CHAPTER cxi.

An Act for better supplying with Water the Borough of Beverley in the East Riding of the County of York. A.D. 1881.

[18th July 1881.]

WHEREAS it is expedient to increase and improve the supply of water to the borough of Beverley in the East Riding of the county of York and for that purpose to make and maintain the works hereinafter described:

And whereas plans and sections describing the lines situation and levels of the intended works and the lands which may be taken for the purposes thereof and a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the East Riding of the county of York:

And whereas the persons hereinafter named with others are willing at their own expense to provide such increased and improved supply and to make and maintain the said works and it is expedient that powers be conferred upon them for those purposes:

And whereas the objects of this Act 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:

Short title.

1. This Act may be cited for all purposes as the Beverley Waterworks Act 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

2. The Companies Clauses Consolidation Act 1845 Part I. (cancellation and surrender of shares) and Part III. (debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 and

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Incorporation of parts of Railways Clauses Act. 8 & 9 Vict. c. 20.

3. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof so far as the same are applicable for the purposes of and not inconsistent with this Act are incorporated with and form part of this Act Provided that in construing those provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the works and the boundaries of the works by this Act authorised.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless the same be varied by this Act or unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expressions "the works" "the waterworks" and the "undertaking" mean respectively the waterworks and undertaking by this Act authorised the expressions "the borough" and "the corporation" mean respectively the borough of Beverley and the mayor aldermen and burgesses of the borough and the expression "superior courts" or "courts of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Limits of Act.

5. The limits of this Act for the supply of water shall be the borough of Beverley in the East Riding of the county of York.

Company incorporated.

6. James Robinson Pease Henry Edward Silvester Arthur Campbell Walker Francis Hamilton Grove John Box and all other persons and corporations who have already subscribed or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the waterworks and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Beverley Waterworks Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make works.

7. Subject to the provisions of this Act the Company may make and maintain in the lines or situations and according to the levels shown on the said deposited plans and sections the pumping station well or shaft conduits or lines of pipe service reservoirs alterations deviations diversions and other works shown on the said deposited plans among which are comprised the following namely:

(1) A well or shaft and pumping station to be constructed in the township of Woodmansey and Beverley Parks in the parish of St. John Beverley;

(2) A covered storage or service reservoir situate in the township of Woodmansey and Beverley Parks in the parish of St. John Beverley;

(3) A conduit or line of pipes No. 1 commencing at the said well or shaft and terminating at the said storage or service reservoir;

(4) A conduit or line of pipes No. 2 commencing in the said reservoir and terminating at Westwood Road Gate House near the Dog Kennels on the highway leading from Walkington to Beverley;

Together with all proper wells shafts drifts adits engines pumps machinery buildings pipes conduits sluices stand pipes tanks embankments culverts drains approaches and other works and conveniences ancillary or subsidiary thereto or connected therewith and may enter upon take and use such of the lands described in the deposited plans and book of reference as they may require for the purposes of this Act and may take use and appropriate for the purposes of the works and undertaking of the Company all waters found in on or under any of the lands for the time being belonging to the Company Provided always that the quantity of water to be pumped or taken by the Company by means of the pumping and other works of the Company for the time being erected or constructed shall not exceed ten million gallons in any week reckoning from midnight on Monday to midnight on the following Monday except for the purpose of keeping down an accidental drowning of the works or in the event of fire or other accident.

Ascertaining the weekly quantity of water pumped or taken by the Company.

8. For the purpose of ascertaining the weekly quantity of water to be so pumped or taken by the Company in any one week the Company shall cause to be attached to each and every of their engines or pumps at their said pumping station and works and shall at all times thereafter maintain in an efficient state of repair a proper instrument or apparatus with a register or index to indicate the quantity of water so pumped or taken by reference to the

A.D. 1881.

number of strokes of their engines or pumps or by such other means and in such other manner as may be approved by the corporation and in case the corporation have reason to believe that the Company are exceeding the quantity hereinbefore prescribed the corporation may apply to a justice of the peace for the East Riding of the county of York who may if he is satisfied with the reasonableness of such application make an order for inspection of such registers or indexes and the Company shall permit such inspection and if any difference shall arise in carrying into effect the provisions of this section the same shall be settled by an engineer to be appointed by the Board of Trade.

