CHAPTER xxiv.

An Act to enable the Barnstaple Water Company to construct additional Works and raise additional Capital; and for other purposes. [28th June 1888.] A.D. 1888.

WHEREAS the Barnstaple Water Company (in this Act called "the Company") were incorporated by the Barnstaple Waterworks Act 1858 (in this Act referred to as "the Act of 1858") and empowered to construct works for supplying and to supply water within the borough of Barnstaple and places adjacent thereto within the parishes of Pilton and Tawstock all in the county of Devon:

And whereas since the passing of the Act of 1858 the demand for water within the Company's limits has largely increased and is still increasing and it is expedient that the Company be empowered to construct additional works:

And whereas it is expedient that the limits within which the Company may supply water be extended as herein-after defined:

And whereas it is expedient that the Company be authorised to raise additional share and loan capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is expedient that various other provisions be made respecting the Company's undertaking and that the powers of the Company be in various respects enlarged and that the Act of 1858 be in divers particulars extended and amended:

And whereas plans and sections showing the lines and situations and levels of the intended works and plans showing the lands which may be taken under the powers of this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of and describing such lands were duly deposited with the clerk of the peace for the county of Devon and are herein-after referred to as the deposited plans sections and book of reference:

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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):—

Short title.

1. This Act may be cited as the Barnstaple Waterworks Act 1888.

Incorporation of general Acts.

2. The following Acts and parts of Acts:—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but for the purposes only of constructing the reservoirs by this Act authorised; and

The Waterworks Clauses Acts 1847 (except the words in section 44 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner") and 1863;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act or the Act of 1858 are incorporated with and form part of this Act: And 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 means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against the shareholders;

The consolidation of 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 borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

And 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 the Companies Clauses Act 1869 shall (subject to the provisions of this Act and of the Act of 1858) extend and apply to the Company and the additional capital by this Act authorised to be raised.

Interpretation.

3. In this Act terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expression—

"Superior courts" or "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute:

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions "the railway" and "the centre of the railway" respectively mean the reservoirs and the boundaries thereof respectively by this Act authorised.

Incorporating Act of 1858.

4. The provisions of the Act of 1858 are hereby incorporated with this Act and this Act and the Act of 1858 shall be read and construed together as one Act and as if the works authorised by this Act had been comprised among the works authorised by the Act of 1858: Provided that in case of any inconsistency or repugnancy between the Act of 1858 and this Act the provisions of this Act shall have effect over the limits of supply as defined by this Act.

Limits of supply.

5. From and after the passing of this Act the limits for the supply of water by the Company (herein-after referred to as "the limits of supply") shall be the limits prescribed by the Act of 1858 and so much of the parishes of Bishop's Tawton Pilton and Tawstock as are not included within such limits and also the parishes of Goodleigh Landkey and Fremington and for the purposes of such supply and subject to the provisions of this Act the Company shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same obligations they now have and may exercise or are subject to under the provisions of the Act of 1858 and the provisions of the said Act shall subject to the provisions of this Act extend and apply to the limits of supply and the supply of water therein: Provided that the Company shall not be required to supply water in any case at a pressure above or greater than that to be afforded by gravitation from the reservoir from which the supply in such case is taken: Provided also that if in any borough parish or part of a parish within the limits of supply and not being a borough

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parish or part of a parish within the limits of supply as defined by the Act of 1858 the Company shall not have made provision for the supply of water within seven years from the passing of this Act it shall be lawful for the local authority having jurisdiction within any such parish to construct waterworks anything in the Public Health Act 1875 to the contrary notwithstanding.

Additional rates in cases of supply at increased elevation.

6. In the cases in which the Company shall supply water at a pressure above or greater than that afforded by gravitation either from the now existing reservoir or from any other reservoir supplied otherwise than by pumping from a reservoir or pumping station at a lower level the Company may demand and take in respect of such supply an additional rate not exceeding one-fifth part of the rate or charge authorised by the Act of 1858.

Power to construct works.

