 (in this Act called "the Order of 1879") confirmed by the Gas and Water Orders Confirmation Act 1879 (in this Act called "the Act of 1879") the Company were authorised to raise any further sums not exceeding in the whole twenty thousand pounds (herein-after called "the additional capital") with a maximum dividend of seven pounds per centum per annum on the ordinary shares representing such capital to borrow on mortgage in respect of the additional capital any sums not exceeding in the whole five thousand pounds and to create and issue debenture stock to the same amount as the money authorised to be borrowed on mortgage but by the Order of 1879 confirmed by the Act of 1879 (such Order and Act being herein-after referred to as "the Order and Act of 1879") the Company were not without the consent of the Board of Trade to pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under its authority:

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And whereas ordinary shares representing the whole of the original capital have been issued and paid up and the Company have borrowed on mortgage the sum of three thousand pounds under and by virtue of the Act of 1865 :

And whereas ordinary shares representing the whole of the additional capital have been issued and subscribed and paid up and the Company have borrowed on mortgage the sum of five thousand pounds under and by virtue of the Order and Act of 1879 :

And whereas the Company have not created or issued any preference capital or debenture stock :

And whereas it is expedient that the limits within which the Company are authorised to supply water should be extended :

And whereas it is expedient that the Company be authorised to make and maintain the adit conduit or line of pipes in this Act described :

And whereas it is expedient that the Company should be authorised to raise further moneys for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that such other provisions as in this Act contained should be made with reference to the Company and their undertaking :

And whereas plans and sections of the said adit conduit or line of pipes the plans also showing the lands to be acquired under this Act and also books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and occupiers of the lands which may be taken compulsorily under the powers of this Act were duly deposited with the clerk of the peace for the county of Hertford and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the objects aforesaid cannot be obtained 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 :—

Short title.

1. This Act may be cited as the Saint Alban's Waterworks Act 1900.

Acts to be cited together.

2. The Act of 1865 the Order of 1879 and the Act of 1879 (so far as it confirms the Order of 1879) as amended by this Act and this Act may be cited together as the Saint Alban's Waterworks Acts 1865 1879 and 1900.

3. The following Acts and parts of Acts (except where expressly varied by this Act) are hereby incorporated with and form part of this Act viz. :—

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Incorporation of
general Acts.

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

- The distribution of the capital of the Company into shares ;
- The transfer or transmission of shares ;
- The payment of subscriptions and the means of enforcing the payment of calls ;
- The forfeiture of shares for non-payment of calls ;
- The remedies of creditors of the Company against the shareholders ;
- The borrowing of money by the Company on mortgage or bond ;
- The consolidation of the shares into stock ;
- The general meetings of the Company and the exercise of the right of voting by the shareholders ;
- The making of dividends ;
- The giving of notices ; and
- The provision to be made for affording access to the special Act by all parties interested :

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts :

The Lands Clauses Acts :

And the Waterworks Clauses Acts 1847 and 1863 except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in the forty-fourth section of the said Act of 1847.

4. In this Act the several words and expressions to which meanings are assigned by the Act of 1865 or the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

Interpretation.

The expressions "waterworks" and "water undertaking" mean respectively the waterworks and the works connected therewith and the undertaking by the Act of 1865 and this Act authorised ;

The expression "limits of supply" means the limits within which the Company are by the Act of 1865 authorised to supply water as extended by this Act.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the

Power to
make works.

A.D. 1900. deposited plans and sections an adit conduit or line of pipes in the parish of Saint Alban in the borough and city of Saint Alban in the county of Hertford commencing at or in the engine house of the Company at their Holywell Hill pumping station and extending thence in a south-easterly direction for a distance of about $8\frac{1}{2}$ chains and may for any purposes of this Act or of their undertaking enter upon take and use all or any of the lands in the said parish shown on the deposited plans and described in the deposited books of reference and herein-after referred to as "the additional lands."

Power to deviate.

6. Subject to the provisions of this Act the Company may in the construction of the works by this Act authorised deviate from the lines or position thereof as shown on the deposited plans to any extent within the limits of deviation shown upon those plans and the Company may also deviate from the level of the said works as delineated on the deposited sections to any extent upwards but so that no part of the said works shall be permanently made or laid above the surface of the ground and to any extent downwards.

Power to acquire easements only.