Apparatus for ascertaining quantity of water to be kept in proper state of repair.

9. If at any time any such instrument or apparatus shall be in an unfit state of repair or condition for the purpose for which it is used the same shall be forthwith put into a proper state of repair and condition by the Company and if at any time for a space of ten days after notice given to them by or on behalf of the corporation they fail or neglect to put any such instrument or apparatus into a proper state of repair and condition they shall forfeit and pay to the corporation as a penalty the sum of five pounds for every day after such period of ten days until they have either renewed such instrument or apparatus or placed the same in a proper state of condition and repair.

Penalty for pumping in excess of quantity of water prescribed.

10. If on such inspection it is found that the Company have been immediately before such inspection pumping more than the prescribed quantity they shall be liable to a penalty not exceeding one hundred pounds for every week that they have been exceeding such prescribed quantity immediately before such inspection.

Limits of lateral and vertical deviation.

11. In constructing the works authorised by this Act the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on the said plans and may deviate vertically from the levels shown on the deposited sections in the case of the service reservoirs to any extent not exceeding two feet upwards or five feet downwards and in the case of any other work to an extent not exceeding five feet upwards or seven feet downwards Provided that when any work is to be made on any road the limits of lateral deviation if not otherwise laid down shall be the boundaries of such road Provided also that the Company shall not in the exercise of the power of lateral deviation hereby given make any embankment or wall of any reservoir of a greater height than that shown on the deposited plans with reference to the corresponding embankment or wall and two feet in addition.

Temporary occupation of lands.

12. The provisions with respect to the temporary occupation of lands of the Railways Clauses Consolidation Act 1845 incorporated with this Act shall apply only to the said service reservoir authorised by this Act and the works immediately connected therewith and for the purposes of this Act those provisions shall be read as if the service reservoir and works were therein mentioned instead of the railway and the boundaries of the service reservoir and works instead of the centre of the railway and the prescribed limit shall be one hundred yards from the nearest margin of the said service reservoir but these provisions shall not be deemed to include or apply to any lands from time to time belonging to or used or occupied by the North Eastern Railway Company.

Protection of the North Eastern Railway Company.

13. The powers by this Act conferred upon the Company shall be exercised only subject to and in accordance with the following provisions for the protection of the North Eastern Railway Company (hereinafter called the railway company):

1. The Company may carry any main or pipe under and across the railway of the railway company where crossed by any public street on the level but the laying down and subsequent repair or reinstating of any such main or pipe and any other work of the Company over across or affecting the railway or property of the railway company shall be executed by and at the expense of the Company at such times as may be required or approved by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the railway company and in accordance with plans and specifications previously submitted to and approved by him.
2. The said mains pipes and other works shall be laid down executed maintained repaired and used so that the traffic upon the North Eastern Railway shall not be in anywise impeded.
3. If by reason or in consequence of any act or work of the Company or the laying down relaying maintenance use want of repair failure or bursting of any pipe of the Company or during the laying down or repair thereof or otherwise the railway company or their railway or any work connected therewith or the traffic thereon shall be damaged injured or impeded the Company shall forthwith at their own expense make good the same or compensate the railway company for any loss damage injury or expense they may sustain or incur thereby.

Confirming agreement with Joseph Walker Pease.

14. The agreement entered into between Joseph Walker Pease and the promoters of the Company set forth in the first schedule to this Act is hereby confirmed and made binding upon the parties thereto and the Company respectively and full effect shall be given thereto as if the Company were named in the said agreement instead of the promoters.

Confirming agreement with the justices of the peace for the East Riding of the county of York.

