CHAPTER xix.

An Act for dissolving the Kettering Waterworks Company Limited and re-incorporating the Members thereof with others and for enabling them to construct Waterworks and supply Water and for other purposes. A.D. 1889.

[31st May 1889.]

WHEREAS by the Kettering Waterworks Order 1872 (being a provisional order made by the Board of Trade and confirmed by the Gas and Water Orders Confirmation (No. 2) Act 1872 and herein-after referred to as "the Order of 1872") the Kettering Waterworks Company Limited (in this Act referred to as "the Limited Company") were authorised to construct a well and pumping station with a covered tank or reservoir and other waterworks therein described and to supply and sell water within the limits of supply therein defined being the parishes of Kettering and Weekley in the county of Northampton and the capital of the Limited Company was declared to be ten thousand pounds subject to increase as therein mentioned:

And whereas by the Kettering Waterworks Order 1886 (being a provisional order made by the Board of Trade and confirmed by the Gas and Water Orders Confirmation Act 1886 and herein referred to as "the Order of 1886") the Limited Company were authorised to construct additional wells and other waterworks therein described and designated by the consecutive letters (*a.*) to (*h.*) and (*j.*) to (*m.*) (all inclusive) and to supply the parish of Warkton in the same county and to raise an additional capital of fifteen thousand pounds and their borrowing powers were limited to six thousand two hundred and fifty pounds with a maximum rate of interest (unless with the consent of the Board of Trade) in respect of the moneys borrowed:

And whereas by the Kettering Waterworks Order 1888 (being a provisional order made by the Board of Trade and confirmed by the Water Orders Confirmation Act 1888 and herein referred to

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as "the Order of 1888") the Limited Company were authorised to construct in addition to or in substitution for the whole or any part of the works authorised by the Order of 1872 and the Order of 1886 a shaft or well with headings and a pumping station and elevated tank or reservoir in the said parish of Kettering:

And whereas the authorised capital of the Limited Company consists of twenty-five thousand pounds divided into five thousand shares of five pounds each of which four thousand have been issued and are fully paid up and one thousand have not been issued and the Limited Company have borrowed on mortgage and now owe the sum of four thousand five hundred pounds:

And whereas of the said four thousand fully paid up shares two thousand (in this Act called "A old shares") are entitled to a dividend at a rate not exceeding ten pounds per centum per annum and the remaining two thousand (in this Act called "B old shares") are entitled to a dividend at a rate not exceeding seven pounds per centum per annum:

And whereas the demand for water in the said parish of Kettering has increased and is still increasing and some of the waterworks authorised by the provisional orders have been constructed but are found not to yield a supply of water sufficient for the requirements of the places within the limits of supply and the remainder of those waterworks have been abandoned in consequence of their being found not to be productive of water in any adequate quantities:

And whereas no part of the said parish of Warkton has been supplied with water by the Limited Company:

And whereas it is expedient that the Limited Company should be dissolved and the members thereof re-incorporated and that the Company so to be incorporated (in this Act called "the Company") should be authorised to construct further waterworks as by this Act provided and to supply water within the said parishes of Kettering and Weekley in the county of Northampton and that such other powers should be conferred upon the Company and such other provisions made with respect to their undertaking as are hereinafter contained and expressed:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Northampton and are herein-after respectively referred to as the deposited plans sections and books of reference:

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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 (that is to say):—

Short title.

1. This Act may be cited as the Kettering Waterworks Act 1889.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the powers of this Act) are hereby incorporated with this Act (namely):—

The Companies Clauses Consolidation Act 1845;

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;

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

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

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the construction of roads or other interference therewith:

Provided that the provisions of the last-mentioned Act as incorporated in this Act shall apply only to the reservoir by this Act authorised and that in construing such provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said reservoir and the boundaries thereof.

Interpretation.

3. In this Act unless the subject or context otherwise requires:—

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings:

"The provisional orders" means the Order of 1872 the Order of 1886 and the Order of 1888;

"The Confirmation Acts" means the said several Acts confirming the provisional orders;

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"The undertaking" "the works" and "the waterworks" respectively mean and include the undertaking under the provisional orders and the undertaking under this Act and the waterworks and the works connected therewith by this Act vested in and those authorised to be made or maintained by the Company and any improvements thereof respectively which they may construct under the powers of this Act and the lands buildings estate right title property powers privileges and effects of the Company and every part thereof respectively; and

"Superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of Company.

