CHAPTER cxxviii.

An Act for incorporating and conferring powers on the Parts of Holland and Sutton Bridge Water Company. A.D. 1881.

[18th July 1881.]

WHEREAS the parishes and places in the county of Lincoln herein-after in this Act mentioned are imperfectly supplied with water:

And whereas the persons herein-after in that behalf named with others are willing to provide a better supply of water to those parishes and places if incorporated into a company with the necessary powers for that purpose and it is expedient that they be incorporated accordingly and be empowered to make and maintain the works herein-after described:

And whereas the conduit authorised by this Act will pass through the district under the control of the Deeping Fen Drainage Trustees and will cross certain lands drains and works vested in them and will cross the navigable River Welland of which the said Deeping Fen Drainage Trustees are the conservators and also the districts under the control of the Crowland and Cowbit Wastes Drainage Trustees the South Holland Drainage Trustees and the sewers district of Holland Elloe and will cross certain lands drains sewers works and watercourses within or connected with the said several drainage districts respectively:

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

A.D. 1881.

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 Parts of Holland and Sutton Bridge Water Act 1881.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.
8 & 9 Vict. c. 20.

2. The Companies Clauses Consolidation Act 1845 Parts I. (cancellation and surrender of shares) and III. (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 (herein-after referred to as the Lands Clauses Acts) and the Waterworks Clauses Acts 1847 and 1863 and the provisions of the Railways Clauses Consolidation Act 1845 "with respect to the "temporary occupation of lands near the railway during the con- "struction thereof" are (except where expressly varied by this Act) incorporated with and form part of this Act and the said provisions of the Railways Clauses Consolidation Act 1845 shall apply only to the construction of the service reservoir by this Act authorised and the works immediately connected therewith and shall for the purposes of this Act be read as if such reservoir and works were therein referred to instead of the railway and as if the limits of deviation were therein mentioned instead of the centre of the railway and the prescribed limits shall be one hundred yards from the reservoir.

Interpretation clause.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act the expression "the works" "the waterworks" and "the undertaking" mean respectively the waterworks and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt and not a debt or demand created by statute and the expression "superior courts" shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Limits of Act.

4. The limits of this Act shall be the parishes townships or places of Braceborough Wilsthorpe Greatford Baston Langtoft Barholm

Stowe West Deeping Tallington Uffington Market Deeping Deeping Saint James and Deeping Saint Nicholas in the parts of Kesteven in the county of Lincoln and Deeping Saint Nicholas Pinchbeck Peakhill Cowbit Weston Moulton Whaplode Holbeach Fleet Gedney Sutton Saint Nicholas Sutton Saint Edmunds Sutton Saint James and Sutton Saint Mary in the parts of Holland in the county of Lincoln and so much of the parish of Spalding in the said parts of Holland in the county of Lincoln as is situate between the conduit or line of pipes numbered 2 in this Act mentioned and an imaginary line drawn parallel to and on each side of the said conduit or line of pipes numbered 2 and at a distance of a quarter of a mile therefrom.

Company incorporated.

5. Henry Hampden English Arthur William English Michael Richard Thorold and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors and administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the waterworks and supplying water within the limits of this Act and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Parts of Holland and Sutton Bridge Water Company" and by that name shall be a body corporate with perpetual succession and with a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Capital.

6. The capital of the Company shall be sixty thousand pounds in six thousand shares of ten pounds each.

Shares not to be issued until one fifth paid.

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

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts in case of persons not sui juris.

9. 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.

Power to borrow.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifteen thousand pounds but no

A.D. 1881.

part thereof shall be borrowed until the whole capital of sixty thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations 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 shall be sufficient evidence thereof.

Conversion of borrowed money into capital.

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

Appointment of a receiver.

12. 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 five hundred pounds in the whole.

Debenture stock.

13. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts.

14. All money raised by the Company on mortgage or debenture stock under the provisions of 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 any debts incurred or engage-

ments entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted by them in pursuance of this Act or the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purpose of the undertaking and waterworks or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company. A.D. 1881.

Application of moneys.

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

First ordinary meeting.

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

Quorum of meetings.

17. The quorum to constitute a general meeting of the Company whether ordinary or extraordinary shall be eight shareholders holding in the aggregate not less than two thousand pounds nominal value in the capital of the Company.

Scale of voting.