15. The agreement entered into between the justices of the peace for the East Riding of the county of York and the promoters of the Company set forth in the second schedule to this Act is hereby confirmed and made binding upon the parties thereto and the Company respectively and full effect shall be given thereto as if the Company were named in the said agreement instead of the promoters.

Capital.

16. The capital of the Company shall be eighteen thousand pounds in eighteen hundred shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

17. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

18. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls.

Receipts for disqualified persons

19. If any money be payable to any shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his or her estate shall be a sufficient discharge to the Company for the same.

Power to borrow.

20. The Company may from time to time borrow on mortgage any sums not exceeding in the whole four thousand five hundred pounds but no part of the said sum of four thousand five hundred pounds shall be borrowed until the whole of the capital of eighteen thousand pounds is issued and accepted and one half thereof is 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 the whole of the capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same

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 his certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of a receiver.

21. 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 principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount borrowed in the whole.

Debenture stock.

22. 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 created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock.

23. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on the debenture stock created and issued under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rent-charge granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or for land taken used or occupied by the Company for the purposes of their undertaking or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

24. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

25. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act.

Number of directors.

26. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

27. The qualification of a director shall be the possession in his own right of not less than ten shares.

Directors not to be disqualified by being commissioners under local Acts, &c.

28. No person shall be disqualified as a director by being a commissioner or a trustee under any Act of Parliament or member of any municipal corporation or local board within the limits of this Act or mortgagee of rates or justice of the peace for the division within which the works may be situate and no shareholder of the Company shall be disqualified as such commissioner trustee or member by reason of any contract between the Company and the commissioners trustees municipal corporation or local board Provided always that no commissioner trustee or member who is a director or shareholder or holder of debenture stock shall act or vote at any meeting of such commissioners trustees municipal corporation or board on any question or with reference to any matter in which such director or shareholder has direct or indirect interest as a shareholder.

Quorum.

29. The quorum of a meeting of directors shall be three and if the number of directors be reduced to three the quorum shall be two.

First directors.

30. James Robinson Pease Henry Edward Silvester Arthur Campbell Walker Francis Hamilton Grove and John Box shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At

Election of directors.

that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Quorum for general meetings.

31. The quorum of every general meeting of the Company whether ordinary or extraordinary shall be at least five shareholders present in person or by proxy holding in the aggregate not less than two thousand pounds in the capital of the Company.

Votes of shareholders.

32. At all meetings of the Company every holder of five shares shall be entitled to one vote and every shareholder shall have an additional vote for every five shares held by him beyond the first five.

Extraordinary meetings.

33. The number of shareholders on whose requisition an extraordinary meeting of the Company may be required to be convened shall not be less than ten shareholders holding in the aggregate not less than two thousand pounds in the capital of the Company.

Auditors need not be shareholders.

34. It shall not be necessary for auditors appointed by the Company to be shareholders of the Company.

Period for the compulsory purchase of lands.

35. 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 of this Act.

Period for the completion of works.

36. The works hereby authorised shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for making the said works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed Provided always that subject to the restrictions and provisions of this Act the Company may from time to time alter renew enlarge and extend their engines machinery tanks wells shafts adits pipes and other works in such way and manner as they may think requisite or advisable for supplying water within the limits of this Act.

Lands for extraordinary purposes.

37. The Company may from time to time purchase by agreement for the purposes of this Act any quantity of land or any easements in over or affecting any land which they may think requisite provided that such land shall not exceed five acres in addition to the land which they are by this Act authorised to take by compulsion.

Parties may grant easements.

38. The persons empowered by the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 to convey lands may by agreement and subject to the provisions of those Acts respectively with respect to land and rent-charges and of this Act grant to the Company for the purposes of this Act any easement right privilege or authority not being an easement of water in or over or affecting any lands by this Act authorised to be taken or held by the Company.

Provisions of the Lands Clauses Acts to apply to easements.