4. From and after the passing of this Act the Limited Company shall be dissolved and the several persons and corporations who immediately before the passing of this Act were members of that company and all other persons and corporations who have subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the purposes herein-after mentioned and shall be incorporated by the name of "the Kettering Waterworks Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Limits of Act.

5. The limits of this Act for the supply of water (herein-after referred to as "the limits of this Act") shall be the parishes of Kettering and Weekley both in the county of Northampton.

General purposes of the Company.

6. The Company shall be established for the purpose of supplying water to and within the limits of this Act and for other the purposes of this Act.

Present property of Limited Company vested in Company incorporated by this Act.

7. Subject to the provisions of this Act all the undertaking works lands buildings property stock plant interest rights powers privileges easements and agreements which immediately before the passing of this Act were vested in the Limited Company or any person or persons in trust for them or to which the Limited Company were in anywise entitled and all moneys securities for money credits effects and other property whatsoever which immediately before the time of the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and

engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may subject to and in accordance with the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Provisional orders and memorandum and articles of association of the Limited Company to be void without prejudice to remedies for antecedent breaches thereof.

8. As from the time of vesting and subject to the provisions of this Act so much of the Confirmation Acts as confirms the provisional orders is hereby repealed and the provisional orders are hereby annulled and the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act or provisional order which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the provisional orders or of the said memorandum and articles of association incurred before the time of vesting but such liability or obligation in respect of any such breach shall thenceforth continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided everything before the time of vesting done or suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the provisional orders had not been annulled and the Confirmation Acts had not been so in part repealed and the memorandum and articles of association had not been avoided by this Act and such incorporation annulling repeal and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the provisional orders were not annulled and the Confirmation Acts were not so in part repealed and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and everything so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall

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to all intents and purposes as from the time of vesting represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to vesting to be binding.

10. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of that company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall as from the time of vesting and subject to and in accordance with the provisions of this Act be as binding and of as full force and effect in every respect against or in favour of the Company and may as from the time of vesting and subject as aforesaid be enforced as fully and effectually as if instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company the Company had been a party thereto.

Actions, &c. not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which was pending by or against the Limited Company or any member thereof in relation to the affairs of that company or to which that company or any member thereof in relation to such affairs were parties immediately before the time of vesting but such action suit or other proceeding may thereafter be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if the vesting had not happened the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted as from the time of vesting for the Limited Company and the members thereof respectively.

Trustees of Limited Company to be indemnified.

12. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the time of vesting and who (being authorised so to do) before the time of vesting entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company and for or in respect of which the Company are by this Act as from the time of vesting substituted for the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he

may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of Limited Company.

13. From and after the time of vesting but subject to and in accordance with the provisions of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the time of vesting were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of water rates &c.

14. All water rates and rents and sums of money which immediately before the time of vesting were due or accruing to the Limited Company shall subject to and in accordance with the provisions of this Act be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before the time of vesting.

15. All persons who immediately before the time of vesting owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the time of vesting were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would at the time of vesting be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates &c. to remain in force.

16. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions before the time of vesting made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c. continued evidence.

17. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere notwithstanding such dissolution and avoidance.

Officers to continue until removed.

18. All officers and servants of the Limited Company who were in office immediately before the time of vesting shall hold and enjoy their respective offices and employments together with the salaries

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and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company or their period of service shall in accordance with notice duly and lawfully given in that behalf by the Limited Company before the time of vesting or otherwise be determined and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

19. The books kept by the Limited Company for entering the names and designations of the members thereof shall and may continue to be kept by the Company for the same purpose in relation to the shares by this Act vested in the shareholders in the Limited Company and shall until some other register of holders of those shares shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

20. The capital of the Company shall be seventy thousand pounds whereof ten thousand pounds created under the Order of 1872 is in this Act called "the A capital" a further sum of ten thousand pounds created under the Order of 1886 is in this Act called "the B capital" and a sum not exceeding fifty thousand pounds to be raised under the powers of this Act is in this Act called "the additional capital" and the additional capital shall be raised in manner herein-after mentioned.

