SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER clxxxvii.

An Act for incorporating the South Hants Waterworks Company; and for other purposes. [24th July 1876.] A.D. 1876.

WHEREAS the parishes herein-after in this Act mentioned in the county of Southampton 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 plans and sections of the works by this Act authorised, showing the situation and levels thereof, with a book of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands through and upon which such works are intended to be made, have been deposited at the office of the clerk of the peace for the county of Southampton, and are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

1. This Act may be cited as "South Hants Water Act, 1876." Short title.

2. "The Companies Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Water- Provisions of certain general Acts incorporated.

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works 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 construction thereof, are (except where expressly varied by this Act) incorporated with and form part of this Act, and the provisions of "The Railways Clauses Consolidation Act, 1845," shall be read so as to apply, but shall only apply, to the construction of the reservoir by this Act authorised, as if such reservoir were therein referred to instead of the railway, and the respective boundaries of the said reservoir were therein mentioned instead of the centre line of the railway.

Interpretation.

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 for supply of water.

4. The limits of this Act for the supply of water shall be and include the following parishes, all in the county of Southampton; (that is to say,) Timsbury, Mitchelmersh, Romsey (including Romsey-Extra and Romsey-Infra), Nursling, and Eling, and so much and such parts of the parishes of Millbrook, North Stoneham, and South Stoneham respectively as is or are not included within the limits of the municipal borough of Southampton.

Company incorporated.

5. Thomas Beeson, Frederick Albert Pullen, Henry Edward Warren, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The South Hants Waterworks Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

6. The Company shall be established for the purpose of making and maintaining the well, pumping station, aqueduct, conduit, or

line of pipes and reservoir 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.

Capital.

7. The capital of the Company shall be fifty thousand pounds, in five thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

8. 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.

9. 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.

Power to divide shares.

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

11. 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.

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

12. 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.

13. Forthwith after the creation of any half shares 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.

14. 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.

15. 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 to be 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.

16. 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.

17. 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.

Receipt in case of persons not sui juris.

18. 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.

19. In proceedings under any bankruptcy or deed of composition or arrangement 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 or demand of such secretary or person, and not of the Company.

Power to borrow on mortgage.

20. The Company may from time to time borrow on mortgage any sums not exceeding in the whole twelve thousand five hundred pounds, and of that sum they may borrow from time to time not exceeding five thousand pounds in respect of the first portion of twenty thousand pounds of their capital, and the further sum of three thousand seven hundred and fifty pounds in respect of each further portion of fifteen thousand pounds of their capital, but no part of any such sum shall be borrowed until the whole of the respective portion of capital in respect of which it is to be borrowed is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of the respective portion of 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 portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective portion of 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.

As to conversion of borrowed money into capital.

21. 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,

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unless in either case all dividends upon the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

Arrears may be enforced by appointment of a receiver.

22. 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.

Debenture stock.

23. 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, &c.

24. 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.

Application of moneys.

25. 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.

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

Number of directors.

27. 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.

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

Quorum.

29. The quorum of a meeting of directors, so long as the number of directors be four or more, shall be three, but if the number of directors be reduced to three the quorum shall be two.

First directors.

30. Thomas Beeson, Frederick Albert Pullen, and Henry Edward Warren, and three other duly qualified persons nominated by them or the majority of them, and consenting to the 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, subject to the power of reducing the number of directors herein contained, either 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 fill up the number of directors or 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 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.

31. Any contract to be made under this Act with any local board, corporation, or public body shall not disqualify any of the members of such local board, corporation, or public body for the office of director of the Company, 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 water-works.

32. Subject to the provisions of this Act, the Company may make and maintain the works herein-after described, and works and conveniences connected therewith respectively, but so far as the same are shown on the deposited plans and sections in the lines and according to the levels shown on those plans and sections, and may enter upon, take, and use such of the lands delineated on the said

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plans and described in the deposited book of reference as may be required for any of the purposes which the Company are by this Act authorised to execute, and may collect, take, and divert into the said waterworks, and therein impound and thence distribute, the waters of any springs and streams on the site of the proposed works or on any lands for the time being belonging to the Company. The works herein-before referred to and by this Act authorised will be wholly situate in the county of Southampton, and are—

(*a.*) A well and pumping station situate in the parish of Timsbury in a field numbered 128 on the tithe commutation map of that parish:

(*b.*) An aqueduct, conduit, or line of pipes commencing at the pumping station by this Act authorised, and terminating at and in the reservoir by this Act authorised next hereinafter described:

(*c.*) A reservoir in the parish of North Stoneham in a field or piece of land known as "Butter Field," numbered 400 on the tithe map of the said parish of North Stoneham.

Power to purchase lands by agreement.

33. 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 which the Company may from time to time require for the purposes of their works and undertaking.

Power to take easements, &c. by agreement.

34. 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 such easements, rights, or privileges as aforesaid.

Limits of deviation.

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

Powers for compulsory purchases limited.

36. 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.

For the protection of the Whiteparish, Romsey, and Southampton roads.

37. For the protection of the trustees of the Whiteparish, Romsey, and Southampton turnpike roads, the following provisions shall have effect; (that is to say,)

(1.) In constructing their works and laying their mains and pipes along the roads belonging to the said trustees the Company shall not break open in any one day any greater length of such road than they can cause to be filled up on the same day that such length of road is broken open:

(2.) The Company shall so carry out their works that the traffic on such roads shall not be unnecessarily impeded or diverted during the progress of the works:

(3.) The Company shall restore the soil and surface of the road over the trench in which their pipes are laid to the same condition as before the laying of such pipes, and shall then leave such surface level with the existing surface of the road, the road over the said trench being continually kept level during the time it is consolidating:

(4.) The Company shall not interfere with any existing drains or watercourses under the said road without the consent in writing of the surveyor for the time being of the trustees first had and obtained, and if any alterations in the direction or level of such drains should be found necessary the Company shall bear the costs of such alterations, and shall perform all such works to the reasonable satisfaction of such surveyor:

(5.) The above provisions shall apply to any works of the Company that may be commenced and abandoned at any time on the said roads in the same way and to the same extent as if the works of the Company had been completed.