7. Subject to the provisions of this Act the Company in the lines and situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain the reservoirs pumping work conduits lines of pipes and other works shown on the deposited plans among which are the following principal works (that is to say) :—

(1.) A conduit or line of pipes (No. 1) commencing in the parish of Sherwill by a junction with the existing open leat belonging to the Company at or near to the termination of the said leat at or near a certain place or hamlet called Snapper and terminating in the parish of Pilton at or near to the existing filter beds of the Company ;

(2.) A pumping work situate at or near the said filter beds in the said parish of Pilton ;

(3.) A line of pipes (No. 2) commencing in the parish of Pilton at or in the intended pumping work last described and terminating in the parish of Barnstaple at or near the intended service reservoirs next described ;

(4.) Two service reservoirs to be connected by a pipe communicating with the last-mentioned line of pipes (No. 2) and to be situate in the parish of Barnstaple in or near to the north-west corner of a field called Pickards Down belonging or reputed to belong to the trustees of the late John Baron Rolle ;

(5.) A line of pipes (No. 3) commencing in the parish of Pilton at or in the existing service reservoir of the Company situate in the said parish of Pilton and terminating at or in a certain public road or highway in the said parish of Barnstaple known as Bear Street Road at or near its junction with Sowden Lane.

Power to make subsidiary works.

8. Subject to the provisions of this Act the Company may as and when required in addition to the foregoing works and upon the

lands shown on the deposited plans and described in the deposited book of reference make and at all times maintain all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices by-washes weirs gauges wells water towers filter-beds tanks banks walls roads approaches engines machinery appliances and other works as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any of them.

Providing for compensation in respect of additional use of waters of River Yeo.

9. Inasmuch as the increased diversion and appropriation of the River Yeo authorised or contemplated by this Act for the supply of places beyond the limits of supply of the Act of 1858 may cause a diminution in the amount of water in that river below the intake of the Company's leat nothing in this Act shall prevent the owner lessee or occupier of any mill situate on the River Yeo below the intake of the Company's leat from obtaining such compensation (if any) as he may be entitled to in respect of any additional use of the waters of the River Yeo authorised by this Act.

Power to take lands.

10. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference.

Limits of deviation.

11. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet: Provided that the Company shall not in the exercise of the powers of lateral deviation hereby given make any embankment or wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall: Provided also that no deviation either lateral or vertical shall be made under the bed of the river without the consent of the Board of Trade in writing.

Power to acquire additional lands.

15. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use compulsorily or by agreement for the purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited book of reference (that is to say):—

Certain lands situate at or near Rawleigh Park in the parish of Pilton and adjacent to the Company's existing works: But no buildings shall be erected on any such lands except buildings

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required for the purposes of the Company's waterworks undertaking.

Period for compulsory purchase of lands.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing thereof.

Period for completion of works.

14. If the works authorised by this Act other than one of the said service reservoirs to be built on land already purchased by the Company be not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending their works mains and pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their limits of supply.

Power to take easements &c. by agreement.

15. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in 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.

Purchase of land by agreement.

16. In addition to any other lands which the Company are under the Act of 1858 and this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands not exceeding in the whole eight acres in extent or any term interest or easement (not being an easement of water) in any such lands: Provided that no buildings shall be erected on such lands except such as are required for the purposes of the Company's waterworks undertaking.

Sale of superfluous lands.

17. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease

for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Restriction on displacing persons of the labouring class.

18. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for 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.

Power for Company to raise further capital.

19. The Company from time to time may (subject to the provisions of Part II. of the Companies Clauses Act 1863) raise for the purposes of this Act and for the general purposes of their undertaking any additional sum or sums of money not exceeding in the whole eighteen thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share or stock vest in the person accepting the same unless and until the full nominal amount of such share or stock if such share or stock shall be issued at or above par together with any premium obtained upon the sale thereof shall have been paid in respect thereof.

Incidents of shares or stock.

20. Subject to the provisions of this Act any capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof shall be subject and entitled respectively to the same powers provisions liabilities rights privileges and incidents in all respects whatsoever 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 subject to the provisions of this Act form part of the capital of the Company.

