ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. ccxlix.

An Act for better supplying with Water *Exmouth*, *Budleigh Salterton*, and the adjoining Districts within the Parishes of *Littleham* and *Exmouth*, *Withycombe Raleigh*, and *East Budleigh*, in the County of *Devon*. [25th *July* 1864.]

WHEREAS the present Supply of Water to *Exmouth* and *Budleigh Salterton*, and the several Parishes and Places adjacent thereto, in the County of *Devon*, is insufficient for the Wants of the Inhabitants thereof, and it is expedient to increase and improve such Supply, and for such Purposes to make and maintain the Works herein-after mentioned: And whereas Plans and Sections of the Reservoirs, Aqueducts, or Main Pipes, and other Works proposed to be made for the Purpose of affording a better Supply of Water as aforesaid, showing the Line and Levels thereof, with a Book of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Devon:* And whereas the Parties herein-after named, and others, are willing at their own Expense to provide such increased and improved Supply, and to make and maintain the necessary Works for the Purposes aforesaid, on being incorporated into a Company (in this Act called "the Company")

for that Purpose: And whereas the Objects aforesaid cannot be effected 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. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Exmouth and Budleigh Salterton* Waterworks Act, 1864."

Limits of Act.

2. The Limits of this Act for the Supply of Water by the Company shall be the Parishes of *Littleham* and *Exmouth*, *Withycombe Raleigh*, and *East Budleigh*, all in the County of *Devon*.

8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 93. & 118. incorporated.

3. "The Companies Clauses Consolidation Act, 1845," and Parts 1 and 3 of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act Amendment Act, 1860," "The Waterworks Clauses Act, 1847," and "The Waterworks Clauses Act, 1863," (save in so far as the Provisions of those Acts and Parts are varied or excepted by this Act,) shall be incorporated with this Act.

Same Meanings to Words in General Acts as in this Act.

4. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction: Provided that the Expression Superior Courts or Court of competent Jurisdiction, or any other like Expression in this or the incorporated Acts and Parts, should 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.

Incorporation of Company.

5. *John Wood*, *Robert Maidstone Smith*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of supplying with Water the Inhabitants, Buildings, Lands, and Premises within the Limits of this Act, and for making and maintaining Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions and for the Purposes of this Act, by and under the Name of "The *Exmouth and Budleigh Salterton* Waterworks Company," and by that

Name

Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall and may sue and be sued, and shall have Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes of but subject to the Restrictions of this Act.

Amount of Capital.

6. The Share Capital of the Company shall be Eight thousand Pounds.

Shares.

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

Shares not to issue until One Fifth paid up.

8. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Calls.

9. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and not more than Three Fourths of the Amount of a Share shall be called up in One Year on each Share.

Power to borrow on Mortgage.

10. When the whole of the Capital or Sum of Eight thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," shall have certified that all such Capital has been subscribed for *bonâ fide*, and that all the Shares are issued, and that Twenty *per Centum* has been paid on account of each separate Share, and that each Share is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, the Company may borrow on Mortgage any Sums of Money not exceeding in the whole the Sum of Two thousand Pounds: Provided always, that no Money shall be so borrowed except by the Authority and with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by proxy, at any General Meeting called specially for that Purpose.

Money to be applied to Purposes of Undertaking only.

11. All Monies raised by Shares or borrowing under the Powers of this Act shall be applicable only to the Purposes of the Undertaking by this Act authorized.

First Ordinary Meeting.

12. The First Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act.

13. At

Manner of Voting at Meetings.

13. At all Meetings of the Company every Holder of Five Shares and under shall be entitled to One Vote, and every Shareholder shall be entitled to an additional Vote for every Five Shares held by him beyond the first Five.

Number and Qualification of Directors.

14. Subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares at least in the Undertaking, and a Quorum for a Meeting of Directors shall be Three, unless the Number of Directors shall be reduced to Three, in which Case the Number for a Quorum shall be Two.

Power to reduce the Number of Directors.

15. The Company may from Time to Time reduce the Number of Directors, but the whole Number of Directors after any such Reduction as aforesaid shall not be less than Three.

First Directors.

16. *John Wood*, *Robert Maidstone Smith*, *John Spettigue*, *Nicholas Bickford*, *Henry Crabb*, and *Thomas Crudge* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting after the passing of this Act.

Newspapers for Advertisements.

17. The Newspaper for Advertisements shall be any Newspaper published in the County of *Devon*.

Number of Shareholders to convene Extraordinary Meeting.

18. The Number of Shareholders on whose Requisition an Extraordinary Meeting of the Company may be required to be convened shall be Three Shareholders, holding in the aggregate not less than Three hundred Pounds in the Capital of the Company.