18. At all meetings of the Company every proprietor of capital of the Company whether ordinary or preference shall have one vote for every ten pounds of such capital held by him whether in shares or stock or partly in shares and partly in stock.

Number of shareholders to call extraordinary meeting.

19. The number of shareholders who may require an extraordinary meeting to be convened shall not be less than ten holding in the aggregate not less than four thousand pounds in the capital of the Company.

Number of directors.

20. The number of directors shall be six but the Company may from time to time reduce the number provided that the number be never less than three.

Qualification of directors.

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

Quorum.

22. The quorum of a meeting of directors shall be three unless the number be reduced to four or three when the quorum shall be two.

First directors.

23. Henry Hampden English Arthur William English Michael Richard Thorold and three other persons to be nominated by them

A.D. 1881.

Election of directors.

or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power herein-before contained for reducing the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having 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.

24. 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 or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to 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 and to take lands, &c.

25. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks herein-after described with all proper embankments filtering beds dams sluices cuts channels stanks pipes wells pumps tanks engines buildings machinery and other works and conveniences connected therewith or as may be necessary for carrying into effect the purposes of this Act and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The waterworks herein-before referred to and authorised by this Act are—

1. A well or tank situate in a field adjacent to the railway from Bourne to Essendine;

2. A conduit or line of pipes commencing in the said tank or well and terminating at a point in fields on the north side of the public road called "Stonegate";

3. A pumping station upon parts of two fields situate on the north side of Stonegate aforesaid;

4. A conduit or line of pipes commencing at the said pumping station and terminating in a field immediately adjoining the west side of the Sutton Bridge Dock Branch Railway at Sutton Bridge;

5. A tank or service reservoir in the last-mentioned field.

Power to take easements, &c. by agreement.

26. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take waters.

27. The Company may subject to the provisions of this Act intercept take collect and divert into the waterworks and therein impound and thence distribute the waters of any springs and streams surface or other water flowing into or forming Braceborough Spa Stream or that can or may be intercepted by the said well or tank or the works connected therewith or that may be on in or under any lands for the time being belonging to the Company Provided that the Company shall not take or use from the Braceborough Spa Stream any of the waters flowing down that stream unless and until they shall have proved to the satisfaction of the Deeping Fen Drainage Trustees or of a referee to be appointed by the Local Government Board that they have failed after reasonable efforts to obtain a supply of water sufficient for the purposes of the undertaking by natural gravitation from a well or bore-hole to be sunk upon the land belonging to the Company at or near the site of the said well or tank nor shall the Company without the consent in writing of the Deeping Fen Drainage Trustees under the hand of their clerk for the time being take or use any greater quantity of water from the Braceborough Spa Stream than five hundred thousand gallons per diem.

Compensation water.

28. The powers of the Company under this Act of taking diverting collecting appropriating and impounding water shall be subject to the following provisions namely:—

A.D. 1881.

(1) The Company may take or use from the Braceborough Spa Stream the waters flowing down that stream so long and so long only as the flow of water over or through the gauge hereinafter in this section mentioned is not less than eighty cubic feet per minute;

(2) The water so to be permitted to flow down the Braceborough Spa Stream shall be for the use and benefit of all persons who but for the passing of this Act would be entitled to the flow of the respective waters of which the same forms part;

(3) The Company prior to the taking or using of any of the waters of the Braceborough Spa Stream shall erect and construct and shall so long as they shall continue to take and use the said waters maintain in good repair and in a condition effectual for the purpose such a gauge and gauge basin and such works on the Braceborough Spa Stream immediately above the confluence of that stream with the River Glen as shall be proper and sufficient for the purpose of conveniently measuring the flow of water from the Braceborough Spa Stream;

(4) In case the Company shall wilfully and after written notice negligently take or use any of the waters of the Braceborough Spa Stream contrary to the provisions of this section they shall for every day on which they shall continue so to take and use the same forfeit and pay by way of penalty a sum not exceeding fifty pounds such penalties to be recovered in the manner in which penalties not otherwise provided for are directed to be recovered by the Waterworks Clauses Act 1847 or in any court of competent jurisdiction.

Limits of lateral deviation.

29. In the construction of the waterworks the Company may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and beyond those limits with the consent of the persons through whose lands any such deviation is proposed to be made and when in any road no such limits are shown the boundaries of such road shall be deemed to be such limits.

