CHAPTER cxx.

An Act for incorporating the Southend Waterworks Company, and for conferring powers upon them with reference to the construction and maintenance of Works, the supply of Water and otherwise; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS in the year one thousand eight hundred and seventy certain persons formed themselves into a company, under the name of the Southend Waterworks Company, Limited, (in this Act called the Limited Company,) for (amongst other purposes) acquiring the waterworks then existing at Southend in the county of Essex, and for supplying with water the parishes and places of Southend, Prittlewell, and Southchurch in that county, and such company was duly registered under the Companies Act, 1862:

And whereas by the Southend Water Order, 1871, (confirmed by the Gas and Water Orders Confirmation Act, 1871,) the Limited Company were empowered to maintain and continue their then existing waterworks and works connected therewith, and to supply water to Southend, Prittlewell, and Southchurch in the county of Essex: 34 & 35 Vict. c. cxliv.

And whereas the present share capital of the Limited Company consists of twenty thousand pounds, divided into two thousand shares of ten pounds each, the whole of which have been allotted and fully paid up, and the Limited Company have no mortgage debt:

And whereas the Limited Company acquired the said existing waterworks, and have from time to time improved and enlarged the same, and by means thereof are now and have been for some years past supplying the said places with water:

And whereas the demand for water within the district and

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neighbourhood supplied by the Limited Company has of late years increased, and is still increasing:

And whereas it is expedient that the Limited Company should be dissolved and the Southend Water Order, 1871, repealed, and that the members of the Limited Company and others should be incorporated into a Company (in this Act called "the Company") and authorised to maintain and continue the existing waterworks of the Limited Company, and to make and maintain additional waterworks, and to supply water in the parishes and places in this Act mentioned, and otherwise to carry the undertaking into execution, and to acquire additional lands and raise further capital as by this Act provided:

And whereas it is expedient that such further provisions should be made with respect to the Company and their undertaking as are in this Act contained:

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

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

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:

Short title.

1. This Act may be cited as the Southend Waterworks Act, 1879.

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

2. The Companies Clauses Consolidation Act, 1845, and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, 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 "the waterworks" means and includes the waterworks by this Act vested in and authorised to be held, made, maintained, and continued by the Company, and all the lands, buildings, estate, right, title, property, privileges, effects, and undertaking of the Company;

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

Limits of Act.

4. The limits of this Act for the supply of water comprise the parishes and places following; (that is to say,) Southend, Barling, Eastwood, Leigh, Prittlewell, Rochford, North Shoebury, South Shoebury, Shopland, Southchurch, Sutton, Great Wakering, and Little Wakering, all in the county of Essex, except such parts of those parishes or of any of them as are situate in any of the following islands, viz., Canvey, Havengore, New England, Great Potton, Little Potton, Rushley, and Wallisea.

Dissolution of Limited Company and 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 already subscribed to or shall hereafter become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making, maintaining, and continuing waterworks, and supplying water within the limits of this Act, and carrying on the business of a waterworks company, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Southend Waterworks Company," and by that name shall be a body corporate with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Present property of Limited Company vested in Company.

6. Subject to the provisions of this Act, all the lands, waterworks, wells, reservoirs, tanks, engines, pumps, mains, pipes, meters, machinery, apparatus, plant, stock, effects, buildings, rights, and easements which immediately before the passing of this Act were the property of or vested in the Limited Company, or any person in trust for them, or to which the Limited Company were in anywise entitled, and all moneys, securities, credits, effects, and other

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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, recovered, dealt with, and disposed of by the Company as they think fit.

Repeal of Order of 1871.

7. Subject to the provisions of this Act, the Southend Water Order, 1871, is hereby repealed.

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 Order, 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 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 Order had not been repealed, and the said memorandum and articles of association had not been avoided by this Act, and such incorporation, repeal, and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated, and the said Order had not been repealed, and the said memorandum and articles of association were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and 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.

Purchases, &c. 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

13. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all

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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 rates, &c. due to Limited Company.

14. All water rates and rents and other 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 to remain in force.

16. Notwithstanding the repeal of the said Order and 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 Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books, &c. to continue evidence.

17. All documents, books, and writings which if the said repeal, 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 repeal, 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

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.

members to be continued.

20. The capital of the Company shall be eighty thousand pounds, whereof twenty thousand pounds is in this Act called the original capital, and sixty thousand pounds is in this Act called the additional capital, and shall be raised in manner herein-after mentioned, and the original capital shall be divided into two thousand 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 capital, and also the whole or any part of the additional capital when fully paid up.

Capital.

21. The old shares shall be appropriated to and vested in the several persons and corporations 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 and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the shares for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Vesting of old shares in present shareholders.