The A capital and the B capital shall be divided into shares of ten pounds each and half shares of five pounds each and the Company may convert into stock the whole or any part of their A or B capitals and of the additional capital when fully paid up.

Power to create half shares for certain purposes.

21.—(1.) The Company may and shall at the first ordinary meeting held after the passing of this Act create such a number of shares (to be called half shares) of five pounds each in the A capital and in the B capital respectively as shall be equal to the number of single old A shares and old B shares respectively which shall at the time of vesting be held separately and of the odd A old shares and B old shares respectively which will at the time of vesting remain after deducting from the number of such respective odd shares held by any proprietor the number of shares exactly represented by shares of ten pounds each in the A capital and in the B capital respectively;

(2.) Every two half shares in the A capital and every two half shares in the B capital respectively shall be deemed to represent and be in lieu of one of the shares of ten pounds each in the A capital and in the B capital respectively.

Half shares to be numbered.

22. Such half shares shall be numbered in arithmetical progression beginning with number one and every such half share shall be distinguished by its appropriate number and after the consolidation of any half shares into shares of ten pounds each the last-mentioned shares shall be numbered in arithmetical progression next after the then existing shares of ten pounds each and shall thenceforth be distinguished by their appropriate numbers.

As to the word "share" in incorporated Acts.

23. In construing in connexion with this Act the clauses and provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with this Act the word "share" shall include "half share."

Vesting of shares in present shareholders.

24.—(1.) The shares in the A capital and the shares in the B capital respectively shall be vested in the several persons who immediately before the passing of this Act were the registered members of the Limited Company in substitution for the A old shares and the B old shares respectively one share of ten pounds being in every case substituted for two shares of five pounds each and one half share in the A capital being substituted for a single or odd A old share and one half share in the B capital being substituted for a single or odd B old share;

(2.) If at any time two of such half shares in the A capital or two of such half shares in the B capital shall become vested in the same person or persons or corporation the two half shares so vested shall immediately thereupon become ipso facto consolidated into one share of ten pounds in the A capital or in the B capital as the case may be and shall for ever thereafter be dealt with accordingly;

(3.) Every share so vested shall be subject to the same liability for calls and subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as at the time of vesting affected the shares or share for which the same is substituted and every deed agreement or other instrument or any testamentary disposition shall take effect with reference to the whole or a proportionate number of the substituted shares as the case may be.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

25. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

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Power to Company to raise additional capital.

26. The Company may from time to time raise all or any part of the additional capital by this Act authorised by the creation and issue of new ordinary shares or stock and any part of the additional capital not exceeding one half thereof by the creation and issue of new preference shares or stock or (subject as aforesaid) partly by one mode and partly by the other but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full 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: Provided that the Company shall not create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums that may be obtained on the sale thereof the sum of fifty thousand pounds: Provided also that the Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid twenty thousand pounds.

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

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

Receipt in case of persons not sui juris.

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

Profits of the Company limited.

29. Except as by this Act prescribed the Company shall not in respect of any one year make out of their profits any larger dividend on the A capital than ten pounds and on the B capital and the additional capital 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.

Dividends on different classes of shares or

30. In case in any half year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the rates of dividend by this Act prescribed on each class of ordinary

shares or ordinary stock in the capital of the Company a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each class.

Stock to be paid proportionately.

31. 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 ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any 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.

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

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

Time for paying up shares or stock sold by auction.

33. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the local board of Kettering 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 advertised once in each of two consecutive weeks in one or more local newspapers circulating within the district of the said local board.

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

34. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or stock of the Company and if not accepted may be

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

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disposed of by the Company in manner provided by the Companies Clauses Act 1863: Provided always that any shares or stock so offered and not accepted within the time prescribed by this Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under this Act.

Application of premium arising on issue of shares or stock.

35. 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 in respect of A capital and B capital.

36. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the undertaking in respect of the A capital and B capital of twenty thousand pounds any sums not exceeding in the whole five thousand pounds inclusive of the said sum of four thousand five hundred pounds so borrowed and now owing as aforesaid.