Restriction as to votes in respect of

21. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of

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any new shares or stock to which a preferential dividend shall be assigned.

preferential shares or stock.

Dividends on new shares or stock.

22. Subject to the provisions of this Act 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 stock as the case may be.

Limit of dividends on new ordinary shares and stock.

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

Dividends on different classes of shares or stock to be paid proportionately.

24. In case in any year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate deduction shall be made in the dividend of each class of such capital.

New shares or stock to be offered by auction or tender.

25. Notwithstanding anything in this Act contained the Company shall when any new 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 in the Company and whether the ordinary shares or 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 bidding 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 bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Time for paying up shares or stock sold by auction.

26. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale &c. of shares or stock.

27. 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 borough of Barnstaple 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 consecutive weeks in one or more local newspapers circulating within the said borough.

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

28. 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 to the holders of ordinary shares or stock of the Company and if not accepted may be disposed of by the Company in manner provided by the Companies Clauses Act 1863.

Application of premium arising on issue of shares or stock.

29. Any sum of money which shall arise by way of premium from the issue of any such shares or stock 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.

Power to borrow.

30. The Company may in respect of the additional capital of eighteen thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised by shares or stock and at the time actually issued but no part thereof shall be borrowed until the whole of the shares or stock at the time of such borrowing 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 fortieth 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

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aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

31. 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. 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 in the whole than one thousand pounds.

Debenture stock.

32. 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be given on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

33. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over any mortgages granted or debenture stock created by virtue of this Act.

As to conversion of borrowed money into capital.

34. The Company shall not have power to raise by the creation of shares or stock instead of by borrowing the money by this Act authorised to be borrowed on mortgage or by debenture stock or any part thereof or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Application of moneys raised under this Act.

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

Regulations for preventing waste of water.

36. For preventing waste misuse undue consumption or contamination of the water of the Company the Company may from time to time make regulations for the purpose of preventing the waste misuse undue consumption or contamination of water and may by such regulations prescribe the size make nature materials

workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

Confirmation of regulations.

37. No such regulations shall be of any force or effect except within the district which the Company is bound to supply and does in fact supply or is prepared to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every sanitary authority within the limits of supply and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient: Provided that a copy of such representations shall be sent to the Company at the time of making the same.

Regulations subject to provisions of the Public Health Act 1875.

38. All such regulations shall be subject to the provisions contained in sections 182 to 184 both inclusive of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

Publication of regulations.

39. All such regulations in force for the time being shall be published by a copy thereof being 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 regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

40. A printed copy of any such regulations dated and purporting to have been made as aforesaid 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 regulations without further or other proof

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Penalty for infringement of regulations.

41. Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) 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.

Disputes to be determined by justices.

42. In the event of any dispute between the Company and any customer or intending customer as to the fact or extent of any alleged non-compliance with any such regulations such dispute shall be referred to the determination of two justices whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and by whom such costs are to be paid shall be final and conclusive.

Power to Company to supply water for other than domestic purposes.

43. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may if they think fit enter into agreements for the supply of water by measure for other than domestic purposes.

Power to sell or let meters.

44. The Company may from time to time sell and dispose of meters and any fittings thereto upon and subject to such terms (pecuniary or otherwise) and conditions as the Company think fit and may let for hire any meter for ascertaining the quantity of water consumed or supplied and any fittings thereto for such remuneration in money and on such terms and conditions with respect to the repair maintenance and protection of such meter and fittings and for securing access to and the safety and return to the Company of such meter and fittings as the Company may prescribe or as may be from time to time agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rents rates or charges due to the Company.

Notice to Company of putting up meters &c.

45. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of an officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Fraudulently injuring meters &c.

46. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging

to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Repair of meters.

47. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer. Such taking off removal testing and inspecting and replacing shall be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Company's officer may enter buildings to inspect meters &c.