Limits of vertical deviation.

30. In the construction of the waterworks the Company may deviate vertically from the levels shown on the deposited sections with reference to the datum line to any extent not exceeding in the case of the well or tank No. 1 and the tank or service reservoir No. 5 ten feet upwards and ten feet downwards and in the case of other works not exceeding five feet upwards or seven feet downwards Provided that the Company may erect any water-tower stand-pipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Act.

Limits of lateral deviation as to reservoir.

31. The Company shall not in the exercise of the powers of lateral deviation by this Act given construct any embankment or wall of the reservoir herein-before described of a greater height above the general surface of the ground than that shown on the deposited sections with reference to the corresponding embankment or wall thereon delineated and three feet in addition.

Protection of Francis Willis.

32. For the protection of Francis Willis his heirs and assigns (herein referred to and included in the expression "the said Francis Willis") the following provisions shall (notwithstanding anything in this Act contained to the contrary) have effect (that is to say):—

(1) The Company shall not without the previous consent in writing of the said Francis Willis enter upon take or use any of the lands lying to the northward of the line of the Bourne and Essendine Railway other than one acre of land bounded on the south by the said railway and on the east by the Braceborough Spa Stream being the lands coloured pink upon the plan signed by the Right Honourable John Thomas Earl of Redesdale the Chairman of Committees of the House of Lords to whom the Bill for this Act was referred and deposited in the office of the Clerk of the Parliaments (which lands are in this section referred to as the purchased lands) together with a right of road (coloured brown on the said plan) to such lands;

(2) The Company shall not erect or permit the erection on the purchased lands of any buildings and no wall or fence shall be erected round or upon the purchased lands to a greater height than one foot below the level of the rails of the said railway where the same skirts the purchased lands;

(3) Before taking possession of the purchased lands the Company shall pay to the said Francis Willis the sum of one hundred and fifty pounds by way of purchase money for the same and for the said right of way thereto;

(4) The Company shall lay down one pipe only from the purchased land or from any well or reservoir to be sunk or constructed thereon to the pumping station at Cowbit and such pipe shall be of a diameter not greater than twelve inches;

(5) The Company shall not (otherwise than by agreement with the said Francis Willis) acquire any right title or interest other than an easement in perpetuity in and over the lands of the said Francis Willis in the parish of Braceborough other than the said purchased lands for the purpose of laying down and maintaining the said pipe with full right of entry from time to time

A.D. 1881.

for all or any of the purposes aforesaid and shall pay to the said Francis Willis such compensation for or in respect of such easement and right of entry as in case of difference shall be settled in manner provided by the Lands Clauses Consolidation Act 1845 for settlement of disputed compensation and the said Francis Willis shall by deed to be prepared at the expense of the Company grant to the Company such easement and rights of entry as aforesaid;

(6) The Company shall not construct or lay down any adit cuts channel or pipes upon any of the lands belonging to the said Francis Willis or the trustees of his marriage settlement without his or their consent excepting as in this section provided (that is to say):

(A.) The Company may make adits on the west side of the Spa Stream in the fields numbered on the deposited plans 27 and 29 in the parish of Braceborough;

(B.) Any such adit that may be made shall be formed by digging from the surface and laying pipes along the bottom of such adits and the Company shall from time to time fill in the ground above such pipes and restore the same as near as may be to its original condition;

(C.) No such adit shall be constructed within three chains of any part of the dwelling-house now occupied by the said Francis Willis and known as Braceborough Spa House;

(7) The Company may from time to time enter upon the said fields numbered 27 and 29 as aforesaid for the purpose of repairing and maintaining the aforesaid adits doing as little damage as may be;

(8) The Company shall pay to the said Francis Willis in full compensation for the easement for making and maintaining adits as aforesaid and for right of entry from time to time on the said fields numbered 27 and 29 to renew and maintain all such adits and pipes in proper and sufficient repair the annual sum of fifty pounds and such sum shall be paid half yearly the first half-yearly payment to be made at the expiration of six months from the time of the first entry by the Company upon any land of the said Francis Willis which the Company may acquire;

(9) The said annual sum shall be paid to the said Francis Willis or other the trustee or trustees for the time being of the estates comprised in the marriage settlement of the said Francis Willis or as he or they may from time to time direct and his or their receipt for the same shall be a sufficient discharge to the Com-

pany in respect thereof and for the purposes of this Act the said Francis Willis or other the said trustees or trustee shall be considered a party or parties under disability within the meaning of section two of the Lands Clauses Consolidation Acts Amendment Act 1860;