Power to borrow in respect of additional capital.

37. The Company may from time to time in respect of the additional capital of fifty thousand pounds borrow on mortgage of the undertaking any sum or sums not exceeding in the whole twelve thousand five hundred pounds: Provided that in respect of every ten thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum not exceeding in the whole two thousand five hundred pounds but no part of any such sum of two thousand five hundred pounds shall be borrowed until shares for so much of the said portion of capital in respect of which it is to be borrowed as is to be raised by means of shares is issued and accepted and one half of such portion of capital 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 shares for such portion of capital have 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 in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or

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assigns and also so far as the said additional capital is raised by shares that such persons or corporations 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 a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

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

For appointment of a receiver.

39. 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 than one thousand pounds.

Debenture stock.

40. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the same undertaking. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts &c.

41. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on 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 rentcharge to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease to be granted or made to

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the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on the mortgages or debenture stock nor shall anything herein-before contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

Application of moneys.

42. All moneys raised under this Act whether by stock shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable including the costs of obtaining this Act.

First ordinary meeting.

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

Votes at meetings.

44. At all general meetings of the Company every shareholder shall have one vote for every share held by him and every holder of stock (not being debenture stock) shall have one vote for every ten pounds of such stock held by him.

Number of directors.

45. Subject to the provisions of the section of this Act the marginal note whereof is "First directors" the number of directors shall be five but the Company may from time to time reduce or again increase the number provided that the number be not less than three or more than five.

Qualification of directors.

46. The qualification of a director shall be the possession in his own right of not less than twenty shares or not less than two hundred pounds of share capital or other stock (not being debenture stock).

Quorum of directors.

47. The quorum of a meeting of directors shall be three.

First directors.

48. James John Roughton John Turner Stockburn William Toller John Wallis Thomas Bird John Winter Dryland Francis James Roughton and Joseph Wells shall be the first directors of the Company and shall continue in office until the first ordinary meeting held in the year next after the passing of this Act. At that meeting the shareholders present in person or by proxy shall subject to the provisions of the section of this Act the marginal note whereof is "Number of directors" elect a new body of directors to supply the place of the directors appointed by this Act those directors to a number not exceeding five being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year thereafter the shareholders present in person or by proxy shall 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

Election of directors.

being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Contracts not to disqualify for office of director.

49. Any contract to be made under this Act with any local board corporation or public body shall not disqualify any of the members of such local board corporation or public body for the office of director of the Company but no director of the Company being a member of any such local board corporation or public body shall vote upon any question with reference to any contract with such local board corporation or public body.

Power to make waterworks.

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

(a.) A reservoir to be formed by an embankment to be constructed partly in the parish of Cransley and partly in the parish of Thorpe Malsor across the stream on which are situated Cransley Upper Mill and Cransley Lower Mill (herein-after called "Cransley Brook") at a point therein about one hundred and eighty yards north-east of the north-eastern corner of Cransley Lower Mill: The said reservoir will be situate in the parishes of Cransley Loddington and Thorpe Malsor and will commence at the said embankment and extend up the said brook for a distance of about one thousand two hundred yards measured along the same and also up the stream (herein-after called "Loddington Brook") which flows into the said Cransley Brook near Cransley Lower Mill for a distance of about eight hundred yards measured along the said Loddington Brook;

(b.) A line or lines of pipes (No. 1) wholly in the said parish of Cransley commencing in and out of the said reservoir and terminating in the pumping station herein-after described;

(c.) A pumping station to be situate in a field belonging or reputed to belong to William Robinson Rose and occupied by Eliza Marriott and numbered 151 on the $\frac{1}{2500}$ ordnance map of the said parish of Cransley;

(d.) A line or lines of pipes (No. 2) commencing in and out of the said pumping station and terminating in the parish of Kettering in the service reservoir herein-after described;

(e.) A service reservoir wholly in the said parish of Kettering to be situate in a field belonging or reputed to belong to the Reverend Henry Lindsay and occupied by Thomas Salmon and

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numbered 322 on the $\frac{1}{2500}$ ordnance map of the said parish of Kettering;

(f.) A line or lines of pipes (No. 3) wholly in the said parish of Kettering commencing in and out of the said service reservoir and terminating by a junction with the existing mains of the Company in Rockingham Road in the town of Kettering at or near the east end of Northall otherwise Northall Street;

(g.) The alteration of the level of so much of the public highway leading from Rothwell to Cransley as lies between points respectively about sixty-five yards north-west and thirty yards south-east of the bridge carrying the said highway over the said Cransley Brook.