7.—(1) The Company may in lieu of acquiring all or any of the said lands acquire such easements and rights therein as they may require for the purpose of making maintaining cleansing repairing renewing and enlarging the adit conduit or line of pipes by this Act authorised and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

(2) Provided that as regards any lands taken or used by the Company under the powers of this Act the Company shall not (unless they give notice to treat for such lands and not merely for easements or rights therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

(3) Provided also that nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement or of rights only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

9. The agreement between Charles Woollam and others being the trustees of the playing field of the Saint Alban's Grammar School of the one part and the Company of the other part a copy of which is set forth in the schedule to this Act is hereby confirmed and made binding on the said trustees and the Company respectively and the said trustees shall grant and the Company acquire the easements or rights as expressed in the scheduled agreement in consideration of the yearly rentcharges and on the terms and conditions therein mentioned or on such other terms and conditions as shall be agreed by the said trustees and the Company and be sanctioned by the Charity Commissioners.

Confirming scheduled agreement.

10. The Company may besides the additional lands and the lands and easements now held occupied or enjoyed by them by agreement purchase take on lease or acquire and hold for the purposes of their undertaking any lands not exceeding in the whole twenty acres and any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) which they may from time to time think requisite for any of the purposes of their undertaking Provided that the Company shall not cause or permit a nuisance on any such lands and shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertaking.

Power to acquire lands by agreement.

11.—(1) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for

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wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them. For the purposes of this section the expression "house" means any tenement separately occupied by any person or persons.

Persons under disability may grant easements &c.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in under over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to hold lands and works thereon and execute further works.

13. The Company may hold maintain use and enjoy for the general purposes of their undertaking all or any lands or easements which they have acquired under or purchased since the Act of 1865 and any works constructed thereon and on all or any lands which they are by the Act of 1865 or this Act authorised to purchase or acquire and upon all or any of the lands acquired or purchased as aforesaid the Company may subject to the provision contained in section 12 of the Waterworks Clauses Act 1847 execute for the purposes of or in connection with their undertaking any of the works and exercise any of the powers mentioned in or conferred by that section.

Power to take and use water.

14. The Company may from time to time take raise collect divert impound appropriate distribute and use all or any of the springs streams and waters which may be found in upon or under any lands for the time being belonging or leased to the Company or over or in respect of which they may have or acquire any easement right or privilege for that purpose.

For protection of Thames Conservators.

15. For the protection of the Conservators of the River Thames the following provision shall have effect (that is to say):—

The Company shall not take any water from the River Thames or from any tributary thereof without the consent in writing of the Conservators of the said River Thames.

For protection of Earl of Verulam.

16. For the benefit and protection of the Right Honourable James Walter Earl of Verulam and his sequels in estate (in this section called "the Earl") the following provisions shall

notwithstanding any provisions in this Act contained or shown on the deposited plans and sections unless otherwise agreed in writing between the Earl and the Company have effect (that is to say):—

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- (1) Nothing in this Act or in the Waterworks Clauses Acts 1847 and 1863 shall exempt the Company from paying compensation for any damage done to the Earl's mills fishing rights and watercress beds in or upon or in connection with the River Ver by reason of the pumping operations of the Holywell Hill pumping station and of the well of the Company there:
- (2) If the flow of the water of the River Ver is at any time diminished by reason of any pumping operations of the Company in connection with the wells and pumping station at Holywell Hill or any new works authorised by this Act abstracting water from the River Ver the Company shall pay compensation to the Earl for any loss or damage that may be done to or arise in connection with his mills fishing rights or watercress beds and in the event of any difference between the Earl and the Company such difference shall be referred to arbitration pursuant to the provisions of the Arbitration Act 1889 or any statutory modification thereof:
- (3) The provisions in this section for the protection of the Earl shall be in addition to and not by way of substitution for any of the provisions of the Waterworks Clauses Acts 1847 and 1863.