(10) The said annual sum is hereby charged upon and shall be a first charge upon the income and property of the Company;

(11) If by reason of the execution of any of the works by this Act authorised any alteration shall at any time become or be deemed to be necessary in the drainage or water supply to the said Braceborough Spa House or the buildings and premises adjoining the same such alteration shall be effected at the cost of the Company;

(12) Notwithstanding anything herein contained the Company shall not enter upon take use or interfere with any portion of the lands belonging to the said Francis Willis unless and until shares for three fourths of the share capital authorised by this Act to be raised have been subscribed for and a deposit paid thereon.

Protection of the Earl of Lindsey's settled estates.

33. With respect to the construction and maintenance by the Company of the conduit or line of pipes and works by this Act authorised so far as the same interfere with or affect any lands forming part of certain settled estates situate in the parishes of Uffington and Tallington in the county of Lincoln of which the Right Honourable Montague Peregrine Earl of Lindsey is tenant for life the following provisions shall have effect namely:

(1) The expression "the said Earl" wherever used in this section shall mean and include the said Montague Peregrine Earl of Lindsey and his sequels in estate;

(2) The said conduit or line of pipes shall not be laid down made or constructed through in or under any lands forming part of the said settled estates at a less distance from the present surface of such lands than four feet nor so as to pass within a less distance measured in a lateral direction than one chain and a half from a certain farmhouse buildings and stackyard in the occupation of Matthew Barker as tenant thereof situate at Deeping Fen in the said parishes of Uffington and Tallington or one of them and forming part of the said settled estates and when and so soon as the said conduit or line of pipes shall have been laid down made or constructed the surface of the said lands shall be restored to the same condition as the same was in at the time when the same was first interfered with by the Company or as near thereto as may be;

A.D. 1881.

(3) The Company shall make good to the reasonable satisfaction of the agent of the said Earl of Lindsey all damage or injury done by them to the existing drainage of any lands forming part of the said settled estates in the course of laying down making or constructing the said conduit or line of pipes or any part thereof and shall not in any way interfere with or obstruct such existing drainage unless and until they shall have constructed such substituted drains culverts and other works either temporary or permanent as shall be effectual for the sufficient drainage of the said lands at such depths of such dimensions and in such manner as the agent for the time being of the said Earl of Lindsey may reasonably require and also all such works as may be reasonably required by such agent for the maintaining and making perfect any under-drainage which may be intersected or otherwise interfered with by the Company in the course of the construction of their said works;

(4) The Company shall not otherwise than by agreement with the said Earl of Lindsey acquire any right title or interest in any lands forming part of the said settled estates beyond an easement in perpetuity for the purpose and with the right of laying down making and constructing and from time to time maintaining repairing and amending the said conduit or line of pipes and works and every part thereof and with the right of entry for all or any of the purposes aforesaid and all other rights incidental thereto and the said Earl of Lindsey shall under the powers conferred by section 26 of this Act and when required by the Company by notice in writing so to do by deed grant to the Company the aforesaid easement and rights;

(5) The amount of any purchase money or compensation to be paid by the Company to the said Earl of Lindsey for or in respect of the grant of any such easement or rights as aforesaid in or over any lands forming part of the said settled estates which may be taken or used by the Company for the purposes of their undertaking or for any temporary occupation of or interference with the said lands for the purposes thereof under the authority of this Act or any Act incorporated herewith or for or in respect of any damage or injury to the said lands or any part thereof or the crops or dressing thereon occasioned by the execution by the Company of the works by this Act authorised inclusive of the compensation payable to the tenant (if any) of any such lands shall be referred to the determination and decision of Mr. James Martin of Wainfleet in case he shall be able and willing to act and him failing to the deter-

mination and decision of some competent person to be appointed as sole arbitrator in the manner provided by the Lands Clauses Consolidation Act 1845 Provided that any purchase money or compensation payable by the Company in respect of the grant of any such easements or rights or other matters as herein-before mentioned shall be deemed to be purchase money or compensation payable to parties under disability within the meaning of the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 and shall be dealt with accordingly.

