CHAPTER lxxxiii.

An Act for dissolving the Portishead District Waterworks Company (Limited), and for re-incorporating the members thereof with others, and for supplying water to Portishead and neighbouring parishes and places in the county of Somerset; and for other purposes. [29th June 1875.] A.D. 1875.

WHEREAS in the year 1874 certain persons formed themselves into a Water Company under the name of The Portishead District Waterworks Company (Limited), in this Act called "the Limited Company," for the purpose of supplying water to and within the parishes, townships, and extra-parochial and other places of Portishead, Portbury, Clapton, Weston-in-Gordano, Wraxall, and Saint George's, otherwise Easton-in-Gordano, in the county of Somerset, and such Company was duly registered under "The Companies Act, 1862:"

And whereas the present share capital of the Limited Company consists of thirty-two thousand pounds divided into three thousand two hundred shares of ten pounds each, and the Company have not borrowed any money on mortgage:

And whereas it is expedient that the Limited Company should be dissolved and re-incorporated, and that the Company so to be incorporated (in this Act called "the Company") be authorised to supply with water the parishes and places aforesaid, and to make and maintain the reservoir and other works herein-after mentioned, and that other powers be given and provisions made with respect to their undertaking:

And whereas plans and sections showing the lines and levels of the reservoir authorised by this Act, and also books of reference 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 or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Somerset,

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and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as the Portishead District Water Act, 1875.

Provisions of certain general Acts incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of *terms*.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction: the expression "court of competent jurisdiction," or any other like expression in this Act or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; 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, extra-parochial and other places of Portishead, Portbury, Clapton, Weston-in-Gordano, Wraxall, and Saint George's, otherwise Easton-in-Gordano, in the county of Somerset.

Incorporation of Company.

5. 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 of the Company, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a Company for the purpose herein-after mentioned, and shall be incorporated by the name of the Portishead District Water 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.

General purposes of the Company.

6. The Company shall be established for the purpose of maintaining and from time to time renewing, extending, and enlarging the existing works of the Limited Company, and for making and maintaining the reservoir and works by this Act authorised, and for supplying water by meter or otherwise to and within the limits of this Act, and for selling or letting on hire meters and other materials necessary or desirable for such supply, 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, lands, works, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the Limited Company or any person in trust for them, or to which the Limited Company were in anywise entitled, and all mains, pipes, plant, stock, meters, effects, matters, and things which have been by them purchased, provided, laid down, or erected, or which immediately before the passing of this Act were the property of the Limited Company, and all moneys, securities, credits, effects, and other property whatsoever which immediately before 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 according to 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.

Memorandum and articles of association of the Limited Company to be void, without prejudice to remedies for antecedent breaches thereof.

8. Subject to the provisions of this Act, 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 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 said memorandum or articles of association incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced

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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 passing of this Act 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 said memorandum and articles of association had not been avoided by this Act, and such incorporation 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 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 every thing so done or suffered, and with respect to all such rights, liabilities, claims, and demands, the Company and its shareholders and property shall to all intents and purposes 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 Act 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 the Limited Company, or by, to, or with any other person to whose rights and liabilities they have succeeded and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may 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 the Limited Company, or to which the Limited Company, or any member thereof in relation to such affairs, were parties immediately before the passing of this Act; but such action, suit, or other proceeding may 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 this Act had not been passed, the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members 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 passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same, or otherwise, on behalf of 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 passing 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 passing of this Act, 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 rents, &c.

14. All water rates or rents, meter rents, and sums of money which, immediately before the passing of this Act, were due or accruing to the Limited Company, shall 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 passing of Act.

15. All persons who, immediately before the passing of this Act, 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 passing of this Act, were due or recoverable from the Limited Company, or for the payment of which the Limited Company were, or, but for this Act, would 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 heretofore made or executed under them for and with respect to any shares in the

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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 passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, 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, with the numbers of their shares, and the proper distinguishing number of such shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders 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 forty-eight thousand pounds, whereof thirty-two thousand pounds is in this Act called the original capital, and sixteen thousand pounds is in this Act called the additional capital, and shall be raised in manner hereinafter mentioned, and the original capital shall be divided into three thousand two hundred shares of ten pounds each, which shares are in this Act called the "old shares," and the Company may convert into stock the whole or any part of their original or additional capital when fully paid up.

Vesting of old shares in present shareholders.

21. The old shares shall be vested in the several persons who immediately before the passing of this Act were the registered members of the Limited Company, share for share, in substitution for the existing shares of the Limited Company, and 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 immediately before the passing of this Act affected the share for which the same is

substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

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

22. 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.

Profits of the Company limited.

23. The Company shall not in any one year make out of their profits any larger dividend on their additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Power to raise additional capital.

24. The Company may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise the additional capital of sixteen thousand pounds by this Act authorised by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes.