Limits of deviation.

51. In the construction of the works authorised by this Act and subject to the provisions thereof the Company may deviate laterally to any extent not exceeding the limits of 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 three feet upwards and five feet downwards: Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

Power to take lands and waters.

52. Subject to the provisions of this Act the Company may enter upon take and use such of the lands described in the deposited plans and books of reference as they require for the purposes of this Act and may divert collect impound take appropriate and use for the purposes of the Company the following streams and waters or any of them (that is to say):—

The Loddington Brook and the Cransley Brook and all other springs brooks and streams which may be found in on or under any of the lands for the time being belonging to the Company;

And may divert all roads and ways within the limits of deviation defined on the deposited plans and which are shown thereon as intended to be diverted and may appropriate to their own use the site and soil of the roads and ways so diverted so far as the same are bounded on both sides by the lands of the Company.

As to compensation water.

53.—(1.) The Company shall after the construction of the storage reservoir by this Act authorised cause to be maintained in the stream below the said reservoir such a supply of water as will

be sufficient to maintain at a point in the said stream about one hundred and fifty yards above where it crosses under the public highway leading from Kettering to Northampton a continuous flow of not less than three hundred thousand gallons in every day of twenty-four hours;

(2.) The Company shall with the consent of the owners of the bed of the stream at the said point construct and for ever maintain a proper and sufficient measuring gauge over or through which the said stream shall flow or be discharged;

(3.) The said gauge shall be open at all reasonable times to the inspection and examination of all persons interested in the flow of the said stream;

(4.) The Company shall not apply to their own use any water of the Cransley Brook or the Loddington Brook if and so long as they fail so to maintain such supply.

Period for compulsory purchase of lands.

54. 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 completion of works.

55. If the works authorised by this Act be not completed within the following periods (that is to say) the said reservoir and the several lines of pipes No. 1 No. 2 and No. 3 within seven years and the remainder of the said works within ten years from the passing of this Act then on the expiration of the said respective periods the powers by this Act granted to the Company for executing the same or in relation thereto shall cease as to the respective works to be executed within the said respective periods except as to so much thereof respectively 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 the limits of this Act.

Power as to maintenance and renewal of waterworks.

56. Subject to the provisions of this Act the Company may from time to time maintain improve and renew their existing waterworks upon the lands on which the same are erected or any part thereof and they may also upon the same lands or upon any lands acquired or to be acquired by them from time to time make and maintain and renew all necessary and convenient approaches embankments roads ways tunnels adits tanks filtering beds weirs dams sluices gauges culverts wells cuts shafts mains pipes engines tunnels meters machinery and other works and apparatus and conveniences in connexion with or for any purposes of their undertaking for obtaining filtering storing and supplying water within the limits of this Act.

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As to fishing &c. in reservoir.

57. With respect to the rights of fishing fowling and sporting in on and over the said reservoir (Work "a") the following provisions shall have effect (that is to say):—

The expression "the owners" means and includes William Robinson Rose the Reverend Cecil Henry Maunsell and Harriett Sarah wife of the Right Honourable Robert James Baron Wantage and their respective heirs sequels in estate and assigns owners for the time being of the several estates known respectively as "Thorpe Malsor Hall" "Cransley Hall" and "Loddington Hall";

(1.) Subject as herein-after mentioned the owners shall have the exclusive right of fishing shooting and sporting in over and upon the said reservoir with all usual powers and privileges incidental to the proper enjoyment of that right;

(2.) Each of the owners may keep one boat on the said reservoir and may construct one boathouse or shed on the side of the said reservoir but not on the embankment thereof;

(3.) The Company may keep two boats on the said reservoir for the use of their licensees and may construct one boathouse or shed on the side of the reservoir but not on the embankment thereof;

