CHAPTER lxxxiv.

An Act for better supplying with Water the District of Truro in the County of Cornwall; and for other purposes. A.D. 1875.

[29th June 1875.]

WHEREAS the construction of works for the supply of water to the borough of Truro and its neighbourhood, in the county of Cornwall, would be of public and local advantage:

And whereas the population in the borough of Truro and its neighbourhood is insufficiently supplied with water:

And whereas the several persons herein-after named and others are willing, at their own expense, to afford such supply of water, and to make and maintain such works, on being incorporated into a Company (in this Act called the Company) for that purpose:

And whereas plans and sections of the wells, reservoirs, aqueducts, mains, pipes, and other works proposed to be made for the purpose of affording a better supply of water as aforesaid, showing the line and levels thereof, together with books of reference to such 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, have been deposited with the clerk of the peace for the county of Cornwall, and those plans, sections, and books of reference are in this Act 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:

1. This Act may for all purposes be cited as "The Truro Water Act, 1875." **Short title.**

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Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Companies Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," and also such parts of "The Railways Clauses Consolidation Act, 1845," with respect to the crossing of roads and other interference therewith, and with respect to the temporary occupation of lands near the railway during the construction thereof, shall (except so far as the same are expressly varied by this Act) be 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 only to the construction of the reservoirs by this Act authorised, and the works immediately connected therewith, and as if such reservoirs and works were therein referred to instead of the railway, and the boundaries of the said reservoirs and works were therein mentioned instead of the centre of the railway, and the prescribed limits shall be two hundred yards from the margin of the intended reservoirs and works.

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 "the Company" means the Company incorporated by this Act; the expression "the undertaking" means the undertaking by this Act authorised; and for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand 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 shall be the borough of Truro, and the parishes of Saint Mary Truro, Saint Erme, and Saint Clement, all in the county of Cornwall.

Company incorporated.

5. Charles Stanley Osborne, George Francis Carlyon Simmons, John Simpson, 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 purpose of supplying with water the inhabitants, buildings, lands, and premises within the limits of this Act, and for making and maintaining waterworks for that purpose, together with all proper works and conveniences connected therewith, and for other

the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Truro Water 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.

Power to make works.

6. Subject to the provisions of this Act, the Company may make and maintain, on the lines and situations and according to the levels shown on the deposited plans and sections, the conduits or lines of pipes, well, pumping station, mains, pipes, reservoir, and other works shown on the deposited plans, with all proper tanks, filter beds, approaches, embankments, stand-pipes, valves, sluices, pipes, drains, conduits, and other works and conveniences connected therewith, and may enter upon, take, and use such of the lands shown 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, and may intercept, collect, divert, impound, and use for the purposes of the intended waterworks the waters of the Tregurra or Milltown stream and subsidiary stream described on such plans, and of all other springs, streams, and watercourses that will or may be intercepted by the works firstly, secondly, thirdly, and fourthly therein and herein-after described.

Description of works.

7. The works herein-before referred to and authorised by this Act are,—

1. A conduit or line of pipes commencing in the stream separating the parishes of St. Clement and St. Erme in the county of Cornwall, and known as the Tregurra or Milltown stream, at a point one hundred and ten yards or thereabouts north of the junction between that stream and another subsidiary stream at the south-east corner of the field numbered nine hundred and sixty-seven on the tithe commutation map for the parish of St. Clement, belonging or reputed to belong to John Ustick Scobell, and in the occupation of Joseph Steer, and terminating in a well or tank thirdly herein-after described, and which conduit or line of pipes will pass by, through, or into the parishes of St. Clement and St. Erme, both in the county of Cornwall:
2. A conduit or line of pipes commencing in the said subsidiary stream lastly before described, at a point sixty-six yards or thereabouts west of the junction lastly before described, and terminating in the well or tank next herein-after described:
3. A well or tank, to be made in the said field numbered nine hundred and sixty-seven, firstly before described, at a point

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forty-four yards or thereabouts north of the junction of the two streams firstly and secondly before described or referred to:

4. A pumping station, with tank, filters, filter beds, engine and boiler house, and all other necessary works and conveniences, to be situate in the said field numbered nine hundred and sixty-seven, firstly before described:

5. A conduit, rising main, or pipes commencing at the well thirdly before described, and terminating in the reservoir next herein-after described:

6. A reservoir, with all convenient approaches, embankments, stand-pipes, valves, sluices, pipes, drains, conduits, and other works and conveniences connected therewith, in a field belonging or reputed to belong to Cordelia Vivian and the Reverend John Vivian Vivian, and in the occupation of George Cliff, being the field adjoining the turnpipe gate-house on the London road from Truro, on the north-west side thereof, opposite to the union workhouse:

7. A service main or line of pipes commencing in the reservoir lastly before described, and terminating at the lower end of the Tregolls Road at or near the Union Hotel:

All which six last-mentioned works will be situate in the parish of Saint Clement in the county of Cornwall.