48. The Company's agent or other officer duly appointed in writing for the purpose by the Company may without any previous notice between the hours of nine in the forenoon and four in the afternoon enter any premises supplied with water or about to be supplied with water by the Company under constant pressure in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if he shall find that there is an actual waste of water owing to a breach of the Company's regulations he may take such measures as may be reasonably necessary for preventing such waste until an order of two justices can be obtained by the Company under the powers of this Act and if such agent or other officer at any such time having produced his appointment be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

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Register of meter to be primâ facie evidence.

49. The register of the meter shall be primâ facie evidence of the quantity of water consumed in respect of which any water rent is charged and sought to be recovered by the Company: Provided always that if the Company and the consumer differ as to the quantity consumed such difference may be determined upon the application of either party by two justices who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

Power to remove meters and fittings.

50. Any officer of or person authorised by the Company after giving such notice as is herein-after provided in the case of any premises in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such premises between the hours of nine in the morning and four in the afternoon for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal.

Notice before entry.

51. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing under the hand of the secretary or other officer of the Company and shall be given or served in manner following (that is to say):—

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof forty-eight hours at least previously to such entry;

If such premises be unoccupied and the owner thereof and his usual place of abode be in the United Kingdom and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in the United Kingdom or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry;

And for the purposes of this section any person receiving the rack-rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Company not bound to supply several houses by one pipe.

52. The Company shall not be bound to supply more than one house by means of the same pipe nor one house by means of more than one pipe.

Works on foreshore not to be constructed without consent of Board of Trade.

53. The Company shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Survey of works by Board of Trade.

54. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

55. If a work constructed by the Company on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Saving rights of the Crown in the foreshore.

56. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained

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extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act.

57. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

For the protection of the Great Western Railway Company.

58. Any works to be constructed laid down or executed by the Company in exercise of the powers conferred by this Act beyond the limits defined by the Act of 1858 as also the repairs or renewals thereof crossing being in close proximity to or in any way affecting any railway lands or property at any time or times belonging to or used or occupied by the Great Western Railway Company or any of the bridges or other works of any such railway shall be done under the superintendence and to the reasonable satisfaction of an engineer for the time being to be appointed by the Great Western Railway Company for that purpose and according to plans and at such times as shall be reasonably approved by him before any such works are begun (except in cases of emergency arising and then as soon as possible after the beginning of the work or the necessity for the same has arisen) but in all things at the expense of the Company and so as to cause no injury to any such railway bridges works land or property or interference with the passage or conduct of traffic over or on any such railway or at any station thereon or at any works or conveniences connected therewith and if any such injury shall arise to any such railway bridges works conveniences lands or property or interference with the passage or conduct of such traffic either in or by the construction laying down execution repair or renewal of any works of the Great Western Railway Company or by bursting or leakage of any of the aqueducts conduits mains pipes or other works of the Company the Company shall make full compensation to the Great Western Railway Company in respect of any such injury or interference the amount of such compensation to be recoverable with full costs by the Great Western Railway Company from the Company by all and the same means as any simple contract debt is or may be recoverable.

The Company shall acquire only such an easement across over or under any of the railways bridges works or property of the Great Western Railway Company as may be necessary for constructing or maintaining any of the works of the Company and shall pay to the Great Western Railway Company for any such easement to be acquired by them such sum either annual or other-

wise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the acquisition of lands otherwise than by agreement and the easement so to be taken shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of such arbitration.

If the Great Western Railway Company at any time or times hereafter require of which requirement they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the Great Western Railway Company may on giving to the Company seven days' notice in writing under the hand of the secretary or general manager for the time being and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect thereof and shall be at liberty to shore up or support the mains pipes sewers culverts or other works which may be interfered with during the alteration or repair of any bridges of the Great Western Railway Company.

In case of any dispute with respect to any of the foregoing provisions the dispute shall except as otherwise provided be referred to an engineer to be nominated by the President of the Institution of Civil Engineers on the application of either party whose award shall be final and binding and who shall have power to determine the costs and by whom to be paid as though the proceedings were under the Lands Clauses Consolidation Act 1845.

Costs of Act.

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

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