CHAPTER xvii.

An Act for incorporating the Westgate and Birchington Water Company; and for other purposes. [23d May 1879.]

A.D. 1879.

WHEREAS certain parts of the parishes of Birchington, St. John the Baptist, Minster, and Acol, in the Isle of Thanet, in the county of Kent, have for some years past been supplied with water from certain waterworks situate in the said parish of Acol, and those waterworks are now the property of Edmund Francis Davis, who is now supplying water from those works:

And whereas the demand for water within the said parishes and other neighbouring places has very considerably increased and is still increasing, and it is expedient that better provision be made for supplying with water the said district:

And whereas the persons herein-after named, with others, are willing at their own expense to undertake and provide for supplying water therein, if authorised so to do, and are desirous of being incorporated into a company with adequate powers for that purpose; and it is expedient that they be incorporated accordingly, and authorised to supply water within the said district, and to acquire and maintain the said waterworks, and to make and maintain the waterworks herein-after mentioned; and the said Edmund Francis Davis is willing to sell and transfer his said water undertaking:

And whereas plans and sections of the works by this Act authorised, showing the lines and levels thereof and the lands which are required therefor, with a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of such lands, have been deposited with the clerk of the peace for the county of Kent, which plans, sections, and book of reference are in this Act referred to as "the deposited plans, sections, and book of reference" respectively:

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

A.D. 1879.

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

Short title.

1. This Act may be cited as the Westgate and Birchington Water Act, 1879.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
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 III. (relating to debenture stock) of the Companies Clauses Act, 1863, and the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Waterworks Clauses Acts, 1847 and 1863, are, subject to the provisions of 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 Company" means the Company by this Act incorporated;

The expressions "the works" and "the waterworks" respectively mean and include the waterworks and works connected therewith by this Act vested in and authorised to be made and maintained by the Company, and any extension and improvement thereof which they may make under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects, and undertaking of the Company, and every part thereof respectively; and

The expressions "superior courts" or "court of competent jurisdiction," or any other like expressions in this Act or any Act wholly or partially incorporated herewith, shall for the purpose of this Act 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 and include so much and such parts of the parishes of St. John the Baptist, Minster, Acol, and Birchington, in the Isle of Thanet, in the county of Kent, as is comprised within the boundary set forth in the schedule to this Act.

Incorporation of Company.

5. William Frederick Hobrow, John Thomas Wimperis, Edmund Francis Davis, 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 they are hereby united into a company for the purposes herein-after mentioned, and shall be incorporated by the name of "The Westgate and Birchington Water Company," and by that name shall be a body corporate with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General purposes of the Company.

6. The Company shall be established for the purposes of acquiring, maintaining, extending, and improving the waterworks of the said Edmund Francis Davis, and for making and maintaining the works by this Act authorised, and for supplying water within the limits of this Act, and for carrying the powers of this Act into execution.

Transfer of undertaking to be by deed.

7. The transfer of the waterworks and the water undertaking of the said Edmund Francis Davis as herein-before expressed shall be carried into effect by a deed of conveyance duly stamped, truly stating the consideration: Provided always, that within three months from the date of the passing of this Act the Company shall produce to the Commissioners of Inland Revenue a deed of conveyance in which the purchase or consideration money shall be fully and truly stated and set forth, and which deed shall be duly stamped with the full and proper ad valorem stamp duty in respect of the consideration for the said transfer; and if the Company shall not within the said period of three months produce to the said Commissioners such deed duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the passing of this Act to the date of payment, shall be recoverable from the Company, with full costs of suit and all costs and charges attending the same.

Capital.

8. The capital of the Company shall be twenty-two thousand pounds, and shall be divided into two classes to be called respectively Capital A. and Capital B. Capital A. shall consist of capital stock to the amount of eight thousand pounds, and capital B. shall consist of share capital to the amount of fourteen thousand pounds in one thousand four hundred shares of ten pounds each.

The capital stock vested in the Company.

9. Eight thousand pounds, the capital A. stock of the Company, shall be deemed fully paid up, and is by this Act appropriated to and vested in the said Edmund Francis Davis as the consideration for the transfer of the waterworks and the water undertaking of the said Edmund Francis Davis.

Shares not to be issued until one fifth paid.

10. 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

A.D. 1879.

less than one fifth of the amount of such share is paid in respect thereof.

Calls.

11. 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.

Rights of stockholders.

12. The holder or holders of the stock of the Company appropriated and vested by this Act as aforesaid shall be entitled to participate in the dividends and profits of the Company, and to the same privileges and advantages for the purpose of voting at meetings of the Company as regards qualification for the office of directors, and for other purposes, as if the stock had been formed by the conversion or consolidation into stock of fully paid-up shares of capital A. of the Company.

Power to borrow on mortgage.

13. The Company may at any time and from time to time after the passing of this Act borrow on mortgage, in respect of their capital stock of eight thousand pounds under this Act, any sum or sums not exceeding in the whole two thousand pounds, and they may also, in respect of the share capital of fourteen thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any further sum or sums not exceeding in the whole three thousand five hundred pounds; but no part of the last-mentioned sum shall be borrowed until the whole of the said share capital is issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half of such capital 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, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Appointment of receiver.