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.

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

23. The Company shall not in any one year make out of their profits any larger dividend on the additional share 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 shall be issued as preference capital.

Profits of the Company limited.

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Power to raise additional capital.

24. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, from time to time raise any additional capital, not exceeding in the whole sixty thousand pounds, by the issue, at their option, of new ordinary shares or new preference shares, or wholly or partially by either of those modes.

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 part 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 the 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.

Receipt in case of persons not sui juris.

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

Restriction as to votes in respect of preferential shares.

29. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Power to borrow on mortgage in respect of original capital.

30. The Company may at any time and from time to time after the passing of this Act borrow on mortgage, in respect of the original capital of twenty thousand pounds, any sums not exceeding in the whole five thousand pounds.

Power to borrow on mortgage in respect of additional capital.

31. In addition to the sum of five thousand pounds which the Company are authorised to borrow by the last preceding section, they may from time to time borrow on mortgage, in respect of the additional capital of sixty thousand pounds by this Act authorised to be raised by shares, any sum not exceeding in the whole fifteen thousand pounds, and the Company may, as each sum of ten thousand pounds of the additional capital has been issued and accepted, and one half thereof has been paid up, borrow on mortgage any sums not exceeding two thousand five hundred pounds, but no part thereof shall be borrowed until the whole of the additional capital in respect of which the borrowing power is exercised is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845 (before he so

certifies), that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

32. 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, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Appointment of receiver.

33. 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 two thousand pounds in the whole.

Power to create debenture stock.

34. 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 moneys borrowed on mortgage or debenture stock.

35. All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts

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Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purpose of their undertaking or works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Application of moneys.

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

First and subsequent meetings.

37. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held once in every year in the month of May, or at such other time as the directors may appoint.

Votes.

38. At all meetings of the Company every shareholder shall be entitled to one vote in respect of every share held by him.

Number of directors.

39. Subject to the provisions herein-after contained for increasing and reducing the number of directors, the number of the directors shall be three: Provided that the Company may from time to time increase or reduce the number of directors, but so that the number be never more than five nor less than three.

Qualification of directors.

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

Quorum of directors.

41. The quorum of a meeting of directors, if the number of directors for the time being be three, shall be two, and if the number of directors for the time being be four or five the quorum shall be three.

First directors.

42. Henry Arthur Brassey, Arthur March Tapp, and John Ayris shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this

Election of directors.

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 places 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 altering 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.

Auditors need not hold shares.

43. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Power to take lands.

44. Subject to the provisions of this Act, the Company may from time to time enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as the Company may deem necessary to enter upon, take, and use for the purposes of this Act.

Power to maintain existing waterworks.

45. Subject to the provisions of this Act, the Company may hold, use, maintain, continue, alter, improve, enlarge, and extend their existing waterworks, and all other works and conveniences connected therewith, and may supply and sell water within the limits of this Act.

Power to make new waterworks.

46. Subject to the provisions of this Act, the Company may from time to time do the following acts and things:

They may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the works shown thereon, including the following works, wholly situate in the parish of Prittlewell in the county of Essex; (that is to say,)

(1.) A pumping station, with a well or wells, drifts, standages, borings, and other works connected therewith, to be situate in a certain field belonging to and in the occupation of the Limited Company, near to the south-western end of the village of Prittlewell:

(2.) A line of pipes commencing in the intended pumping station last described, and terminating in the intended water tank or tower next herein-after mentioned:

(3.) A water tank or tower to be situate near to the existing service reservoir of the Limited Company at Clifftown:

They may make, erect, lay down, provide, maintain, alter, improve, enlarge, extend, and renew or discontinue all such wells, pumping engines, service reservoirs, tanks, cuts, adits, channels, aqueducts, conduits, pipes, machinery, apparatus, buildings, works, and conveniences as they may deem expedient for collecting, impounding, storing, and distributing water, and they may collect and impound by and in their works, and thence distribute, all or any springs and waters on or near

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the site of such works, or in or under any lands for the time being belonging to the Company.

Limits of deviation.

47. In making the works by this Act authorised the Company may deviate laterally from the lines thereof shown or described on the deposited plans to any extent within the limits of deviation shown thereon, and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding in any one place ten feet: Provided that the Company may erect any water tower, standpipe, or other like work of any height which for the time being may be necessary or proper for the purposes of the Act.

Period for compulsory purchase of lands.

48. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act.

Power to acquire additional lands by agreement.

49. In addition to the lands which the Company are by this Act authorised to purchase compulsorily, they may for any of the purposes of this Act from time to time, by agreement, purchase in fee, either absolutely or in consideration of any yearly or other rent, any additional quantity of land, not exceeding in the whole ten acres, or any easement or right (not being an easement or right of water) in or over such additional lands, which they may from time to time think requisite for any of the purposes of the undertaking: Provided that the Company shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their waterworks.