17. For the protection of the county council of the administrative county of Hertford (herein-after called "the county council") the following provisions shall have effect and shall apply as well to all existing works of the Company as to all works hereafter to be constructed by the Company:—

For protection of Hertfordshire County Council

- (1) After the passing of this Act it shall not be lawful for the Company unless with the consent of the county council or expressly authorised by Parliament to supply water within or without their limits of supply in bulk or otherwise for use outside their limits of supply:
- (2) The Company shall furnish to the county council at the request of the county council any records or information they may have as to the amount of water pumped by them from any of their wells and the levels of the water in such wells:
- (3) For the protection of main roads county bridges and approaches and other property of the county council be it enacted as follows:—

(A) Not more than fifty yards in length of the trench made for laying the mains and pipes shall be open at one time

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where only one vehicle can pass or one hundred yards where two vehicles can pass at the same time;

(B) The main pipes shall be laid at such a depth where possible that they shall be not less than two feet from the surface of the highway to the top of such mains.

For protection of county council of Middlesex.

18. For the benefit and protection of the county council of the administrative county of Middlesex (in this section called or referred to as "the county council") the following provisions shall notwithstanding any provisions in this Act contained or shown on the deposited plans and sections unless otherwise agreed to in writing between the county council and the Company have effect (that is to say):—

(1) Nothing in this Act shall authorise the Company to take divert use or in any way interfere with the water mains pipes or other appliances of the county council without their consent in writing first obtained for the purpose and then only under the superintendence and to the reasonable satisfaction of the county engineer and surveyor:

(2) Nothing in this Act shall authorise the Company to sink any well within a distance of one mile and a quarter from the main entrance of the county council's additional Middlesex Asylum (in this section referred to as "the Napsbury Asylum") situate at Napsbury in the urban and rural parish of Saint Peter in the county of Hertford:

(3) The Company shall make good all damage which shall be done by them to the water mains pipes or other appliances of the county council or to the water supply of the Napsbury Asylum consequent upon or by reason of the works or any of them authorised by this Act and the Company shall make full compensation for any loss or damage which the county council may sustain in the carrying out or by reason of the works authorised by this Act and which the Company may not be able to make good:

(4) (A) The Company shall upon the request of the county council lay down connection pipes and other necessary works for the supply of such quantity of water as the county council may require for the Napsbury Asylum from the mains and works of the Company for domestic and other purposes and shall keep the same in repair and the Company shall unless prevented by frost unusual drought or unavoidable cause or accident or during necessary repairs supply water by meter to the said asylum for the purposes aforesaid:

(B) The Company shall charge for such supply of water such an annual rate or other sum not exceeding one shilling per

thousand gallons as shall be agreed upon or in case of dispute as shall be settled by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party : A.D. 1900.

(c) If the county council shall make such request as aforesaid they shall be bound to take such supply of water as aforesaid to the said asylum during five successive years at least and shall pay annually for such supply by equal quarterly payments the charge for such quantity of water as they receive at a rate to be agreed upon or to be settled as aforesaid. Such payment shall during each of such aforesaid five years amount at the least to one-tenth part of the expense of providing and laying down the pipes and executing the works aforesaid and if the county council shall during any one of the aforesaid five years not receive from the Company enough water to make up in amount the full one-tenth of the cost aforesaid then in every one of such aforesaid five years as such deficiency shall occur (unless the deficiency shall occur in consequence of the failure of the Company to supply the requisite quantity of water) the county council shall pay to the Company such further sum as is necessary to make the whole yearly payment up to the one-tenth herein-before mentioned :

(d) If upon such request the Company for two months neglect or refuse to lay down such connection or other pipes they shall be liable to the same penalties as they would be liable to if the Napsbury Asylum were a private dwelling-house within the limits of supply of the Company and the county council were the owner and occupier of such dwelling-house within the meaning of the Waterworks Clauses Act 1847 :

(5) Any difference which may arise between the county council and the Company under this section shall unless otherwise agreed or provided for be determined by arbitration in manner prescribed by the Arbitration Act 1889.

19. The Company may hold any lands for the time being vested in them which it may in their opinion be desirable to hold for the purpose of protecting their waterworks or water supply against pollution nuisance encroachment or injury and so long as it shall in the opinion of the Company be desirable to continue to hold such lands the same shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts. Provided that the Company shall not create or permit a nuisance on or erect or authorise or permit the erection on any lands so held by them of any buildings other than buildings incident to or connected with their undertaking.

Power to hold lands for protection of works.

A.D. 1900.

Power to
sell &c.
lands.