Protection of the Deeping Fen Drainage Trustees Cowbit and Crowland WastesDrainage Trustees South Holland Drainage Trustees and the Commissioners of Sewers for the county of Lincoln.

34. In constructing and maintaining the conduit and works by this Act authorised to be made it shall not be lawful for the Company without the consent of the Deeping Fen Drainage Trustees Cowbit and Crowland Wastes Drainage Trustees South Holland Drainage Trustees or the Commissioners of Sewers for the county of Lincoln acting at Spalding respectively for the time being as the case may be at some meeting of the said trustees or commissioners as the case may be such consent to be certified under the hand of the clerk or one of the clerks (if more than one) for the time being of the said trustees or commissioners respectively as to any works or lands maintained by or belonging to or under the control or jurisdiction of the said trustees or commissioners respectively to contract or diminish in any way the breadth depth or capacity of the channel or waterway of any cut drain sewer watercourse or work of drainage within or connected with the said several drainage districts or any or either of them or to place or lay the said conduit or water pipe so that the upper side thereof shall be of a less depth than four feet below the present bed of the said River Welland or three feet below the present bed of any such cut drain sewer watercourse or work of drainage and in the event of the bottom of any such cut drain sewer watercourse or work of drainage being at any time or times hereafter lowered by the parties having the charge thereof respectively the said Company shall upon being required so to do under the hand of the clerk or one of the clerks (if more than one) for the time being of the respective trustees or commissioners requiring the same lower their said conduit in proportion to such lowering of the said cut drain sewer watercourse or work of drainage as aforesaid and if the said Company shall by any act or default offend against any provision of this Act touching or concerning the said several drainage districts respectively or the said river and shall (unless prevented by frost stress of weather or other circumstances beyond the control of the Company) for the space of ten days after notice thereof from the trustees or commissioners for the

A.D. 1881.

time being having the care superintendence or management of any such cut drain sewer watercourse or work of drainage or river under the hand of the clerk or one of the clerks (if more than one) for the time being of such trustees or commissioners fail to repair or to proceed with and diligently carry out the works necessary for the repair of any injury which shall be occasioned thereby the Company shall for every such offence forfeit the sum of one hundred pounds for every day during which such offence shall continue after the expiration of such ten days which sum shall be recoverable by the respective trustees or commissioners within whose district such offence or failure shall have happened together with full costs of action against the said Company in the manner directed in the Railway Clauses Consolidation Act 1845 for the summary recovery of penalties and costs.

Provisions as to bridges over South Drove Drain River Welland and the New River.

35. In making or erecting any bridge over the South Drove Drain the River Welland and the New River for the purpose of carrying the said conduit the Company shall erect the same of a single span from bank to bank at right angles to any such cut drain sewer watercourses or works of drainage or river and without any pile or pier or other obstruction in the waterway thereof.

Works to be constructed to the satisfaction of trustees and commissioners.

36. The details and mode of crossing the said South Drove Drain the River Welland and the New River and the particulars of the proposed construction of the works requisite for crossing the same and a plan showing the general mode of crossing all other drains within the jurisdiction of the said trustees or commissioners respectively shall so far as relates to the respective district of the said trustees or commissioners be submitted to and approved by the said trustees and commissioners respectively who shall respectively from time to time if required by the Company so to do but at the costs of the Company call special meetings for the purpose of such approval and the works for crossing the said rivers and drains in each such district shall be executed in a proper and efficient manner in accordance with such details and plans to the reasonable satisfaction of the engineer or superintendent for the time being of such district and the reasonable costs and charges of the said engineer or superintendent as the case may be shall be borne and paid by the Company but the total amount of such costs and charges shall not exceed twenty pounds.

Arbitration between trustees or commissioners and the Company.

37. If any differences or disputes shall arise between the Company and the said trustees or commissioners or either of them touching any matter or thing provided for in the three last preceding clauses of this Act such disputes or differences shall from

time to time be referred to a referee to be appointed by the Local Government Board on the application of either party and the decision of such referee shall be final and the costs of and incident to every such reference shall be in the discretion of the referee who shall award how and by whom and in what manner the same shall be paid and borne.

Special provision for the protection of the Great Northern Railway.