For the protection of the trustees of Joseph May.

38. In constructing their works and laying their pipes through the lands belonging or reputed to belong to Henry Cipriani Potter, Keet Withers, and Alfred John Johnston, the trustees under the will of the late Joseph May, deceased, the Company shall in all respects observe and comply with the following provisions; that is to say,

(1.) The Company shall, in order to secure the said lands from injury by the passage of their mains or lines of pipes throughout such lands and under the Fishlet Stream, carry such mains or lines of pipes in a trench at a depth of not less than one foot below the bed of such stream for the time being, and shall substantially bank

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with clay the sides of the excavation on each bank down to the proposed trench, and shall cause the same to be piled and sheated to a distance of not less than six feet on either side of such mains and pipes, and shall keep all works throughout such lands in good and sufficient repair, and shall from time to time make good all damage which may arise from or in consequence of such works by reason of the leakage of water through fissures or otherwise howsoever:

(2.) The Company shall lay such mains and pipes and construct such works in such a manner as not to require the water to be let out from such stream during the progress thereof, and shall restore the surface of the ground wherever broken open for the purposes of their works, and shall make compensation to the tenants of the said trustees in respect of all damages arising from the construction and maintenance of such works:

(3.) The Company shall pay to the said trustees, their successors and assigns, a quitrent of forty shillings annually for the easement of laying such mains and pipes:

(4.) Notwithstanding anything contained in this Act, the Company shall not take water from the said Fishlet Stream or any streams on the lands of the said trustees, and for that purpose shall construct and maintain their mains and pipes throughout the land of the said trustees so as to be water-tight:

(5.) All works within the land of the said trustees shall be executed to the reasonable satisfaction of their surveyor for the time being.

Period for completion of works.

39. 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, subject to the provisions of this Act, 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 sell spare lands of undertaking.

40. The Company may from time to time demise and lease, for any term not exceeding seven years in possession, and also, either before or after making any demise and lease thereof, absolutely sell and dispose of, to such persons and in such manner as the

Company think fit, any lands, houses, and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the sale of superfluous lands); and on the lease or sale by the Company of any such lands, houses, and property, they may reserve to themselves all or any part of the water, or water rights, or other easements belonging thereto, and may make the lease or sale subject to such reservations accordingly, and may also make any such lease or sale subject to such other reservations, special conditions, restrictions, and provisions with respect to use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter as they think fit.

Reservation of water rights, &c. on sale.

41. Water supplied under this Act need not be constantly laid on under pressure, or 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.

Constant pressure, &c.

42. The Company shall, at the request of the owner or occupier of any 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 a rate not exceeding six pounds per centum per annum upon the annual rackrent, or if not let at annual rackrent upon the gross rateable value of the dwelling-house supplied, 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 rate than twopence per week.

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

43. 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 any yearly sum not exceeding ten shillings, and for every private fixed bath in any house any yearly sum not exceeding ten shillings.

Rates for watercloseted and baths.

44. 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 and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company, nor any

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

Supply of water by meter.

45. The Company shall, at the request of any consumer of water for purposes other than the purposes for or in respect of which the rates or charges are herein-before provided or limited, or may at their own instance, afford a supply of water by meter, and may charge for such supply not exceeding the following rates per one thousand gallons; (that is to say,)

When the quarterly consumption of water shall not exceed fifty thousand gallons, one shilling and sixpence;

When exceeding fifty thousand gallons, one shilling and sixpence for the first fifty thousand gallons, and one shilling for any further quantity consumed.

Power to sell or let meters.

46. The Company may from time to time sell and dispose of meters, or let meters on hire upon and subject to such terms (pecuniary and otherwise) and conditions as the Company think fit.

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

47. 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 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.

Domestic supply within limits of Act not to be interfered with by supply for other purposes.

48. Notwithstanding anything in this Act contained, the Company shall not supply water in bulk or otherwise to any corporation, body, or person, beyond the limits for the supply of water by this Act authorised, nor to any person within those limits for other than domestic purposes, if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the limits by this Act authorised.

Entry on premises to cut off supply in certain cases.

49. 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 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.

50. The notice to be given previously to such entry shall be in writing, and shall be served in manner following; (that is to say,)

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

If such premises be unoccupied, and the owner thereof 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.

51. 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.

52. 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 buildings 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 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

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inquiry, then by being affixed on some conspicuous part of such building or lands.

Notice to Company of putting up meters, &c.

53. 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.

54. 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.

55. 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.

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

For preventing frauds and waste of water.

57. 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, 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.

58. 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 meters, pipes, valves, cocks, bath, soil-pans, waterclosets, apparatus, and receptacles, and may provide all materials and do all work 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, and shall be recoverable from such person in the same manner as the water rates or rents.

Incoming tenant not liable for arrears.

59. 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.

60. 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.

61. 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.

Notice of discontinuance.

62. 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.

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

63. A justice or a judge of any court shall not (except as in this Act expressly provided) be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent, meter rent, rate, or charge under this Act.

Contents of summons, &c.

64. 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.

65. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings

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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.

66. 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.

67. 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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