20. The Company may notwithstanding the provisions of the Lands Clauses Acts with respect to the sale of superfluous lands sell lease or exchange any lands for the time being belonging to or vested in them to such person as they may think fit and on any exchange may pay or receive any money by way of equality of exchange and on any such sale lease or exchange the Company may reserve to themselves all or any waters or water rights or other easements in relation thereto and may make such sale lease or exchange subject to such conditions restrictions and provisions with respect to the user of such lands or the carrying on of noxious trades or discharge or deposit of sewage thereon or other like matters as the Company may think fit.

Extension
of limits.

21. From and after the passing of this Act the limits of the Company for the supply of water shall extend to and include (in addition to the original limits of supply as defined by the Act of 1865) so much of the parishes of Sandridge Rural Saint Peter Rural and Saint Stephen all in the county of Hertford as is not already included within the said original limits and as is within a radius of three and a half miles from the existing town hall of the borough and city of Saint Alban's and the Company shall have and may exercise within such extended limits all such and the like powers rights privileges authorities and immunities and be subject to the obligations which they now have or may exercise and are subject to within their original limits of supply as defined by the Act of 1865 and that Act and this Act shall be in force and have effect within such extended limits accordingly. Provided that if at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish within the additional area a sufficient supply of water in accordance with the provisions of this Act in any part of a parish the local authority who but for the passing of this Act would be empowered to supply water in such parish may provide a supply in the whole or in any part of such parish within the additional area in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such parish within the additional area not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein. If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such additional area such difference shall be settled on the application of either party by the Board of Trade.

22. From and after the passing of this Act section 24 of the Act of 1865 shall be repealed and as from that date water supplied by the Company shall be constantly laid on under such pressure as can be supplied by gravitation from the Company's existing reservoir at Stone Cross.

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Constant
pressure &c.

23. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say):—

Regulations
for prevent-
ing waste
&c. of water.

(1) The Company may make byelaws with respect to the construction maintenance and use of water fittings so as to prevent waste misuse undue consumption or contamination of the water of the Company to be observed by persons supplied with such water. Provided always that any such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board. Any such byelaws shall not be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed byelaws has been given to the sanitary authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit:

(2) The Company may by any such byelaws as aforesaid direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connection disconnection alteration and repair of pipes meters ferrules valves cocks tanks cisterns baths soil pans water-closets and other apparatus fittings means contrivances appliances or receptacles for conveying delivering receiving and measuring water and may interdict any arrangement and use of any pipe valve cock tank cistern bath soil pan water-closet or other apparatus or receptacle likely to occasion waste misuse undue consumption erroneous measurement or contamination of water:

(3) All such byelaws shall be subject to the provisions contained in sections 182 to 184 of the Public Health Act 1875 and all penalties imposed for breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed and have effect as if the Company were a local authority and the byelaws were byelaws within the meaning of

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those sections and the secretary of the Company were the clerk of the local authority :

- (4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding for each copy in the case of a consumer of water twopence and in the case of any other person sixpence :
- (5) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof :
- (6) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable :
- (7) Any person who shall offend against any of such byelaws shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

Cistern to
be supplied.

24. The provisions of section 54 of the Waterworks Clauses Act 1847 shall apply within the whole of the limits of the Company for the supply of water as extended by this Act notwithstanding that water to be supplied by the Company is to be constantly laid on under such pressure as aforesaid.

For pro-
tection of
London and

25. The following provisions for the protection of the London and North Western Railway Company (herein-after called "the

Railway Company") shall be in force and have effect and be binding on the Company :— A.D. 1900.

North
Western
Railway
Company.

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the Railway Company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the Railway Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Railway Company and only according to plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Company who also shall restore and make good the roads over any such bridges level crossings and approaches which the Railway Company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operation of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge or level crossing the Company shall make compensation to be determined by arbitration as herein-after provided in respect thereof to the Railway Company. Provided that any dispute or difference which may arise between the Railway Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall unless otherwise arranged be settled by arbitration by an engineer to be agreed upon by the Company and the Railway Company or failing agreement by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers.

26. The Company may in addition to the capital which they are authorised to raise by the Act of 1865 and the Order of 1879 raise for the purposes of this Act and for the general purposes of their undertaking any capital not exceeding in the whole sixty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or

Power to
raise further
capital.

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partially by one or more of those modes respectively but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of sixty thousand pounds. Provided further that of the said sum of sixty thousand pounds no more than thirty thousand pounds in the whole shall be raised by the creation and issue of preference shares or stock.