39. For the purposes and subject to the provisions of this Act the several provisions of the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 with respect to lands and rent-charges so far as the same respectively are applicable in that behalf shall extend and apply to easements rent-charges and rents reserved by grants and leases of easements respectively.

Company to sell their undertaking on requisition of corporation.

40. If the corporation shall within twelve months after the completion of the works by writing under their common seal addressed and sent to the secretary or delivered at the principal office of the Company require the Company to sell with the sanction of the Local Government Board the Company shall thereupon sell to the corporation and the corporation shall purchase from the Company all their undertaking property rights powers and privileges as the same exist at the time of the delivery of such notice for such price including a sum for compulsory sale as shall be mutually agreed upon and if any difference shall arise in carrying into effect the provisions of this section the same shall be settled by arbitration in accordance with the provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869.

When waterworks are vested in corporation powers of Company to be executed by corporation.

41. Immediately upon the undertaking becoming vested in the corporation under the provisions hereinbefore contained all the powers authorities regulations and provisions contained in this Act shall be extended to and vested in the corporation and be exercised and put in force by or against the corporation in the same manner as if they had throughout this Act been named instead of the Company Provided that the powers of the Company by this Act vested in the corporation shall not comprise any of their powers with respect to general meetings or with respect to directors or with respect to the management of the internal affairs of the Company or with respect to the raising of money by shares or by borrowing or with respect to the amount of profit to be received by the undertakers when the works are carried on for their benefit.

Rates at which water is to be supplied for domestic purposes.

42. The Company shall at the request of any owner or any occupier of any private dwelling-house or part of a private dwelling-house in any street in which any pipe of the Company shall be laid or on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes (which shall include one water-closet) furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates not exceeding the rates hereinafter specified (that is to say) :

If the rack rent or (if not let at a rack rent) the annual value of the dwelling-house or of part of a dwelling-house does not amount to seven pounds per annum the rate of eight shillings and eight pence per annum upon such rack rent or annual value as the case may be and so in proportion for any shorter period.

If such rack rent or (as the case may be) annual value amounts to seven but does not amount to thirty pounds per annum the

rate of seven pounds per centum per annum upon such rack rent or annual value as the case may be and so in proportion for any shorter period.

If such rack rent or (as the case may be) annual value exceeds thirty pounds the rate of six pounds per centum per annum upon such rack rent or annual value as the case may be and so in proportion for any shorter period.

Provided always that the Company shall not be compelled to afford a supply of water for domestic purposes to any such owner or occupier for any less sum than eight shillings in any one year for every private dwelling-house or part of a private dwelling-house nor for a less period than twelve months.

Rates for water-closets and baths.

43. In addition to the rates computed as above specified the Company may charge for a second water-closet and for any private bath in any private dwelling-house or part of such private dwelling-house or appurtenant thereto the following rates (that is to say):—

When the rack rent or if not let at a rack rent the annual rent shall not exceed ten pounds the sum of five shillings per annum.

When such rent shall exceed ten pounds but shall not exceed twenty pounds the sum of six shillings per annum.

When such rent shall exceed twenty pounds but shall not exceed forty pounds the sum of eight shillings per annum.

When such rent shall exceed forty pounds but shall not exceed eighty pounds the sum of ten shillings per annum.

When such rent shall exceed eighty pounds the sum of twelve shillings per annum.

And for every additional water-closet beyond the second and for every additional bath beyond the first the sum of five shillings per annum respectively.

Provided that the Company shall not be compellable to supply with water any water-closet or private bath or the apparatus or pipes connected therewith unless the same shall be so constructed and used as to prevent the waste misuse or undue consumption of the water of the Company and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Company or into any pipes connected or communicating therewith nor any private bath which shall be so constructed as to contain when filled for use more than fifty gallons of water.

Penalty for using water for other than domestic purposes.

44. In addition to and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company no person supplied by the Company with water for

A.D. 1881.

domestic purposes shall use such water or suffer the same to be used for the purpose of affording power to or in connection with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding five pounds.