As to amount of new shares.

25. Any new shares, whether ordinary or preference, issued under this Act, shall be of a nominal amount not less than ten pounds.

Shares not to issue until one fifth paid up.

26. 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.

27. One fifth of the amount of a share shall be the greatest amount of a call, and two 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.

Power to divide shares.

28. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in

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person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

29. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend, after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of the profits of the year only.

30. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

31. Forthwith after the creation of any half share the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

32. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

33. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for non-payment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

34. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

35. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Profits of existing Company to be applicable to dividend of Company.

36. Profits of the Limited Company, by this Act vested in the Company, shall, for the purpose of dividends, be deemed profits of the Company, and shall be applicable to dividend among the proprietors of the Company.

Receipt of guardian, &c.

37. 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.

Representation of the Company in bankruptcy, &c.

38. In proceedings under any bankruptcy or deed of composition or arrangement, the secretary of the Company, or any person appointed in this 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.

Dividends on different classes of stock or

39. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary

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stock or shares in the capital of the Company, a rateable deduction shall be made in the dividend of each class.

Shares to be paid rateably.

Power to borrow on mortgage.

40. The Company may from time to time borrow on mortgage in respect of the original capital of thirty-two thousand pounds any sum not exceeding in the whole eight thousand pounds, and in respect of the additional capital of sixteen thousand pounds by this Act authorised to be raised by shares or stock any sums not exceeding in the whole four thousand pounds, and of those sums they may borrow from time to time not exceeding four thousand pounds in respect of every sixteen thousand pounds of original capital, and two thousand pounds in respect of every eight thousand pounds of additional capital; but no part of any such sum of four thousand pounds, or, as the case may be, two thousand pounds, shall be borrowed until shares for so much of the portion of capital in respect of which it is borrowed as is to be raised by means of shares are 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 the whole of the respective portion of capital have been issued and accepted and one half of such portion of capital 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 the respective portion of capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, 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 assigns, and also if any portion of the respective portion of capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof: Provided always, that the Company shall not borrow any money in respect of their additional capital by this Act authorised until they have borrowed the whole amount which they are by this Act authorised to borrow in respect of their original capital.

As to conversion of borrowed

41. 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 the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

money into capital.

42. 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 in the whole.

For appointment of a receiver.

43. 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 hereafter granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

44. 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 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 and 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 on the Company.

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

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

Application of moneys.

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First ordinary meeting.

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

Number of directors.

47. The number of directors shall be six, but the Company may from time to time reduce the number, provided that the number be not less than four.

Qualification of directors.

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

Quorum.

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

First directors.

Election of directors.

50. William Hall, James Fortescue Harrison, Charles Fisher, John Roberts, Alfred Smee, and Frederick Weatherly 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 either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power 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.

51. Any contract to be made under this Act with any local board, corporation, or public body shall not disqualify any of the members of any such local board, corporation, 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, or for renting any land 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 relating to any contract between the Company and such local board, corporation, or public body.

Power to purchase lands by agreement.

52. The Company may, for the purposes of their undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands delineated on the deposited plans and described

in the deposited book of reference, any lands and hereditaments not exceeding in the whole five acres, and any springs or sources of water which the Company may from time to time require for the purposes of their works and undertaking.

Power to take easements, &c. by agreement.

53. 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.

Company may maintain and renew works.

54. The Company may, from time to time, repair, renew, or reconstruct, upon the present site thereof, any existing works vested in them by this Act.

Power to make waterworks.

55. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, an underground reservoir or tank in or near the north-western corner of a field known as "Sherry Field," late in the occupation of James Winstone, at Failand, in the parish of Wraxall, in the county of Somerset, and the heading or tunnel commencing in and out of the said reservoir or tank and terminating in the road towards which the said field abuts, shown on the deposited plans and sections, together with all necessary and convenient adits, engines, buildings, works, and conveniences connected therewith respectively, 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 any of those purposes, and may collect and impound into the said reservoir and works, and into the existing reservoirs and works of the Limited Company, and thence distribute, all or any springs and waters on the site of any of the works by this Act authorised, or any of the existing works of the Limited Company.

Period for compulsory purchase of lands.

56. 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.

Limits of deviation.

57. Except as in this Act otherwise provided, the Company, in constructing the works by this Act authorised, may deviate laterally

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from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked or described in writing thereon, and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or ten feet downwards.

Period for completion of works.

58. If the waterworks authorised by this Act, and shown on the deposited plans, are not completed within five years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed, but nothing herein contained shall restrict the Company from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes from time to time, as occasion requires, for supplying water within the limits in that behalf of this Act.

Company may let or sell superfluous lands; reservation of water rights, &c. on sale.