38. All works to be executed by the Company under the powers of this Act so far as those works interfere with or affect the Great Northern Railway or any siding thereof or any railway leased to or worked by the Great Northern Railway Company shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Northern Railway Company and according to plans and specifications to be previously submitted to such engineer and approved by him in writing Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specification within one month after the same shall have been submitted to him he shall be deemed to have approved thereof and the said works shall be constructed and maintained so that the traffic upon the railway shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the Great Northern Railway Company and in all things at the expense of the Company Provided that any difference which may arise between the Company and the said railway company touching anything in this section provided for shall be referred to the arbitration of an engineer to be appointed by agreement between the Company and the railway company or in default of agreement to be appointed by the Local Government Board and paid by the Company and the said railway company jointly.

Lands for extraordinary purposes.

39. The Company may from time to time by agreement purchase or acquire for the purposes of this Act any lands not exceeding in quantity five acres in addition to the lands which they are by this Act authorised to take by compulsion Provided that the Company shall not erect or authorise or permit the erection on any of such lands of any buildings other than buildings necessary for or connected with the waterworks.

Power to hold lands for protection of works.

40. The Company may hold any lands to be vested in them which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands

A.D. 1881.

Clauses Consolidation Act 1845 respectively Provided always that the Company shall not erect or authorise or permit the erection on any of such lands while so held by them of any buildings other than buildings necessary for or connected with their waterworks.

Period for compulsory purchase of lands.

41. 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 two years from the passing of this Act.

Period for completion of works.

42. If the works by this Act authorised are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing any work not so completed or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed but nothing in this section shall restrict the Company from extending enlarging altering or removing any of their aqueducts mains pipes works and conveniences or increasing or improving their supply of water from time to time whenever they find it requisite.

Contracts between Company and other bodies for supply of water.

43. The Company may from time to time enter into and carry into effect such contracts and arrangements with any corporation local board sanitary or other local authority and the trustees of any turnpike or other road or any highway board or any surveyors of any highway and any railway company and any other companies bodies or persons with respect to the supply of water in bulk or otherwise as the Company think fit for any purposes whatsoever within the limits of this Act and every such contract and arrangement may be for such period on such terms pecuniary or otherwise and conditions as the Company think fit and may from time to time by agreement vary suspend or rescind any such contracts or arrangements and make others in lieu thereof or in addition thereto.

Supply of water to be regulated by gravitation.

44. The Company shall not be compelled at any time to lay on water at any elevation at which having regard to the general supply of the district the water cannot be supplied by gravitation from the works nor to give a constant supply.

Supply of water beyond limits and for sanitary purposes.

45. With respect to the supply of water by the Company to places beyond the limits of this Act and for sanitary purposes within and beyond those limits the following provisions shall have effect:

(1) The Company may from time to time on terms mutually agreed on supply water in bulk or otherwise for the domestic or other purposes of any township or place immediately adjoining the limits of this Act;

(2) The Company shall if and whenever required by the sanitary authority of any such township or place supply water in bulk to such authority for the domestic purposes of such township or place;

(3) The Company shall if and whenever required by the sanitary or other local authority of any place within the limits of this Act or any such township as aforesaid supply water in bulk to such authority for flushing sewers and drains watering roads and other public or sanitary purposes of such place or townships;

(4) All water supplied to any sanitary or local authority under this section shall be taken by means of a pipe from such part of the Company's mains as may be most convenient and may be approved by the Company with a proper meter for ascertaining the quantity which may be taken. The size form materials and construction of such pipe and meter shall be such as may be approved by the Company and the meter shall be fixed and regulated and the junction with the mains shall be made and repaired from time to time by the Company. The reasonable expense from time to time of providing laying repairing and renewing the meter and of making or repairing the junctions shall be repaid to the Company by the authority. The authority shall pay to the Company for all water taken the rates for the time being charged to the largest consumers of water by meter within the limits of this Act but not exceeding the rate of sixpence per one thousand gallons;

(5) No water shall be supplied under this section so as to prejudice a full supply to the inhabitants within the limits of this Act;

(6) Nothing in this section shall prejudice any existing parliamentary powers or any application by any other company or sanitary authority for parliamentary powers to supply with water any places or townships adjoining the limits of this Act and if such powers exist or be granted the Company shall if required by such other company or sanitary authority sell to them all the mains pipes and other works of the Company within such townships at a price to be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts.

Differences with railway and other companies.