Company not bound to supply water in certain cases.

45. No person shall be entitled to require nor shall the Company be bound to supply any dwelling-house with water (otherwise than by meter or special agreement) where any part of such dwelling-house is used for any trade or business purpose for which water is required and no person shall be entitled to require nor shall the Company be bound to supply with water any dwelling-house or other place situated more than one hundred yards from any pipe of the Company except upon such terms as shall be agreed upon between such person and the Company.

Supply of water to groups of dwelling-houses, &c.

46. The Company shall not be compellable to supply or to continue the supply of water to any group of dwelling-houses belonging to the same owner or to any court where the supply may be or is afforded by any common pipe accessible to all the occupiers of such group of dwelling-houses or court unless and until the owner or occupiers thereof respectively shall have agreed with the Company to pay the water rent payable in respect of the water supplied to the whole or each of the dwelling-houses forming such group or court as the case may be.

Water supplied by agreement.

47. The Company may agree with any person to supply him with water by measure and may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any such person shall supply him with water by measure for other than domestic purposes. In every case a meter for ascertaining the quantity consumed shall be provided by the Company at a reasonable rate or charge for the same.

Charges for water supplied by measure.

48. For all water supplied by measure the Company may charge the consumer not exceeding the following rates (that is to say):

If the consumption of water shall not exceed an average for the quarter of four thousand gallons per day tenpence per one thousand gallons but not less than five shillings per quarter.

If the consumption shall exceed an average for the quarter of four thousand gallons and not exceed ten thousand gallons per day ninepence per one thousand gallons but not less than thirteen pounds per quarter.

If the consumption shall exceed an average for the quarter of ten thousand gallons and not exceed thirty thousand gallons per day eightpence per one thousand gallons but not less than twenty-nine pounds per quarter.

If the consumption shall exceed an average for the quarter of thirty thousand gallons per day sixpence per one thousand gallons but not less than sixty-seven pounds per quarter.

Company may contract with local bodies as to supply of water.

49. Subject to the provisions of this Act the Company may from time to time enter into contracts or agreements with any local boards commissioners corporations or other public or local bodies for the supply by the Company within the limits of this Act of water to or for those bodies respectively in bulk or otherwise and every such contract or agreement may be for such period and on such terms pecuniary or otherwise and conditions as the Company think fit.

Domestic supply not to be prejudiced.

50. Notwithstanding any contract with the Company no person shall be entitled to a supply of water for any other than domestic purposes if such supply would interfere with a due supply of water for domestic purposes.

Where part only of premises supplied the whole to pay.

51. The Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Incoming tenant not liable to pay arrears of water rate.

52. The Company shall not be entitled to demand from the incoming tenant of any premises which they have supplied with water payment of any rate or charge which the former tenant left unpaid when he quitted the premises unless the incoming tenant shall have agreed with such former tenant to pay the arrears.

Company may make regulations for prevention of waste, &c,

53. The Company may from time to time with the approval of the Local Government Board make such regulations as they think fit for the purpose of preventing waste misuse undue consumption or contamination of the water of the Company and may by such regulations direct the use and prescribe (with or without reference to models patterns or samples) the size nature strength and materials and the mode of arrangement position alteration and repair of the pipes valves cocks cisterns soil-pans water-closets and other apparatus and receptacles or any of them to be used for carrying delivering rendering and storing water and may forbid any arrangement and the use of any pipe valve cock cistern bath soil-pan water-closet or other apparatus or receptacle likely in their judgment to cause waste misuse undue consumption or contamination of water.

Confirmation of regulations.

54. No such regulation shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same and no such regulation shall be confirmed until after the expiration of ten days after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulation shall have been given by or on behalf of the Company to the corporation who may within the said period of ten days make such representation with reference thereto to the Local Government Board as the corporation shall think expedient.

Publication of regulations.

55. 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.

56. A printed copy of any such regulations as aforesaid dated and purporting to be made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof.

Company not bound to supply water unless their regulations complied with.