59. The Company may from time to time let on lease or on fee-farm rent or otherwise, and also, either before or after making any demise thereof, absolutely sell and dispose of, to such persons and in such manner as the Company think fit, any lands or works by this Act vested in them or acquired by them under this Act which they do not require for the purposes of their undertaking (subject nevertheless in the case of all lands, except lands of the existing Company by this Act vested in the Company, to the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the sale of superfluous lands), and on the sale by the Company of any lands or works (whether vested by this Act or acquired under it) they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such 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.

Constant pressure, &c.

60. Water supplied under this Act need not be supplied in any case at a level above that at which water can be supplied by gravitation from the reservoir by this Act authorised, but subject thereto shall be constantly laid on except when and so long as may be necessary for the purpose of making any connexion with or for extending, repairing, or renewing any main or pipe.

Rate at which water is to be supplied

61. The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house in any street in which any pipe of the Company shall be laid, or on the application of

any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic use at rates not exceeding the following rates upon the annual rackrent, or if not let at annual rackrent, upon the annual value of the dwelling-house or part of a dwelling-house supplied; (to wit,) for domestic purposes.

If such rackrent or value does not exceed thirty pounds, seven pounds ten shillings per centum per annum;

If it exceeds thirty pounds but does not exceed fifty pounds, seven pounds per centum per annum;

If it exceeds fifty pounds but does not exceed one hundred pounds, six pounds ten shillings per centum per annum;

If it exceeds one hundred pounds, six pounds per centum per annum;

(and so in proportion for any longer or shorter period than a year); provided that the Company shall not be obliged to furnish any such supply for any less rent than after the rate of twopence per week.

Rates for waterclosets and baths.

62. In addition to the rates for the supply of water for domestic purposes, the Company may demand and receive for every watercloset beyond one in any house of not more than twenty pounds annual rackrent or (if not let at rackrent) annual value any yearly sum not exceeding five shillings, and in any other house for an additional watercloset (if one only) seven shillings and sixpence, and for each additional watercloset (if more than one) seven shillings and sixpence for the first and five shillings for each further watercloset, and for every private fixed bath in any house any yearly sum not exceeding ten shillings.

Supply of water for trading, &c. purposes.

63. The Company may supply any person with water for trading or manufacturing purposes, or for any purposes other than domestic purposes, for such water rents or other remuneration as may be agreed on between them and the person supplied.

Rent for water may be ascertained by meter.

64. The Company and any person desirous of having a supply of water may agree that the rent or remuneration for such supply shall be determined by the quantity of water consumed, to be ascertained by a meter to be provided or approved by the Company, and may agree on the amount of the rent or remuneration to be paid for such supply.

Power to sell or let meters.

65. The Company may from time to time sell and dispose of meters, or let meters on hire upon and subject to such terms (pecuniary or otherwise) and conditions as the Company think fit, and any money due to the Company for the hire of meters shall be recover-

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able in the same manner as rents or sums due to the Company for water. No meter belonging to the Company shall be subject to distress for rent, nor to be taken in execution under any process of any court of law or of equity, or under any proceeding in bankruptcy against the person in whose possession the same may be.

For preventing fouling water.

66. Provided always, that the Company shall not be compelled to supply with water any watercloset or any private fixed bath, or the apparatus or pipes connected therewith respectively, unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome or impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company, nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Regulations for preventing waste, &c. of water.

67. For preventing waste, misuse, undue consumption, or contamination of the water of the Company, the following provisions shall (subject to the provisions of the sections numbered 157 and 158 of "The Railways Clauses Consolidation Act, 1845," which shall apply to the acts of justices under this section) have effect; to wit,

(1.) The Company may from time to time make such regulations as they think necessary for the objects aforesaid to be observed by persons supplied with water, but no such regulation shall come into operation until it has been approved by the Local Government Board:

(2.) By any such regulations the Company may direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soilpans, watercloseets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for conveying, delivering, and receiving water, and may interdict any arrangement and the use of any pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water:

(3.) The Company shall not be bound under any agreement or otherwise to supply or continue to supply water to any person unless such regulations as are for the time being in force are duly observed by him:

(4.) In case of the failure of any person to observe such regulations as are for the time being in force, the Company may, if they think fit, after twelve hours notice in writing, and by or under the direction of their duly authorised officer,

repair, replace, or alter any pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, 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 damages for the recovery of which no special provision is made:

(5.) If any dispute arises between the Company and any person as to whether any such regulations have been complied with by such person, such dispute shall be referred, on the application of either party, to the determination of two justices, whose decision thereon shall be final and binding on both parties.

Company may purchase existing waterworks of other companies, &c.