Capital.

8. The capital of the Company shall be sixteen thousand pounds in one thousand six hundred shares of ten pounds each.

Shares not to issue until one fifth paid up.

9. 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 shall have been paid in respect thereof.

Calls.

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

Receipt clause in case of persons not sui juris.

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

Power to borrow.

12. The Company may from time to time borrow on mortgage any sum not exceeding in the whole four thousand pounds, but no part thereof shall be borrowed until the whole capital of sixteen thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to

certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a receiver.

13. 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 four hundred pounds in the whole.

Power to create debenture stock.

14. The Company may create and issue debenture stock, subject to the provisions of Part 3 of the Companies Clauses Act, 1863, such debenture stock bearing interest not exceeding five pounds per centum per annum; 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 over other debts.

15. All money 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 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

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by the Company for the purposes of the Company's undertaking or works, or injuriously affected by the construction thereof, or by the exercise of any of the powers conferred on the Company.

As to conversion of borrowed money into capital.

16. 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.

Application of moneys.

17. 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.

18. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of February and August in every year.

Manner of voting at meetings.

19. At all the meetings of the Company every holder of five shares and under shall be entitled to one vote, and every shareholder shall be entitled to an additional vote for every five shares held by him beyond the first five.

The number of shareholders to convene extraordinary meetings.

20. The number of shareholders on whose requisition an extraordinary meeting of the Company may be required to be convened shall not be less than twenty shareholders, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Newspaper for advertisements.

21. The newspaper for advertisements shall be any newspaper published or circulating in the county of Cornwall.

Number of directors.

22. The number of directors shall be three.

Qualification of directors.

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

Quorum.

24. The quorum of a meeting of directors shall be two.

First directors.

25. Charles Stanley Osborne, George Francis Carlyon Simmons, and John Simpson shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in

Election of directors.

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.

Lands for extraordinary purposes.

26. The Company may from time to time by agreement purchase or acquire for the purposes of this Act any lands not exceeding in quantity five acres, in addition to the lands which they are by this Act authorised to take by compulsion.

Powers for compulsory purchases limited.

27. 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 one year from the passing of this Act.

Period for completion of works.

28. The works by this Act authorised shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; provided that nothing in this Act contained shall restrain the Company from extending their reservoirs, aqueducts, mains, pipes, works, and conveniences from time to time whenever they find it requisite for the purposes of increasing their supply of water, or supplying water within the limits of this Act.

Company may sell.

29. The Company may within three months from the passing of this Act sell to the Corporation of Truro their undertaking by this Act authorised, upon terms to be mutually agreed upon; and if no terms are agreed on within such period as aforesaid, the Company shall not oppose an application to Parliament, if bonâ fide made by the corporation in the session of 1876, for the purchase of such undertaking by arbitration under the Lands Clauses Consolidation Act, 1845.

Power to take easements, &c. by agreement.

30. 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, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

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Lateral and vertical deviation.

31. The Company in constructing the works by this Act authorised may make deviations from the line of such works, but not exceeding the limits of lateral deviation shown on the deposited plans, and may deviate from the levels delineated on the deposited sections with reference to the datum line to any extent not exceeding five feet, but as to the said reservoir to any extent not exceeding two feet upwards and five feet downwards; provided always, that the Company shall not under the powers of lateral deviation hereby conferred construct any embankment of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections.

Supply of water under pressure.

32. The Company shall provide a constant supply of water at such a pressure as can be afforded by the pipes communicating with their service reservoir.

Supply of water to adjacent tenements.

33. Where there are several adjacent tenements, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Company to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Act for a supply of water, and every person so taking or using water, or allowing the same to be used, contrary to the provisions of this Act shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Rates for supply of water for domestic purposes.