57. The Company shall not be bound to supply or continue to supply water to any person unless and until he shall duly observe such regulations as are for the time being in force.

Company may supply fittings.

58. The Company may if requested by any person supplied or to be supplied by them with water furnish to him at his costs and charges and from time to time repair or alter any pipes valves meters cocks cisterns baths soil-pans water-closets apparatus and receptacles and may provide all materials and do all work necessary or proper in that behalf.

Company may require persons supplied with water to repair pipes, &c.

59. The Company may by notice in writing under the hand of their secretary or other authorised officer require any person supplied by them with water who shall have permitted any pipe cock cistern or other apparatus connected with the water supply to become out of repair to put the same forthwith into proper repair and if such person shall not within twenty-four hours after the service of such notice so repair such pipe cock cistern or other apparatus as to prevent any waste of water therefrom the Company may repair the same and the expenses of such repair if they shall

not be repaid to the Company on demand shall be recoverable by them as damages. A.D. 1881.

Penalty for injury to and fraudulent use of meters.

60. Every person who shall wilfully fraudulently or by culpable negligence injure or cause or suffer to be injured any meter pipes fittings or apparatus belonging to the Company or who shall fraudulently alter the index of any meter or shall wilfully or knowingly prevent any meter from properly registering the quantity of water supplied shall for every such offence forfeit or pay to the Company a sum not exceeding five pounds and they may in addition thereto recover the amount of damage by them sustained.

Meters not to be altered or repaired except under direction or with consent of Company.

61. No meter whether the property of the Company or the property of the consumer shall be altered or repaired except under the direction or with the consent of the Company and the Company shall be entitled to keep all meters the property of the consumer in repair at his cost at such moderate rate of remuneration as may be agreed on between the Company and the consumer or in case of dispute as may be fixed by two justices.

Company to keep meters let for hire in repair.

62. The Company shall at all times at their own expense keep all meters let by them for hire in proper order for correctly registering water and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as the default continues.

Register of meter to be primâ facie evidence.

63. The register of the meter shall be primâ facie evidence of the quantity of water supplied and in respect of which any charge is made by the Company Provided always that if the Company and the consumer differ as to the quantity supplied such difference may be determined on the application of either party by two justices for the East Riding of the county of York who may also order by which of the parties the costs of the proceedings before them including the testing of the meter shall be paid and the decision of the justices shall be final and binding on all parties.

Company's officers may enter buildings for inspection.

64. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine of the clock in the forenoon and four of the clock in the afternoon enter any building or place supplied with water by the Company in order to inspect the meters pipes fittings and apparatus for regulating the supply of water either for the purpose of ascertaining the quantity of water consumed or supplied or to see whether the meters pipes fittings cisterns or other apparatus provided be in good repair and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for

A.D. 1881.

every such offence forfeit to the Company a sum not exceeding five pounds.

Preventing frauds and waste of water.

65. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse contamination or undue consumption of water the Company may cut off or stop any pipe by or through which water is supplied to him and may cease to supply him with water as long as the cause of injury remains or is not remedied and also may recover in any court of competent jurisdiction from any person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Company's officers may enter buildings and cut off pipes after notice given.

66. In all cases in which the Company are by the Waterworks Clauses Act 1847 or the Waterworks Clauses Act 1863 or by this Act authorized to cut off the pipe or turn off water from any premises and in all cases in which any premises which shall have been supplied with water by the Company shall have become unoccupied the Company their agents and workmen (after giving notice to the owner or occupier as hereinafter provided) may enter into any such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipes by which the water of the Company shall be conveyed to such premises and may remove any pipe meter fittings and apparatus the property of the Company.

Mode of giving notice.

67. The notice to be given previously to such entry shall be in writing and shall be served in manner following (that is to say):—

If the premises intended to be entered be occupied then by leaving notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry:

If such premises be unoccupied and the owner thereof or his usual place of abode be in England 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 twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual or last known 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 England 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 purpose of this section any person receiving the 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.