Power to take Lands and Waters for Purposes of Act.

19. Subject to the Provisions of this Act, the Company may enter upon, take, and use for the Purposes of this Act such of the Lands, Streams, Reservoirs, and Waters shown on the deposited Plans and specified in the deposited Books of Reference as they think fit, and may take and use such Easements, Liberties, or Privileges in, over, or affecting any of those Lands, Streams, Reservoirs, or Waters, without taking the same, as they think fit.

Powers for compulsory Purchases limited.

20. 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 after the passing of this Act.

Power to take Water.

21. The Company from Time to Time for the Purposes of their Undertaking may intercept, take, and use the Waters from the Rivers, Streams, and Springs called or known as the *Littleham Brook*, the *Withycombe Brook*, the *Dalditch* and *Salterton* Brooks, and their Tributaries, Sources, and Springs, together with all Springs and Streams along the Line of Works running through the several Townships

ships or several Parishes hereafter mentioned, and to divert into the intended Reservoirs, Aqueducts, and Pipes the Waters of such Rivers, Streams, and Springs.

Lands, &c. for extraordinary Purposes.

22. The Company from Time to Time by Agreement may purchase, in addition to the Lands by this Act authorized to be taken compulsorily, any Lands not exceeding in Quantity Five Acres which they think desirable for any of the Purposes of this Act, and any Easements, Rights, and Privileges in, over, or affecting any Lands, except an Easement, Right, or Privilege in respect of Water.

Owners may grant Easements.

23. Subject to the Provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," the Persons by that Act authorized to sell and convey or release Lands shall have full Power to grant to the Company any Easement, Liberty, or Privilege in or over or affecting any Lands, Streams, or Waters authorized to be taken by this Act; and the Word Land shall for the Purposes of this Act, when referred to by the said "Lands Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation Act Amendment Act, 1860," include the Words Easement, Liberty, or Privilege.

Power to make Waterworks according to deposited Plans.

24. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain the several Works by this Act authorized, and so far as those Works are shown on the deposited Plans may make and maintain the same in the Lines and according to the Levels shown on the deposited Plans and Sections respectively, and in the Lands shown on those Plans and specified in the deposited Books of Reference.

Waterworks authorized.

25. The Works which the Company are by this Act authorized to execute comprise the following Waterworks, with all requisite Works and Conveniences connected therewith; (that is to say,)

A Reservoir in or near certain Fields at the Junction of the Two Streams from *Bystock* and *Liverton* Farm in the Parishes of *Littleham* and *Exmouth* and *Withycombe Raleigh* in the County of *Devon*:

An Aqueduct or Pipe commencing at such Reservoir, and terminating in the Town of *Exmouth*, passing the Village of *Withycombe Raleigh*, up *Marpool Hill*, to a Meadow belonging to the Trustees under the Will of the late Lord *Rolle*, in the Occupation of Mr. *Richard Webber*, in the Parishes of *Littleham* and *Exmouth* in the County of *Devon*:

A Reservoir and Aqueduct or Pipe, with Catchwater and Drains, commencing on the Common on *Black Hills* immediately below the Bridge crossing the Stream near Mr. *Divett*'s Fish Pond on the Road leading from *Bystock* over the Common to *Yettington*,

and terminating at the aforesaid Junction of the Two Streams from *Bystock* and *Liverton* Farm in the Parishes of *Littleham* and *Exmouth* and *Withycombe Raleigh* aforesaid in the County of *Devon*:

A Drain which will only be in the said Parish of *Withycombe Raleigh*, commencing in a Field belonging to and in the Occupation of *Edward Divett* Esq., M.P., near to the Church of *Saint John's-in-the-Wilderness*, and terminating in a Field belonging to Miss *Mary Anne Reed*, in the Occupation of *William Crabb*.

Deviations.

26. In making the Works by this Act authorized the Company may deviate laterally to any Extent not exceeding the Limits of Deviation shown on the deposited Plans, and vertically to any Extent in case of Reservoirs not exceeding Three Feet, and in case of any other Work to any Extent not exceeding Five Feet: Provided that where any Work is to be made in any Road the Limits of lateral Deviation, if not otherwise shown on the deposited Plans, are the Boundaries of the Road.

Period for Completion of Works.

27. If the Works by this Act authorized and shown on the deposited Plans are not completed within Five Years after the passing of this Act, then on the Expiration of that Period all the Powers by this Act given to the Company for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed: Provided that nothing in this Act shall restrain the Company from extending their Reservoirs, Aqueducts, Mains, Pipes, Works, and Conveniences from Time to Time whenever they find it requisite for the Purpose of increasing their Supply of Water, or supplying Water within the Limits in that Behalf of this Act, so to do.