34. The Company shall, at the request of every person entitled under this Act to demand a supply of water, furnish to the occupier of every dwelling-house or part of a dwelling-house to which the request relates within the limits in that behalf of this Act a sufficient supply of wholesome water for the domestic purposes (including one watercloset) of every such occupier, at any rate not exceeding the following rates; (that is to say,)

Where the annual value of the premises supplied does not exceed six pounds, at a rate not exceeding twopence per week;

Where the annual value of a house or part of a house shall exceed six pounds and not exceed thirty pounds, a yearly rate not exceeding seven pounds per centum on the annual value of such house or part of a house;

Where such annual value shall (except as herein-after mentioned) exceed thirty pounds, a yearly rate not exceeding six pounds per centum on the amount of such annual value:

Provided that all inns and hotels, whether public or private, to which the supply is laid on, the annual value of which exceeds five pounds,

shall be liable to a rate not exceeding seven pounds ten shillings on the amount of such annual value, whether the same exceeds thirty pounds or not.

Rates for waterclosets and baths.

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

Rates payable quarterly in advance.

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

Protection from impurities and against waste.

37. The Company shall not be compellable to supply with water any watercloset or private bath, or the pipes or apparatus connected therewith, unless the same shall be so constructed and used as to prevent the waste, misuse, or undue consumption of the water of the Company, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Company, or into any pipes connected or communicating therewith, nor any private bath which shall be constructed so as to contain when filled for use more than fifty gallons of water.

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

38. The Company, with the approval of the Local Government Board, may from time to time make regulations for the purpose of preventing the waste or misuse of water, and amongst other things may prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus whatsoever to be used, and may interdict any arrangements and the use of any pipes, cocks, cisterns, or other apparatus which may tend to such waste or misuse as aforesaid.

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

39. The Company may supply any person with water for other than domestic purposes for such remuneration and on such terms and conditions as are agreed on between the Company and the persons desirous of having the supply; provided always, that the Company shall not supply water for other than domestic purposes if the same shall in any way interfere with or unduly diminish the supply of water for domestic purposes as by this Act authorised.

Penalty for using water for other than domestic purposes.

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

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Regulation for supply of water.

41. The Company shall not be obliged to supply any water unless the pipes and cocks and other apparatus necessary for the supply are constructed of such strength, material, and size, and on such principle as are required or approved by the Company, and are used so as to prevent the waste or undue consumption of the water of the Company, and the access of foul air and other noisome or impure matter to the pipes belonging to or connected with the mains or pipes of the Company.

Incoming tenant not liable to pay arrears of water rate.

42. In case any consumer of the water of the Company shall leave the premises where such water has been supplied without paying to the Company the rate due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of arrears left unpaid by the former tenant, unless such incoming tenant shall have agreed with the former tenant to pay or exonerate him from the payment of such arrears.

Company may remove pipes from unoccupied premises on giving notice to the owner.

43. If and whenever any house, building, or premises which shall have been supplied with water by the Company shall be unoccupied, the Company, their agents, servants, or workmen, after giving twenty-four hours previous notice to the owner by serving the notice on him or by leaving the same at his usual place of abode (or if the owner or his usual place of abode be not known to the Company, by affixing the same for three days on some conspicuous part of such house, building, or premises), may enter into such house, building, or premises between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, and remove and carry away any pipe, fittings, or other works the property of the Company.

Recovery of charges for supply of water.

44. In case any person who shall have been supplied with water by the Company, or who shall be liable to payment in respect of a supply of water under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect of such supply for the space of fourteen days after demand thereof by the Company, their agent or collector, it shall be lawful for any justice having jurisdiction where such person shall then reside, or where such water shall have been supplied, to issue any summons to such person requiring him to appear before two justices having jurisdiction as aforesaid, at a time and place named, then and there to show cause why the sum so demanded shall not be paid, and if on the appearance of such person, or in default of appearance after proof of the service of the summons either personally or at the last known place of abode or of business of such person, no sufficient cause shall be shown to the contrary, such two justices may issue their warrant of distress for the seizure and sale of the goods and chattels of such

person for the recovery of the amount which may be proved before such justices to be due from such person, together with such costs as to such justices shall seem just and reasonable. A.D. 1875.

Recovery of sums by action.

45. Where any person fails to pay any water rate or other sums due to the Company, the Company may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedies of the Company under this enactment shall be in addition to their other remedies in that behalf.

Costs of distress.

46. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of the rate or sum shall be paid by the person liable to pay the rate or sum, and the costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of the rate or sum.

Several names in one warrant.

47. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the Company for any of the purposes of this Act, and may be stated either in the body of the warrant or notice or in a schedule thereto.

Liability to rates not to disqualify justices.

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

Penalties not cumulative.

49. Penalties imposed on the Company by several Acts for one and the same offence shall not be cumulative, and for this purpose this Act and each of the several Acts incorporated therewith shall be deemed a separate Act.

Expenses of Act.

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

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