Except as otherwise provided new shares or stock to be subject to same incidents as ordinary shares or stock.

27. Except as is by this Act or by the resolution creating or authorising the issue of preference shares or stock otherwise provided the further capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

28. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such shares or stock as the case may be. Provided that nothing in this section shall limit or restrict the right of any holders of shares in the capital of the Company to dividends in excess of the prescribed rate or rates in accordance with section 79 of the Waterworks Clauses Act 1847 or with the next succeeding section of this Act.

Profits of the Company on further share capital limited.

29. The Company shall not in any one year make out of their profits any larger dividend on the further share capital to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of the dividend in any previous year which shall have fallen short of the said sum of seven pounds per centum per annum or than at the rate of six

pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital. A.D. 1900.

30. In case in any half year the net revenues of the Company applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the original capital additional capital and further capital of the Company a rateable deduction shall be made in the dividend of each class. Dividends on different classes of shares or stock to be paid rateably.

31. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock of the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference. New shares or stock to be offered by auction or tender.

32. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale. Purchase money of capital sold to be paid within three months.

33. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the city of Saint Alban's and to the clerk of every district council whose district or part of whose district is included within the limits of the Company and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two Notice to be given as to sale of shares or stock.

A.D. 1900. consecutive weeks in one or more local newspapers circulating within the limits of this Act.

Shares or stock not sold by auction or tender to be offered to share or stock holders.

34. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act and any shares or stock not then sold by auction or tender shall be again offered to the holders of ordinary shares or ordinary stock at the reserved price put upon the same at such last-mentioned sale and so from time to time until the whole of such shares or stock is sold Provided also that the reserved price put upon such shares or stock at the second or any subsequent sale may if the directors of the Company think fit be less than the nominal value thereof.

Application of premium arising on issue of shares or stock.

35. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that for the purposes of (A) ascertaining the maximum amount of the reserved fund of the Company and (B) the amount which the Company may borrow under this Act the sums received by way of premium as aforesaid shall be reckoned as part of the nominal or paid-up capital of the Company.

Votes at meetings.

36. Section 14 of the Act of 1865 shall be repealed from the thirty-first day of December one thousand nine hundred and except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock to which a preferential dividend shall be assigned.

Power to borrow.

37. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the further capital by this Act authorised to be raised and at the time actually issued by shares or stock and of any premium realised on the sale of such shares or stock but no part of such sum or sums

shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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38. The provisions of the Act of 1865 and of the Order and Act of 1879 for the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Appointment of receiver.

39. Clause 14 of the Order of 1879 is hereby repealed and the Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under the Act of 1865 or the Order and Act of 1879 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

40. All money raised and to be raised by the Company under the provisions of the Act of 1865 the Order and Act of 1879 or this Act on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the Company over all claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance

Priority of mortgages and debenture stock over other debts.

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of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Existing mortgages to have priority.

41. All mortgages already granted by the Company under the Act of 1865 or the Order and Act of 1879 and subsisting at the date of the passing of this Act shall during the continuance thereof and subject to the provisions of the Act of 1865 or the Order and Act of 1879 under which such mortgages were respectively granted have priority over all mortgages to be hereafter created and issued or granted by the Company but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

42. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Power to erect cottages for officers and servants.

43. The Company may on any land for the time being belonging to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Company for the purposes of their undertaking.

Power to lay pipes in private roads.

44. The Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street or road such pipes and apparatus as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purpose of this section shall extend and apply *mutatis mutandis* to and for the purposes aforesaid.

Costs of Act.

45. All costs charges and expenses preliminary to and of and incidental to the preparing for and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act. A.D. 1900.

AN AGREEMENT made the twenty-eighth day of April one thousand nine hundred between Charles Woollam of Saint Alban's in the county of Hertford Esquire Sir John Evans of Nash Mills Hemel Hempstead in the same county K.C.B. Henry Joseph Toulmin of The Priory Saint Alban's aforesaid Esquire the Very Reverend Walter John Lawrance Dean of Saint Alban's Sidney Longhurst Harding of Saint Alban's aforesaid Esquire the Right Honourable James Walter Earl of Verulam Henry Partridge Smith of Saint Alban's aforesaid Esquire George Mowat of Saint Alban's aforesaid Esquire the Reverend Philip Deedes of Saint Alban's aforesaid Clerk in Holy Orders Thomas Kent of Saint Alban's aforesaid Esquire and William Samuel Green of Saint Alban's aforesaid Esquire of the one part and the Saint Alban's Waterworks Company (herein-after called the Company) of the other part.