68. The Company, with the sanction of the votes of three fourths of the shareholders present in person or by proxy at a general meeting of the Company convened with notice of the object, may acquire by agreement from any other Company or person possessed of waterworks within the limits of this Act their and each and every of their lands and buildings, waterworks, reservoirs, mains, or pipes and other works and conveniences for the supply of water within the limits of this Act, upon such terms and conditions, pecuniary or otherwise, as the Company and such other Company or other person may agree, and such other Company or person may, if they think fit, accept as the consideration, or as part of the consideration, for such sale and transfer, and may hold, shares in the capital of the Company, but the Company shall not under any circumstances hold more than fifteen acres of land at any one time, nor shall they erect or authorise or permit the erection on any lands, whilst the same are held by them, of any buildings other than buildings necessary for or connected with their waterworks.

Power to Company to agree for supplies of water for other than domestic purposes.

69. Subject to the provisions of this Act, the Company may from time to time enter into and carry into effect such contracts and arrangements with any corporation, local board of health, urban or rural sanitary authority, 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; and every such contract or arrangement may be for such period and on such terms, pecuniary or otherwise, and conditions as the Company think fit, and may from time to time by agreement vary or rescind any such contracts or arrangements.

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Entry on premises to cut off supply in certain cases.

70. In all cases in which the Company are by this Act authorised to cut off the pipe or to turn off water from any premises, the Company, their agents and workmen (after giving notice to the owner or occupier as herein-after 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.

Mode of giving notice.

71. The notice to be given previously to 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 previous to such entry;

If such 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 in a registered letter addressed to him at his usual place of abode and posted forty-eight hours at least previously to such entry;

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

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

Service pipes.

72. All fittings connected with any service pipe to communicate with the mains and pipes of the Company which shall be provided by any person shall be placed and removed under the superintendence of the Company and at the expense of such person.

Power to remove meters and fittings.

73. 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; and every notice required by this section shall be served by being delivered to the person for whom it is intended, or left or sent by post in a registered letter addressed to him at his usual or last known place of abode or business in England, or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Notice to Company of putting up meters, &c.

74. 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 any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

75. 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.

Register of meter to be primâ facie evidence.

76. The register of the meter when in perfect working order shall be primâ facie evidence of the quantity of water consumed by any customer of the Company in respect of which any water rate or rent is charged and sought to be recovered by the Company.

Fraudulently injuring meters, &c.

77. 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 index 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 discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damages is paid, notwithstanding any contract previously existing; and the existence of artificial means for causing such alteration or

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prevention when such pipe, meter, or fitting is under the custody or control of the customer shall be primâ facie evidence that the same has been fraudulently caused by the customer using such pipe, meter, or fitting.

For preventing frauds and waste of water.

78. If and whenever any person supplied with water under this Act wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, or undue consumption of water, the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof, and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

Power for Company to supply materials, &c.

79. 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 meters, pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf, and the cost of providing such material and executing such work shall be paid by the person requiring the same, and shall be recoverable from such person in the same manner as the water rates or rents.

Incoming tenant not liable for arrears.

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

81. 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.

When several houses supplied by one pipe, each to pay.

82. When several houses, or parts of houses, in the occupation of several persons shall be 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.

Water pipes to be distinguished

83. In order to distinguish the main pipes belonging to the Company, laid within the limits of this Act, from the main pipes

of any Company supplying gas within such limits, the main water pipes shall have some sufficient mark in their whole length to distinguish the same.

from gas pipes.

84. Whenever the Company shall dig or sink any trench for laying any main or other pipe, or other apparatus, or shall open any ground for the purpose of making, altering, or repairing any sewer, or for any other of the purposes of this Act, excepting for the reparation of a sudden damage to their pipes, in, upon, or near to any main pipe which shall have been laid or placed for the purpose of conveying gas into or about any part of the limits of this Act, or to any service pipe, the Company shall give twenty-four hours previous notice thereof to the gas company to whom such pipes shall belong; and if any injury shall be done by the Company to any of the pipes or apparatus of any gas company, the Company shall, at their own expense, within twenty-four hours after notice to be given to them by the secretary of such gas company, cause such pipes and apparatus to be well and effectually repaired; and if the Company shall neglect so to do within a reasonable time after any such notice, it shall be lawful for the gas company to repair and make good the defects mentioned in such notice at the expense of the Company, and the amount of such expense, in addition to damages for such neglect on the part of the Company, shall be a debt due from the Company to the gas company, and be recoverable accordingly: Provided always, that any company supplying gas within the limits of this Act shall not place any needless impediment, but shall give all reasonable facility to the Company in respect of any of the matters aforesaid.

Company to give notice to gas company of their intention to open streets.

85. If any person fails to pay any water rent, meter rent, rate, damages, costs, expenses, or other sum 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.

Recovery of sums due.

86. 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 principal office for the time being of the Company.

Notice of discontinuance.

87. A justice or a judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable

Liability to water rent not to dis-

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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 names and 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 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.

Penalties not cumulative.

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

Expenses of Act.

91. 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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