(4.) Each of the owners may from time to time grant licenses for fishing in the reservoir but so that not more than five such licenses shall be granted by any owner so as to be subsisting at one and the same time;

(5.) The Company may from time to time grant licenses for fishing but so that not more than ten such licenses shall be subsisting at one and the same time;

(6.) Every boathouse or shed erected by virtue of this section shall at all times be kept in repair by that one of the owners to whom it belongs;

(7.) Any boat when not in use shall be securely fastened so as to prevent the use of it by any unauthorised person;

(8.) The right conferred by this section shall not be demised or separately assigned or otherwise disposed of or parted with wholly or partially by any one of the owners but the same shall always remain annexed to the ownership of their said respective estates and shall be exercised only by themselves and their visitors and members of their respective households and by such licensees as aforesaid;

(9.) Except as aforesaid the Company shall not grant demise or assign the said right of fishing;

(10.) The right of fishing to be exercised shall be by angling alone;

(11.) In the exercise of the right conferred by this section no injury shall be done to the embankment works or bed of the reservoir and no act shall be wilfully done whereby the water therein shall be wasted or fouled;

(12.) Before the erection of any such boathouse or shed the site and plans thereof shall be submitted to the Company for their approval;

(13.) In case the Company shall for the purposes of their undertaking at any time require the removal of any boathouse or shed erected by virtue of this provision they shall be entitled to remove the same and shall thereupon as soon as conveniently may be at their own expense erect another boathouse or shed in lieu thereof on some other part of the side of the reservoir but not on the embankment thereof;

(14.) The rights by this section conferred shall not be exercised so as in anywise to interfere with the right of the Company to draw off the water from the reservoir or from doing any act or thing for the purpose of cleansing or repairing the reservoir or embankment or for preventing the water therein from being fouled or from preventing the accumulation of fish to such an extent as to affect the quality of the water.

For protection of Cransley Iron Works.

58. The following provisions shall have effect and be binding on the Company for the protection of Messrs. John Neilson William Neilson George Neilson and Walter Neilson and their successors in title proprietors for the time being of the works known as the Cransley Iron Works (who are all included throughout this section in the expression "the proprietors"):—

(a.) If within three hours after notice in writing in that behalf shall have been given by the proprietors to the Company at their principal office in Kettering the Company fail or omit to cause to be maintained in the said stream at the gauge by this Act prescribed the said regular and continuous flow of not less than three hundred thousand gallons in every day of twenty-four hours the Company shall for every day on which such failure or omission shall occur forfeit and pay to the proprietors by way of penalty a sum not exceeding thirty pounds such penalty to be recovered by the proprietors in any court of competent jurisdiction: Provided always that every such notice shall continue in force for one week from the time of the service thereof: But this sub-section shall not prejudice or affect any

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other rights or remedies of the proprietors for enforcing the other provisions of this Act as to compensation water;

(b.) Nothing in this Act shall prejudice or impair the right (if any) of the proprietors to store or apply to their own use the water of the brook flowing through the Cransley Iron Works into the said stream: But if and so long as the flow of the said stream shall at the said gauge be less than three hundred thousand gallons per day as aforesaid the proprietors shall cause the water of the said brook to enter the said stream above the said gauge and shall make and maintain all such works as may be necessary for that purpose and the same shall be open to the inspection and examination of the Company at all reasonable times;

(c.) If any difference arise between the Company and the proprietors as to the amount of the flow in the said stream at the point aforesaid or as to the said gauge so to be erected and maintained by the Company or as to the said works so to be constructed by the proprietors such difference shall be determined by an engineer to be nominated as arbitrator (unless otherwise agreed on between the parties) on the application of either party after three days notice in writing to the other by the President or acting President for the time being of the Institution of Civil Engineers and the costs of and incident to the reference shall be borne as the arbitrator shall direct;

(d.) The provisions of this section and of the section of this Act the marginal note whereof is "As to compensation water" shall be accepted and taken by the proprietors as full compensation for the water abstracted or impounded or used by the Company;

(e.) Except as in this section is expressly provided nothing in this section shall confer upon the proprietors any right or privilege not now possessed by them or alter extend or diminish any rights or privileges now possessed by the proprietors as against any person other than the Company.