WHEREAS the piece of land delineated in the plan hereto annexed and thereon distinguished by the colours light and dark red (being the playing field of the Saint Alban's Grammar School) is now vested in fee simple in the several persons parties hereto of the former part as the present trustees of an indenture dated the twenty-third day of August one thousand eight hundred and ninety and made between the said Charles Woollam of the first part the said Sir John Evans of the second part and the said Charles Woollam and others of the third part whereby the said piece of land was conveyed to the use of the several persons parties thereto of the third part upon the trusts and for the purposes therein mentioned being trusts for providing a playing field for the said school And whereas a Bill is now pending in Parliament whereby it is proposed (amongst other things) to empower the Company to make and maintain an adit conduit or line of pipes commencing at or in the engine house of the Company at their Holywell Hill pumping station which is indicated on the said plan and thereon marked "existing station" and extending thence in a south-easterly direction for a distance of eight and a half chains and for that purpose to acquire all or any of the lands therein referred to as "the additional lands" (being that portion of the said playing field which is coloured dark red on the said plan including the portion which is cross-hatched blue) and in lieu of acquiring all or any of the said lands to acquire such easements and rights therein as are mentioned in the said Bill including such easements or rights as are herein-after agreed to be granted And whereas the said several persons parties hereto of the former part are willing to grant to the Company the easements or rights herein-after mentioned upon the terms and subject to the conditions herein-after appearing Now these presents witness that for the considerations herein-after appearing the several persons parties hereto of the

A.D. 1900.

former part so far as regards the agreements stipulations and provisions herein-after contained which are or ought to be performed by them or other the trustees or trustee for the time being of the said indenture of the twenty-third day of August one thousand eight hundred and ninety (herein-after together referred to as "the trustees") do hereby agree with the Company and the Company so far as regards the agreements stipulations and provisions herein-after contained which are or ought to be performed by the Company do hereby agree with the said persons parties hereto of the former part as follows (that is to say):—

1. Subject to the said Bill passing into law in such form as to authorise the Company to acquire the easements or rights herein-after mentioned and subject also to the approval of the Charity Commissioners the trustees shall in consideration of the several yearly rentcharges or sums herein-after mentioned grant to the Company their successors and assigns the several easements or rights herein-after mentioned (that is to say):—

(A) Liberty and right for the Company their surveyors engineers servants and workmen to enter upon that portion of the said playing field which is coloured dark red (including the portion cross-hatched blue) on the said plan (herein-after referred to as "the authorised land") for the purpose of executing constructing maintaining and keeping in repair the works herein-after mentioned :

(B) Liberty and right for the Company to sink a well or boring (the suction pipe in which shall not exceed eighteen inches in internal diameter) at any point within that portion of the authorised land which is cross-hatched blue on the said plan and to connect the same with the pumping machinery of the Company upon their property as indicated on the said plan by an underground adit conduit or line of pipes so placed that no part thereof shall be at a less depth than three feet below the surface of the ground when duly levelled as herein-after provided :

(C) Liberty and right for the Company (after they shall have sunk the well or boring mentioned in the last preceding sub-clause but not otherwise except with the consent in writing of the trustees) to sink a second well or boring (the suction pipe in which shall not exceed the diameter aforesaid) at any point within that portion of the authorised land not cross-hatched blue which lies between the said property of the Company and the line **A A** indicated upon the said plan and being at a distance of one hundred and sixty feet or thereabouts from the eastern boundary of the said property of the Company and to connect the same with the said pumping machinery of the Company upon their said property through or by means of the adit conduit or line of pipes herein-before mentioned or through or by means of a similar adit conduit or line of pipes to be likewise so placed as to be at the same minimum depth below the surface as aforesaid :

(D) Liberty and right for the Company (after they shall have sunk the two wells or borings mentioned in the two last preceding sub-clauses but not otherwise except with the consent in writing of the trustees) to sink a third well or boring (the suction pipe in which shall not exceed the diameter aforesaid) at any point within that portion of the authorised land which lies between the said line **A A** and the line **B B** indicated on

the said plan and being at a distance of one hundred and sixty feet or thereabouts from the said line **A A** and to connect the same with the said pumping machinery of the Company through or by means of the adit conduit or line of pipes herein-before mentioned or through or by means of a similar adit conduit or line of pipes to be likewise so placed as to be at the same minimum depth below the surface as aforesaid :