Supply of Water under Pressure.

28. The Company shall not be compelled to carry Water to a higher Level than can be reached by the Pressure afforded by their Reservoirs.

Supply of Water to Tenements in a Row.

29. Where there are several Tenements in a Row, no Tenant or Occupier of any One of the Tenements, nor any Person on his Behalf, shall take or use the Water laid on by the Company to any other such Tenement, unless the Tenant or Occupier be, in respect of the Tenement so occupied by him, rated under this Act for a Supply of Water; and every Person so taking or using Water or allowing the same to be used contrary to the Provisions of this Act shall for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Rates for Supply of Water for domestic Purposes.

30. The Company shall, at the Request of every Person entitled under this Act to demand a Supply of Water, furnish to the Occupier of every Dwelling House or Part of a Dwelling House to which the Request relates within the Limits in that Behalf of this Act a sufficient

sufficient Supply of wholesome Water for the domestic Purposes of every such Occupier at any Rate not exceeding the following Rates; (that is to say,)

Where the yearly Value of the Premises supplied does not exceed Five Pounds, at a Rate not exceeding Twopence *per* Week:

Where the annual Value of a House or Part of a House shall exceed Five Pounds and not exceed Twenty Pounds, a yearly Rate not exceeding Seven Pounds Ten Shillings *per Centum* on the annual Value of such House or Part of a House:

Where such annual Value shall exceed Twenty Pounds, a yearly Rate not exceeding Six Pounds *per Centum* on the Amount of such annual Value.

Rates for Watercloseets and Baths.

31. The Company may charge in any One Year in respect of the First Bath supplied with Water in or belonging to any private Dwelling House the Sum of Ten Shillings, and in respect of every Watercloset beyond the first, and of every Bath beyond the first, the Sum of Five Shillings.

Rates payable quarterly in Advance.

32. The Rates for a Supply of Water for domestic Purposes shall be payable in advance by equal quarterly Payments on *Lady Day*, *Midsummer Day*, *Michaelmas Day*, and *Christmas Eve*, in every Year.

Rates for supply to Shipping.

33. The Company from Time to Time may demand and take from all Persons requiring or taking any Supply of the Company's Water for the Purpose of Shipping any Sums not exceeding One Shilling for the First One hundred Gallons, or any Quantity less than One hundred Gallons, and Sixpence for every additional One hundred Gallons, or any additional Quantity less than One hundred Gallons, so supplied, and may require Payment for the same in advance.

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

34. The Company may supply any Person with Water for other than domestic Purposes and for Shipping respectively for such Remuneration and on such Terms and Conditions as are agreed on between the Company and the Person desirous of having the Supply.

Regulation for Supply of Water.

35. The Company shall not be bound to supply any Water unless the Pipes and Cocks and other Apparatus necessary for the Supply are constructed of such Strength, Material, and Size, and on such Principle, as are required or approved by the Company, and are used so as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air and other noisome or impure Matter into the Pipes belonging to or connected with the Mains or Pipes of the Company.

Penalty for using Water for other

36. Every Person using for other than domestic Purposes any Water supplied by the Company, and not having previously agreed with

than domestic Purposes without Agreement.

with them for a Supply of Water for any other than domestic Purposes, or using for any Purpose other than the Purposes so agreed on any Water so supplied by the Company, shall respectively for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Undisputed Rates may be recovered by Distress.

37. All Rates and Sums due to the Company, and all Damages, Costs, and Expenses by this Act directed to be paid, and the Amount whereof respectively is not disputed, may be levied by Distress, and any Justice, on Application by the Company, may and shall issue his Warrant accordingly.

Costs of Distress.

38. Any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Rate or Sum shall be paid by the Person liable to pay the Rate or Sum, and the Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of the Rate or Sum.

Several Names in One Warrant.

39. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Liability to Rates not to disqualify Justices.

40. No Justice or Judge of any County Court shall be disqualified for acting in the Execution of this Act by reason of his being liable to any Rate or Sum under this Act.

Penalties not cumulative.

41. Penalties imposed on the Company by several Acts for one and the same Offence shall not be cumulative, and for this Purpose this Act and each of the several Acts incorporated therewith shall be deemed a separate Act.

Saving Rights of Lords of Manors.

42. Nothing in this Act contained shall take away, lessen, prejudice, or affect or authorize the Company in any way to interfere with any of the Estates, Rights, Interests, Powers, or Privileges of the Lord of the Manor of *Littleham* and *Exmouth*, or the Lord of any other Manor, without or otherwise than in accordance with his respective previous Consent in Writing, except as is by this Act specially authorized.

Expenses of Act.

43. All the Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Company.

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