Recovery of charges for water.

68. In case any person who shall have been supplied with water by the Company or who shall be liable to payment in respect of a supply of water under or by virtue of the provisions of this Act shall neglect or refuse to pay the amount due in respect of such supply for the space of fourteen days after demand thereof by the Company their agent or collector it shall be lawful for any justice having jurisdiction where such person shall then reside or where such water may have been supplied to issue his summons to such person requiring him to appear before two justices having jurisdiction as aforesaid at a time and place named therein and then and there to show cause why the sum so demanded should not be paid and if on the appearance of such person or in default of appearance after proof of the service of the summons either personally or at the last known place of abode or of business of such person no sufficient cause shall be shown to the contrary it shall be lawful for such two justices to issue their warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justices to be due from such person together with such costs as to such justices shall seem just and reasonable.

Sums due to Company may be recovered in any Court of competent jurisdiction.

69. The Company may recover any sum of money which shall be due to them for water-rates or rents damages costs or expenses by action or proceeding in any court of law competent for the trial of an action for debt damages or trespass to the like amount.

Notice of discontinuance.

70. A notice to the Company from a consumer for a discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Company.

Liability to water rent not to disqualify justices, &c.

71. A justice or a judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water-rent meter-rent rate or charge under this Act or of his being a shareholder of the Company.

Contents of summons.

72. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of distress.

73. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable

A.D. 1881.

to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Application of penalties.

74. Every penalty imposed by this Act shall (except where otherwise expressly provided and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Penalties not cumulative.

75. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Saving rights of corporation as to water supply for certain purposes.

76. Nothing in this Act shall prevent the corporation from making or using any bore well or pump for the purpose of supplying water for public drinking purposes for water carts for watering the streets or flushing sewers but it shall not be lawful for them to lay any pipes.

Costs of Act.

77. 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.

SCHEDULES to which the foregoing Act refers. A.D. 1881.

THE FIRST SCHEDULE.

Memorandum of Agreement made this 17th day of February 1881 between Joseph Walker Pease of Hesslewood in the East Riding of the County of York Esquire of the one part and Arthur Campbell Walker Francis Hamilton Grove and John Box the Provisional Directors and Promoters of an intended Company seeking to be incorporated by the Bill now pending in Parliament intituled "A Bill for better supplying with water "Beverley and its neighbourhood in the East Riding of the County of "York" (hereinafter called "the Company") on behalf of themselves and all other Promoters of the said Bill of the other part.

1. In consideration of the Agreement hereinafter contained on the part of the Company to be performed the said Joseph Walker Pease shall if and when required by the Company grant to the Company for a nominal consideration of one shilling per annum an easement or right of laying a main or pipe for supplying the Barracks and other neighbouring places along and under the private road belonging to him leading from the Queen's Gate Road to a point at or near to the north-west corner of such private road opposite to the present chalk quarry at or near Beverley known as the Queen's Gate Whiting Works with full power to the Company their servants and workmen to enter upon and use the said road at all reasonable times for the purpose of laying relaying removing and renewing the said main or pipe.

2. The Company shall not cause any obstruction or injury to the said private road more than shall be absolutely necessary in executing any such work and shall at all times at their own expense repair any damage or injury caused by them or by their servants or workmen or by or in consequence of the laying relaying repairing renewing or removing of the said main or pipe or which may be caused by reason of the same being placed or maintained under the said road.

3. In consideration of the Agreement hereinbefore contained to grant the aforesaid right or easement the Company shall in the event of the present supply of water to the estate and works of the said Joseph Walker Pease being injuriously affected by the works and operations of the Company so as to depress the underground water-line to an extent of one hundred and fourteen feet or more below the floor line of the Windmill at the said works when required by the said Joseph Walker Pease his heirs or assigns to his or their reasonable satisfaction and at the cost of the Company lower the existing bore of the present pump or other future pumps belonging to the said Joseph

A.D. 1881.