46. Except as otherwise provided in this Act if any difference arise between the Company and any railway canal or other company or body whose lands or works the Company have power to cross as to the mode of laying down repairing altering or enlarging their

A.D. 1881.

conduits or pipes or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Rates for supply of water for domestic purposes.

47. The Company shall at the request of every person entitled 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 a sufficient supply of water for the domestic purposes (including one watercloset but not any bath) of every such occupier at any rate not exceeding the following rates (that is to say):

Where the annual rackrent or value of a house or part of a house does not exceed six pounds at a rate not exceeding eight shillings and eightpence per annum and so in proportion for any shorter period;

Where the annual rackrent or value of a house or part of a house exceeds six pounds and does not exceed thirty pounds at a rate not exceeding seven pounds per centum per annum on such annual rackrent or value and so in proportion for any shorter period;

Where such annual rackrent or value exceeds thirty pounds at a rate not exceeding six pounds per centum per annum on the amount of such annual rackrent or value and so in proportion for any shorter period;

Where such annual rackrent or value exceeds one hundred pounds at a rate not exceeding five pounds per centum per annum on the amount of such annual rackrent or value and so in proportion for any shorter period;

Provided that all inns and hotels whether public or private to which the supply is laid on and the annual rackrent or value of which exceeds five pounds shall be liable to a rate not exceeding seven pounds ten shillings per centum on the amount of such annual rackrent or value whether the same exceeds thirty pounds or not.

Rates for watercloset and baths.

48. The Company may charge in any one year in respect of one bath supplied with water in or belonging to any private dwelling-house the sum of ten shillings and in respect of every watercloset in excess of one and of every bath in excess of one the sum of five shillings.

Rates payable quarterly in advance.

49. The rates for a supply of water shall be payable in advance by equal quarterly payments on Lady Day Midsummer Day Michaelmas Day and Christmas Eve in every year.

Water for other than domestic purposes to be supplied by agreement.

50. The Company may supply any person with water for other than domestic purposes within the limits of this Act by meter or otherwise for such remuneration and on such terms and conditions as are agreed on between the Company and the person desirous of having the supply Provided always that the Company shall not supply water for other than domestic purposes so as in any way to interfere with or unduly diminish the supply of water for domestic purposes.

Penalty for using water for other than domestic purposes without agreement.

51. Every person using for other than domestic purposes any water of the Company without having previously agreed with them for a supply of water for other than domestic purposes or any person using for any purpose other than the purposes so agreed on any water so supplied by the Company shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Power to lay water pipes against buildings.

52. The Company with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any main or branch pipe into through or against such building for the purpose of affording a supply of water to any such building or of watering any street road market-place or public building or place and may with the like consent provide and set up any apparatus necessary for securing to such building street road market-place or public building or place a proper and complete supply of water and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter discontinue and remove any such pipe branch or apparatus.

Preventing fouling of water.

53. The Company shall not be obliged to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed of such strength material size and on such principle as the Company approve and are used and maintained so as to prevent the waste or undue consumption of the water of the Company and the access of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company nor unless such bath shall be so constructed that it will not contain when filled for use more than fifty gallons of water.

Preventing frauds and waste of water.

54. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof

A.D. 1881.

and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

Company's officers to enter buildings.

55. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine of the clock in the forenoon and four of the clock in the afternoon enter any building or place supplied with water by the Company in order to inspect any watercloset or bath or the apparatus or pipes connected therewith and to see whether the provisions of this Act relating thereto are complied with and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier if there be an occupier and if there be no occupier then the owner or lessee of such premises shall for any such offence forfeit to the Company a sum not exceeding five pounds.

Entry on premises to cut off supply in certain cases.

56. In all cases in which the Company are authorised to cut off the pipe or turn off water from any premises the Company their agents or workmen (after giving notice to the owner or occupier as herein-before provided) may enter into any such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water of the Company shall be supplied to such premises and any person or persons preventing or obstructing or in anywise interfering with the Company their officers servants or workmen while effecting or endeavouring to effect such entry and cutting off any pipe shall for every such offence forfeit and pay to the Company a penalty not exceeding forty shillings and such penalty may be enforced and recovered by the Company by all or any of the methods open to the Company for the recovery of water rates or penalties from consumers of water supplied by the Company.

Mode of giving notice.

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

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

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

If the premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry and for the purposes of this provision any person receiving the rents of any such premises either on his own account or as agent or trustee for any other person or who would so receive the same if such premises were let at a rent shall be deemed the owner of such premises.