(E) Liberty and right for the Company (after they shall have sunk the three wells or borings mentioned in the three last preceding sub-clauses but not otherwise except with the consent in writing of the trustees) to sink a fourth well or boring (the suction pipe in which shall not exceed the diameter aforesaid) at any point within that portion of the authorised land which lies to the south-east of the said line **B B** and to connect the same with the said pumping machinery of the Company through or by means of the adit conduit or line of pipes herein-before mentioned or through or by means of a similar adit conduit or line of pipes to be likewise so placed as to be at the same minimum depth below the surface as aforesaid :

(F) The easement and right of conducting or bringing the water from the said wells or borings or any of them and of having the same to flow to the pumping machinery of the Company through and along such adits conduits or lines of pipes as aforesaid or any of them

Provided always that none of the said easements or rights shall be exercised until this agreement shall have been completed by actual grant thereof and also that unless otherwise previously agreed in writing between the Company and the trustees the said works shall not nor shall any of them nor shall any work of construction renewal or repair in connection therewith (except in the case of such repairs as may become immediately and peremptorily necessary) be executed constructed commenced or done within the period between the thirty-first day of March and the first day of October in any year and that all such works renewals and repairs shall be executed constructed and done at such times and in such manner as to cause as little damage as possible to the said property of the trustees or any buildings thereon and as little annoyance disturbance or inconvenience as possible to the persons for the time being entitled to the use of the said playing field or any part thereof.

2. Whenever the surface of the ground shall be disturbed whether for the purposes of original construction of the said works or any of them or for the maintenance or any repair or any renewal thereof or for any other purpose in connection therewith the Company shall lay aside the turf and top soil in such manner that the same may be readily and properly replaced in their original positions respectively and shall as soon as possible so replace the same and restore the surface to its original level and condition The Company shall also upon completion of the said works or any of them forthwith remove from the said property of the trustees all machinery tools materials and things belonging to them or brought on to the said property by them or any other person or persons for the purposes of the said works or any of them and not immediately required for any other of such works and also all soil chalk clay gravel or other material not required to be replaced as aforesaid and generally shall as expeditiously and thoroughly as possible level and restore

A.D. 1900. the surface of the land and leave the same in a fit and proper condition for use as part of the said playing field. The Company shall also immediately upon the completion of the said works or any of them restore and make good to the reasonable satisfaction of the trustees any building which may have been injured or affected by such works.

3. In the event of any damage being caused to the said property of the trustees by subsidence or escape or overflow of water or otherwise such damage shall forthwith or as soon as possible be repaired and made good by the Company at their own expense.

4. The Company shall pay to the trustees for or in respect of the several easements or rights hereby agreed to be granted the several perpetual yearly rentcharges or sums herein-after mentioned (that is to say):—

(A) For the said right of entry whether the same shall be exercised or not a perpetual yearly rentcharge or sum of twenty-five pounds to commence from the day when the said Bill receives the Royal Assent:

(B) For the right to sink the well or boring first herein-before mentioned and for the said rights and easements in connection therewith a further perpetual yearly rentcharge or sum of twenty-five pounds to commence from the day when the sinking of such first well or boring shall be commenced:

(C) For the right to sink the well or boring secondly herein-before mentioned and for the said rights and easements in connection therewith a further perpetual yearly rentcharge or sum of twenty-five pounds to commence from the day when the sinking of such second well or boring shall be commenced:

(D) For the right to sink the said well or boring thirdly herein-before mentioned and for the said rights and easements in connection therewith a further perpetual yearly rentcharge or sum of twenty-five pounds to commence from the date when the sinking of such third well or boring shall be commenced:

(E) For the right to sink the said well or boring fourthly herein-before mentioned and for the said rights and easements in connection therewith a further perpetual yearly rentcharge or sum of twenty-five pounds to commence from the date when the sinking of such fourth well or boring shall be commenced.