Period for completion of works.

50. If the waterworks authorised by this Act and shown on the deposited plans are not completed within ten 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 in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing herein shall restrict the Company from extending, enlarging, deepening, increasing the number of, altering, or removing any of their engines, machinery, wells, adits, mains, pipes, or other works from time to time as the Company think fit for supplying water within the limits or under the powers of this Act.

Power to take easements, &c. by agreement.

51. 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 lease or leases of any lands, or any easement, right, or privilege in, over, or affecting any lands (not being an

easement, right, or privilege of water); 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 respectively.

Reservation of water rights, &c. on sale of lands.

52. On the sale by the Company of any lands 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 for the protection of the waterworks and water supply of the Company as they think fit.

Pressure, &c.

53. The water to be supplied from any pipe or main of the Company need not be supplied in any case at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken.

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

54. The Company shall, at the request of any owner or any 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 shall be entitled to demand a supply of water for domestic purposes, (which term "domestic purposes" shall include a supply of water to one watercloset,) furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates not exceeding the rates herein-after specified, according to the annual value of such dwelling-house or part of a dwelling-house; (that is to say,)

Where the annual value of the premises so supplied with water shall not exceed seven pounds, at a rate not exceeding twopence per week;

Where such annual value shall exceed seven pounds and shall not exceed twenty pounds, at a rate per centum per annum not exceeding seven pounds ten shillings;

Where such annual value shall exceed twenty pounds and shall not exceed forty pounds, at a rate per centum per annum not exceeding seven pounds;

Where such annual value shall exceed forty pounds and shall not exceed eighty pounds, at a rate per centum per annum not exceeding six pounds ten shillings;

Where such annual value shall exceed eighty pounds, at a rate per centum per annum not exceeding six pounds:

Rates for waterclosets and private baths.

In addition to the rates computed as above specified, the Company may charge for a supply of water to every watercloset

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beyond the first the sum of five shillings per annum, and to every bath the sum of ten shillings per annum.

For the purposes of this section the annual value shall be taken to be the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for the premises if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rentcharge, if any, and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any, necessary to maintain the premises in a state to command that rent.

Prevention of waste and fouling of water.

55. The Company shall not be compelled to supply with water any watercloset or any bath, or the apparatus or pipes connected therewith respectively, unless the same be so constructed and used as to prevent the waste, undue consumption, or contamination of the water of the Company, nor any bath which shall be capable of containing, when filled for use, more than fifty gallons of water.

Company may supply water for other than domestic purposes, and by measure.

56. Subject to the provisions of this Act, the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit, and may enter into agreements for the supply of water by measure either for domestic or other purposes.

As to supply of water to London, Tilbury, and Southend Railway Company.

57. Subject as herein-after provided, the Company shall continue to provide the London, Tilbury, and Southend Railway Company with a good and sufficient supply of water at Southend, the terms on which the same is to be supplied as regards the rate of payment not to exceed those upon which the Company may from time to time be supplying water for trade purposes: Provided that the supply to the said railway company shall not derogate from the proper supply for the domestic purposes of the inhabitants within the limits of this Act.

Power to Company to make regulations for preventing waste, &c. of water.

58. The Company may from time to time make regulations for the purpose of preventing the waste or misuse or contamination of water, and amongst other things may prescribe (with or without reference to models, patterns, or samples) the size, nature, materials, workmanship, and strength of the pipes, cocks, ferrules, valves, soil-pans, waterclosets, baths, cisterns, and other apparatus or receptacles whatsoever to be used, and may forbid any arrangements and the use of the several things before mentioned, or any or either of them, which may lead to such waste or misuse or contamination.

Confirmation of regulations by Local Government Board.

59. No such regulation shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to confirm the same; and no such regulation shall be confirmed

until after the expiration of ten days after notice in writing of the intention to submit the same for confirmation, together with a copy of the proposed regulation, shall have been given by or on behalf of the Company to the local authorities within the limits of supply, who may within the said period of ten days make such representation with reference thereto to the Local Government Board as such authorities shall think expedient: Provided that if thesaid Board do not confirm or refuse to confirm the regulations so submitted within three calendar months after submission, such regulations shall be deemed to have been confirmed.

Publication and inspection of regulations.

60. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment, and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of regulations.

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

As to enforcement of regulations.