Service pipes.

58. The service pipes to communicate with the mains and pipes of the Company and the fittings connected therewith shall be laid placed and removed under the superintendence of the Company and at the expense of the persons requiring or having the supply and either by the Company or some person approved by the Company.

Power to remove meters and fittings.

59. The Company by their agents or workmen after giving forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if unoccupied then to the owner or lessee of any land house or building in which any pipes mains meters or fittings belonging to the Company are laid or fixed and through or in which the supply of water shall from any cause other than the neglect or default of the Company or their servants be discontinued may enter such land house or building between the hours of nine in the forenoon and four in the afternoon or with the authority in writing of a justice at any other time and may remove such pipes mains meters or fittings but repairing all damages caused by such removal and every such notice shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or sent by post addressed to such person or if such person or his address be not known to the Company and cannot after due inquiry be found or ascertained then by being affixed for forty-eight hours to some conspicuous part of such land house or building.

Meters not to be connected or disconnected without notice to Company.

60. No person shall connect any meter with any pipe through which any water is supplied by the Company to such meter or disconnect any meter from such pipe unless he shall have given to the Company not less than twenty-four hours notice in writing of his intention so to do and obtained their consent in writing and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

61. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any

A.D. 1881.

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 any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon 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 inspection 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.

Register of meter to be primâ facie evidence.

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

Fraudulently injuring meter.

63. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipes meters or fittings belonging to the Company or alters the index to any meter or prevents any meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses the water of the Company 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 forfeit and pay to the Company a sum not exceeding five pounds and the Company may in addition thereto recover the amount of any damages by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipes meter or fittings belonging to the Company or altered the index to any meter or prevented any meter from duly registering the quantity of water supplied the Company may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such alteration or prevention or for abstracting consuming or using water of the Company when such meter shall be under the custody or control of the consumer shall be primâ facie evidence that such alteration prevention abstraction or consumption as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such meter.

Power to Company to supply materials &c.

64. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all works necessary or proper in that behalf and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Regulations to be made for preventing waste of water, &c.

65. The Local Government Board may at any time or times hereafter but only on the application of the Company order that the water to be supplied under this Act within the whole or any part of the Company's district shall be constantly laid on under pressure and the Company shall be bound by such order as if the same were herein enacted and from and after the making of such order and to the extent of the district therein specified it shall be lawful for the Company from time to time to make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the waste or misuse of water and thereby amongst other things to prescribe the size nature and strength of the pipes cocks cisterns and other apparatus whatsoever to be used and to interdict any arrangements and to the use of any pipes cocks cisterns or other apparatus which may tend to such waste or misuse as aforesaid Provided always that no such regulations shall have effect unless and until they have been approved by the Local Government Board.

Power to sell or let meters.

66. The Company may from time to time sell and dispose of meters subject to such terms (pecuniary and otherwise) and conditions as the Company think fit and the Company may let for hire any meter for ascertaining the quantity of water consumed or supplied and any fittings thereto for such remuneration in money and on such terms with respect to repair of such meter and fittings and for securing the safety and return to the Company of such meter and fittings as may be agreed upon between the hirer and the Company and such remuneration shall be recoverable in the same manner as the water rents due to the Company and such meters and fittings shall not be subject to distress for rent of the premises where the same are used or be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons having possession thereof.

Incoming tenant not liable for arrears.

67. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water-

A.D. 1881.

rate or 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.

Company not bound to supply several houses by one pipe.

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

Recovery of sums due.

69. If any person fails to pay any water-rent meter-rent rate damages costs expenses or other sums due to or recoverable by the Company under this Act then if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent rate damages costs expenses or other sum.

Representation of the Company in bankruptcy, &c.

70. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement or composition with creditors the secretary of the Company or any person appointed in 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 of such secretary or person and not of the Company.

Notice of discontinuance.

71. 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 is left at the principal office for the time being of the Company.

Liability to rates not to disqualify justices.

72. No justice or judge of any county court shall be disqualified from acting in the execution of this Act by reason of his being liable to any rate or sum under this Act.

Contents of summons, &c.

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

Costs of distress.

74. 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.

A.D. 1881.

Penalties not cumulative.

75. Penalties imposed 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.

Costs of Act.

76. All costs charges and expenses of and incidental 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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