For protection of Midland Railway Company.

59. In constructing and maintaining the works authorised by this Act where they will cross over or under the Midland Railway the Company shall be subject to the following conditions (videlicet):—

(1.) All works crossing or affecting the Midland Railway shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company and according to plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing: Provided that if such engineer shall not have expressed his approval or

disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof.

(2.) The works shall be constructed and maintained so that the traffic upon the said railway shall not be in any wise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the Midland Company and in all things at the expense of the Company.

(3.) If by reason of the construction or maintenance of the works or any of them or the failure of any of the works or of the maintenance thereof or otherwise the said railway or the works connected therewith shall be injured or the traffic thereon impeded the Company shall compensate the Midland Railway Company for all costs to which that company may be put in repairing the said damage and shall also pay by way of liquidated damages to the Midland Railway Company ten pounds for every hour during which such traffic shall be impeded.

(4.) The Company shall also indemnify the Midland Railway Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on the said railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors or their respective servants or workmen.

Power to take easements &c. by agreement.

60. 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 in over or affecting any lands (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Purchase of land by agreement.

61. In addition to any other lands which the Company are under 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 within their limits of supply not exceeding in the whole twenty acres in extent or any easement (not being an easement of water) in over or under any such lands: Provided that the Company shall not deal

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with such lands so as to create a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company.

Restriction on displacing persons of the labouring class.

62. 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 artizans 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.

Company may lease &c. spare lands of undertaking.

63. The Company may from time to time demise and lease for any terms not exceeding seven years in possession and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands) and on the lease or sale by the Company of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Reservation of water rights &c. on sale.

Constant supply and pressure.

64. The water to be supplied by the Company need not be constantly laid on under pressure and the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the said covered tank or reservoir constructed under the powers of the Order of 1872.

Rates at which water is to be supplied for

65. The Company shall 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 furnish to such person

a sufficient supply of water for domestic purposes at rates according to the rateable value of his dwelling-house or part of a dwelling-house not exceeding the following (that is to say) :— domestic purposes.

Where the rateable value of the premises so supplied with water shall not exceed five pounds at a rate not exceeding fourpence per week;

Where such rateable value shall exceed five pounds and shall not exceed ten pounds at a rate not exceeding sixpence per week;

Where such rateable value shall exceed ten pounds and shall not exceed thirty pounds at a rate per centum per annum not exceeding ten pounds;

Where such rateable value (except as herein-after provided) shall exceed thirty pounds at a rate per centum per annum not exceeding seven pounds and ten shillings:

Provided that all inns and hotels whether public or private the rateable value of which exceeds five pounds shall be liable to a yearly rate not exceeding nine pounds per centum:

Provided that 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 rent or charge is paid for the whole of such dwelling-house and premises:

Provided also that when the water rate is chargeable on the annual value of a part only of any premises entered in the valuation list or poor rate such annual value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

In addition to the rates computed as above specified:

The Company may charge for a supply of water to every water-closet beyond the first the sum of ten shillings per annum and to every bath the sum of ten shillings per annum: Provided that for every bath containing as usually filled for use more than fifty gallons the Company may charge an increased rate in proportion to the size of the bath. Rates for waterclosets and private baths.

66. The Company shall not be compelled to supply water in the following cases:— Certain provisions as to supply.

To any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed

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and used as to prevent the waste undue consumption or contamination of the water of the Company;

To any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Nor in the following cases except as therein mentioned:—

To any dwelling-house any part of which is used by the occupier thereof for any trade or business purposes or pursuit for which water is required in addition to the ordinary supply for domestic purposes otherwise than by special agreement or by meter at the option of the consumer;

To any workhouse hospital or other large public institution otherwise than by meter upon such terms as may be from time to time agreed between the Company and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or than as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

Rates for supply by meter in certain cases.