62. In the event of any such regulations not being complied with by any person being or about to become a customer of the Company, they may refuse to supply water, or (as the case may be) may cut off the water supplied by them to him (notwithstanding any contract or otherwise) until the regulations are complied with: Provided that, except in cases of accident, emergency, or necessary repairs, the Company shall not under this provision cut off the water supplied to any customer of the Company until after he has had twenty-four hours notice in writing from the secretary or other officer of the Company of the intention of the Company to cut off the same.

Disputes to be determined by two justices.

63. In the event of any dispute between the Company and any customer or intending customer as to the fact or extent of any alleged non-compliance with any such regulations, such dispute shall be referred to the determination of two justices, whose decision thereon, and the amount of costs (if any) of or incident to such dispute, and the determination thereof, and by whom such costs are to be paid, shall be final and conclusive.

Company may repair pipes at

64. Where any person supplied with water by the Company, after twenty-four hours notice in writing under the hand of the

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expense of customer.

secretary or other officer of the Company to alter or repair any pipe, valve, cock, cistern, or other apparatus in order that the water supplied to him by the Company shall not be wasted, fails to alter or repair the same so as to prevent such waste, the Company may alter or repair the same, and their expenses in so doing shall be repaid to them by the person so failing as aforesaid, and the Company may recover the same as damages and in addition to the penalty (if any) recovered for the offence.

Company's officers may enter buildings between certain hours.

65. The Company's agent, or other officer duly appointed for the purpose by the Company, may, between the hours of nine in the forenoon and four in the afternoon, enter any building or place supplied with water by the Company in order to inspect the meters, pipes, fittings, cisterns, and apparatus for regulating the supply of water, and to see whether such meters, pipes, fittings, cisterns, or other apparatus be in good repair; and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

For preventing frauds and waste of water.

66. 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 cut off the water supplied by them to him as long as the cause of injury remains or is not remedied, and also 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 this behalf.

Company not bound to supply water in certain cases.

67. The Company shall not be compelled to supply any dwelling-house with water (otherwise than by agreement) where any part of such dwelling-house is used for any trade or manufacturing purpose for which water is required.

As to supply of part of premises.

68. The Company shall not be compelled to supply water to the occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the water rate, rent, or charge is paid for the whole of such dwelling-house and premises.

Notice to Company of connecting, &c. meters.

69. 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 five pounds. A.D. 1879.

Register of meter to be primâ facie evidence.

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

Fraudulently injuring meters, &c.

71. If any person wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fitting belonging to the Company, or fraudulently alters the index to any meter, or fraudulently prevents any such meter or the index thereof 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 ten 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 damage is paid, notwithstanding any contract then 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 such alteration or prevention has been fraudulently caused by the consumer using such meter.

Entry on premises to cut off supply.

72. In all cases in which the Company are authorised to cut off the pipe, or stop or discontinue the supply of water to any premises, the Company, their agents and workmen, may for that purpose, and after giving notice as herein-after provided, enter into any premises through which such pipe or supply passes, between the hours of nine in the forenoon and four in the afternoon.

Notice before entry.

73. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing under the hand of the secretary or other officer of the Company, and shall be given or served in manner following; that is to say,

If such premises 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 forty-eight hours, at least previously to such entry:

If such premises be unoccupied, and the owner thereof or his

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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 rackrents of any such premises, either on his own account or as agent for any other person, shall be deemed the owner of such premises.

Power for Company to supply materials, &c.

74. The Company may, if requested by any person supplied or about to be supplied by them with water, furnish to him and from time to time repair or alter any such pipes, valves, cocks, baths, soil-pans, 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 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; and all such pipes and other things as are not purchased by such person shall be deemed to be necessary works for supplying the house of such person with water for domestic purposes.

Incoming tenant not liable for arrears.

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

Recovery of sums due for water rent, &c.

76. 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, they may recover the same by proceedings in any court of competent jurisdiction, or 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 for discontinuance of supply.

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

Agreements for supplying water for public purposes.

78. The Company may from time to time enter into and carry into effect agreements with any local board, sanitary authority, company, public body, officers, or persons for the supply by the Company, within the limits of this Act, of water to or for the local board, sanitary authorities, companies, public bodies, officers, or

persons respectively, whether in bulk or otherwise, and for what purposes soever, and the agreements respectively may be for such times, and for such remuneration, and on such terms and conditions whatsoever as the contracting parties think fit: Provided that such supply do not interfere with the supply of water for domestic purposes within the limits of supply.

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

79. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent, meter rent, rate, or charge under this Act.

Contents of summons, &c.

80. 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.

81. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the cost of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice, and shall be included in the warrant of distress.

Penalties no cumulative.

82. 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.

83. All costs, charges, and expenses of and incident to the applying for, preparing, obtaining, and passing of this Act, and otherwise in relation thereto, shall be paid by the Company.

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