5. Each of the said rentcharges shall be paid by equal half-yearly payments without any deduction except for property tax and shall be a charge upon the tolls of the Company by the said Bill when an Act authorised and upon the undertaking of the Company and shall rank in priority against the Company and the property from time to time of the Company over all claims on account of any debts incurred or engagements entered into by the Company after the said Bill passes into an Act but after all money raised by the Company on mortgage or by debentures or debenture stock before the passing of the said Bill.

6. Notwithstanding anything in the said Bill (if and when it shall have passed into an Act) contained the Company shall not without the consent in writing of the trustees acquire any other estate or interest in the said playing field or any part thereof than the easements or rights herein-before agreed to be granted.

7. Within twenty-eight days after the said Bill shall have received the Royal Assent the trustees shall if required by the Company so to do furnish the Company with an abstract of the title of the trustees to the authorised land commencing with an indenture of conveyance dated in the year one thousand eight hundred and fifty-four which root of title shall be accepted by the Company.

8. The grant of the said easements or rights to the Company shall be in such form and shall contain such provisions for securing to the trustees the full benefit of this agreement and the payment of the said several yearly rentcharges or sums as the trustees may reasonably require and shall contain a covenant on the part of the trustees (so framed as to run so far as the law will permit with the land but also so as not to impose on the trustees or their heirs, executors or administrators respectively any personal liability after their respective estates and interests in the authorised land shall have ceased or determined) that no dwelling-house or other building shall at any time hereafter be erected on the authorised land other than and except the existing pavilion or any substituted or enlarged pavilion or wooden or other sheds of an easily removable character to be used solely in connection with the playing field as a playing field and any such pavilion or sheds shall be erected in such a position as not to prevent either the convenient sinking or laying down and construction of the wells or borings adits conduits or lines of pipes herein-before authorised or any of them or the convenient access thereto respectively and further that they the trustees their heirs and assigns will not do or cause or wilfully permit to be done on the authorised land any act deed matter or thing which may cause pollution of the waters to be drawn from the said wells or borings or passing through the said adits conduits or lines of pipes.

9. The Company shall whether the said Bill shall pass into law or not pay to the solicitor of the trustees his proper costs and charges of and incidental to the negotiation of the terms herein-before contained or agreed to and the preparation and completion of these presents and also of or in connection with the deducing of the trustees' title to the authorised land and to the grant of the said easements or rights including a duplicate of such grant and all such costs and charges as aforesaid which shall have been incurred up to the date of these presents shall be paid upon the execution hereof.

10. This agreement shall be subject to such alterations as Parliament may think fit to make therein and shall if need be be scheduled to and confirmed by the Bill now being promoted or a Bill to be promoted by the Company unless the terms of such agreement shall be embodied or otherwise provided for by such Bill but if the Committee on the Bill make any material alteration in this agreement it shall be competent to either party to withdraw the said agreement and in such case the trustees shall be at liberty to petition against the Bill in the House of Lords and if the Bill shall not pass into an Act during the present or next succeeding session of Parliament this agreement and every clause thereof except the last preceding clause shall be null and void.

A.D. 1900. — In witness whereof the parties hereto of the former part have hereunto set their hands and seals and the Company have caused their common seal to be hereunto affixed the day and year first above written.

Signed sealed and delivered
by the above-named Charles
Woollam Henry Joseph Toul-
min Walter John Lawrance
James Walter Earl of Verulam
Sidney Longhurst Harding
Henry Partridge Smith
George Mowat Philip Deedes
Thomas Kent and William
Samuel Green in the presence
of

A. H. DEBENHAM
Solicitor
Saint Alban's.

Signed sealed and delivered by
the above-named Sir John
Evans in the presence of

WILLIAM HEMMINGS
Nash Mill
Butler.

CHARLES WOOLLAM.

L.S.

JOHN EVANS.

L.S.

HENRY J. TOULMIN.

L.S.

WALTER JOHN LAWRENCE.

L.S.

SIDNEY L. HARDING.

L.S.

VERULAM.

L.S.

H. P. SMITH.

L.S.

GEO. MOWAT.

L.S.

PHILIP DEEDES.

L.S.

THOMAS KENT.

L.S.

WILLIAM S. GREEN.

L.S.

A.D. 1900.

The common seal of the Saint
Alban's Waterworks Company
was affixed hereto in the
presence of

CHARLES HORSLEY

ALFRED H. BAYNES

CHARLES FOX

Secretary.



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