Walker Pease and refit and refix such pump or pumps to or at a sufficient depth but not exceeding one hundred and thirteen feet six inches below the present level of the surface of the floor line of the said Windmill (which is now one hundred and two feet six inches) and shall enlarge the existing bore hole which is now only three inches to six inches to a depth of twenty-six feet.

4. This Agreement is made subject to such alterations as Parliament may think fit to make therein.

As witness the hands of the said parties.

J. W. PEASE.
A. CAMPBELL WALKER.
F. H. GROVE.
JOHN BOX.

THE SECOND SCHEDULE.

An Agreement made the 25th day of May 1881 between the Justices of the Peace for the East Riding of the county of York (hereinafter called "the Justices") of the one part and James Robinson Pease and Henry Edward Silvester two of the Provisional Directors and Promoters of an intended Company seeking to be incorporated by the Bill now pending in Parliament intituled "An Act for better supplying with water the borough of Beverley in the East Riding of the county of York" (hereinafter called "the Company") on behalf of themselves and all other Promoters of the same Bill of the other part Whereas in order to obtain a copious and unfailing supply of water for the East Riding Pauper Lunatic Asylum at Beverley the Justices or their predecessors have at great cost to the Riding sunk an artesian well in the chalk hills adjacent to the Asylum the supply of water from which has hitherto been abundant for all the purposes of the Asylum And whereas the proposed works of the said Company are in close contiguity with the said well And whereas the Justices being apprehensive that the proposed works of the Company would prejudicially affect the supply of water from the said well presented a petition to the House of Lords against the Bill And whereas it has been mutually agreed by and between the parties hereto that the Justices shall not proceed further with their opposition to the Bill in consideration of the several conditions and covenants hereinafter contained being entered into and made binding on the parties and the Company respectively.

1. The Company shall if requested in writing by the Justices so to do within four months after passing of the said Bill into an Act construct and

lay down concurrently with the construction of their intended new works and shall thereafter maintain such pumps mains pipes and other works as may be necessary and sufficient for conveying water from the Company's said works into the existing cistern or tank in the water tower at the said Asylum and the said pumps mains pipes and other works shall be executed by the Company at their own expense with as little delay as possible and to the reasonable satisfaction in all respects of the Justices.

2. The Company shall by means of the said works deliver into the said cistern or tank at the said Asylum such quantity of water as the Justices may from time to time require for the purposes of the said Asylum not being more than twelve thousand gallons a-day.

3. The Justices shall pay to the Company in respect of such supply the sum of one hundred pounds per annum on the usual quarterly days of payment.

4. If at any time the Justices require for the purposes of the said Asylum a larger quantity of water than twelve thousand gallons a-day the Company shall supply such further quantity of water as may be so required at the rate of sixpence for each one thousand gallons.

5. In case of fire at the said Asylum the same shall be deemed to be a work or manufactory within the Company's limits for the supply of water and the Company shall supply without extra charge such quantity of water as may be required for the extinguishment of such fire.

6. If the Company refuse or neglect to construct the works and supply the water as hereinbefore provided they shall forfeit to the Justices the sum of one hundred pounds and also the further sum of forty shillings for every day during which they shall refuse or neglect to provide such supply of water Provided that the Company shall not be liable to any such penalty for not supplying water if the want of such supply shall arise from frost unusual drought or other unavoidable cause or accident.

7. If any difference arise between the Justices and the Company with respect to any of the matters aforesaid or otherwise with respect to the true intent and meaning of this Agreement or the mode of giving effect thereto the same shall from time to time be determined by an arbitrator to be appointed for the purpose on the application of either party by the President for the time being of the Institution of Civil Engineers.

8. This Agreement is made subject to such alterations as Parliament may think fit to make therein.

As witness the hands of the parties the day and year aforesaid.

A. DUNCOMBE,
Chairman of Visitors.
DAVID BURTON.
J. R. PEASE.
H. E. SILVESTER.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1881.