67. The price to be charged by the Company to those owners or occupiers who shall elect to take the water by meter or who shall be compellable by the Company to accept a supply by meter shall be as follows:—

Where the rateable value of the premises supplied shall not exceed ten pounds per annum and the quantity taken in any quarter shall not exceed three thousand gallons the sum of six shillings a quarter;

And where the rateable value of the premises supplied shall not exceed ten pounds but the quantity taken in any quarter shall exceed three thousand gallons then at the rate of two shillings for every thousand gallons of water;

Where the rateable value of the premises supplied shall exceed ten pounds per annum and the quantity taken in any quarter shall not exceed five thousand gallons the sum of ten shillings a quarter;

And where the rateable value of the premises supplied shall exceed ten pounds per annum and the quantity taken in any quarter shall exceed five thousand gallons the sum of two shillings for every thousand gallons of water.

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

68. 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 enter into agreements for the supply of water by measure either for domestic or other purposes: Provided that a supply for domestic purposes shall not include a supply for any of the purposes mentioned in section 12

of the Waterworks Clauses Act 1863: Provided also that such supply for other than domestic purposes shall not at any time interfere with the supply for domestic purposes.

Company not bound to supply several houses by one pipe.

69. The Company shall not be bound to supply more than one house by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

Where several houses supplied by one pipe each to pay.

70. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

Supply of water to tenements in a row.

71. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements or any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water and every person offending against this enactment shall be liable for every such offence to a penalty not exceeding five pounds.

Incoming tenant not liable for arrears.

72. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Notice of discontinuance.

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

Water for flushing sewers &c.

74. The Company shall when required supply every road authority and every sanitary authority within the limits of supply with water for flushing sewers and drains or for watering streets or other public purpose at a rate not exceeding two shillings and sixpence for every thousand gallons.

Power to sell or let meters.

75. The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair main-

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taining and protection of such meter and fittings and for securing safe access to and the safety and return to the Company of such meter and fittings as the Company may prescribe or as may from time to time be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as water rates rents or charges due to the Company.

Notice to Company of putting up &c. meters.

76. 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 all alterations or repairs to 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 five pounds.

Register of meter to be primâ facie evidence.

77. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

Fraudulently injuring meters &c.

78. 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 insuring 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.

79. 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 to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Power to remove meters and fittings.

80. The Company after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands 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 building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal.

Power for Company to supply materials &c.

81. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their regulations in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such works shall be paid by the person requiring the same.

Regulations for preventing waste of water.

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

(1.) The Company may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and amongst other things may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets 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 lead to such waste or undue consumption misuse erroneous measurement or contamination.

(2.) No such regulations shall be of any force or effect except within such part or parts of the district which the Company for

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the time being are bound to supply and do in fact supply or are 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 regulation 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.

(3.) All such regulations shall be subject to the provisions contained in sections 182 183 and 184 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.

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy.

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

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on

whose credit the water is supplied and may be recovered by them as water rent is recoverable.

(7.) Any person who shall offend against any 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 therefor and the Company may in addition thereto recover the amount of any damages sustained by them.

Where regulations confirmed Company bound to supply water under constant pressure in parts of district specified in the regulations.

83. Any regulations which the Company from time to time submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the district to which such regulations shall apply and after such regulations (either in their original or in any modified form) have been confirmed by that board the Company shall thenceforth be bound to supply with water under constant pressure the part or parts of the district specified in the regulations so confirmed.

Form and service of notices by Company.

84. Any notice to be served on a person supplied with water may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Contracts for supplying water for public purposes.

85. The Company may from time to time enter into and carry into effect agreements with any sanitary authority company corporation public body officers or persons for the supply by the Company to any such sanitary authority company corporation public body officers or persons respectively of water in bulk whether within or

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beyond the limits of supply: Provided that such supply of water do not at any time interfere with the supply of water for domestic purposes within the limits of supply for the time being of the Company exercising the powers of this Act and provided further that the powers of this section shall not be exercised within the limits of supply of any company authorised by Act of Parliament or provisional order confirmed by Act of Parliament to supply water without the consent in writing of such company.

Representation of the Company in bankruptcy &c.

86. In proceedings under any bankruptcy or liquidation by arrangement or deed of composition or arrangement the secretary of the Company or any person appointed on his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Liability to water rent not to disqualify justices &c.

87. No justice or judge of any court shall 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.

Contents of summons &c.

88. 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 sums.

Costs of distress.

89. 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 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.

Costs of Act.

90. 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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