14. 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 five hundred pounds in the whole.

As to conversion of borrowed money into capital.

15. The Company shall not have power to raise 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.

Debenture stock.

16. 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 over other debts.

17. 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 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 to be granted by them in pursuance of the Lands Clauses Consolidation Acts, 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 by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Application of moneys.

18. 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.

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

Number of directors.

20. The number of the directors shall be three.

A.D. 1879.

Qualification of directors.

21. The qualification of a director shall be the possession in his own right of not less than forty shares or of stock to the amount of four hundred pounds.

Quorum.

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

First directors.

23. William Frederick Hobrow and John Thomas Wimperis and one other duly qualified person to be nominated by 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 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 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.

Election of directors.

Power to make waterworks and to take lands, &c.

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

The waterworks herein-after referred to and authorised by this Act are:

1. A pumping station, engine-house, well, tank, and water tower, situate in the parish of Acol, in the Isle of Thanet, in the county of Kent, in a field belonging or reputed to belong to and in the occupation of Edmund Francis Davis:
2. A line of pipes, "line of pipes No. 1," commencing in the said parish of Acol at or near the said pumping station and tank, and terminating in the parishes of Minster and Acol, or one of them, in the Margate and Canterbury Road, at or near the boundary of the parishes of Minster and Acol:

3. A line of pipes, "line of pipes No. 2," commencing in the parishes of Acol and Minster, or one of them, at the point herein-before described as the point of the termination of line of pipes No. 1, and terminating in the parish of Birchington, in the Margate and Canterbury Road, at or near Little Brook End Farm:

4. A line of pipes, "line of pipes No. 3," commencing in the parishes of Acol and Minster, or one of them, at the point herein-before described as the point of the termination of line of pipes No. 1, and terminating in the parish of St. John the Baptist, at a point in the Margate and Canterbury Road near the western end of St. James' Church, Westgate or Garlinge.

Limits of lateral deviation.

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

Limits of vertical deviation.

26. In the construction of the waterworks authorised by this Act the Company may deviate vertically from the levels shown on the deposited sections with reference to the datum line to any extent not exceeding, in the case of the well, tank, and water tower, ten feet downwards, and in the case of other works not exceeding three feet upwards or seven feet downwards.

Lands for extraordinary purposes.

27. The Company may from time to time, by agreement, purchase or acquire for the purposes of this part of this Act any lands not exceeding in quantity two acres, in addition to the lands which they are by this Act authorised to take by compulsion; but the Company shall not erect any buildings upon such lands other than offices, residences for persons in their employ, or such buildings and works as may be incident to or connected with their undertaking.

Period for compulsory purchase of lands.

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

Period for completion of works.

29. The works by this part of this Act authorised shall be completed within five 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 any work not so completed, or otherwise in relation thereto, shall cease to be exercised except as to so much

A.D. 1879.

thereof as shall then be completed; but nothing in this section shall restrict the Company from extending, enlarging, altering, or removing any of their aqueducts, mains, pipes, works, and conveniences, or increasing or improving their supply of water from time to time whenever they find it requisite.

Contracts between Company and public bodies for supply of water.

30. The Company may from time to time enter into agreements with any local boards, commissioners, corporations, or other public or local bodies for the supply by the Company, within the limits of this Act, of water to or for those bodies respectively, in bulk or otherwise, for any purpose whatsoever, for such times, and for such remuneration, and on such terms and conditions as the Company think fit.

Supply of water under pressure.

31. The Company shall not be compelled to carry water to a higher level than can be reached by the pressure afforded by their pumping station and tank herein-before described.

Supply of water to adjacent tenements.

32. 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 such 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.

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

Where the gross estimated rental of a house or part of a house does not exceed six pounds, at a rate not exceeding twopence per week;

Where such rental 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 such rental;

Where such rental shall exceed thirty pounds, a yearly rate not exceeding six pounds five shillings per centum on such rental:

Provided that all inns and hotels, whether public or private, to which the supply is laid on, and the gross estimated rental of which exceeds five pounds, shall be liable to a rate not exceeding seven

pounds ten shillings per centum on such rental, whether the same exceeds thirty pounds or not.

Rates for watercloset and baths.

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

Rates payable quarterly in advance.

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

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

36. 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 person desirous of having the supply: Provided always, that the Company shall not supply water for other than domestic purposes so as in any way to interfere with or unduly diminish the supply of water for domestic purposes.

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

37. 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.

Regulation for supply of water.

38. The Company, so far as they are bound to afford a constant supply, 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 by byelaws of the Company approved by the Local Government Board, and are used and maintained so as to prevent the waste or undue consumption of the water of the Company, and the access of foul air or other noisome or impure matter to the pipes belonging to or connected with the mains or pipes of the Company.

For preventing fouling of water.

39. The Company shall not be compellable 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 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 unless such bath shall be so constructed that it will not contain when filled for use more than fifty gallons of water.

A.D. 1879.

Entry on premises to cut off supply in certain cases.

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

Mode of giving notice.

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

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

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

Service pipes.

42. The service pipes to communicate with the main and pipes of the Company, and the fittings connected therewith, shall be laid, placed, and removed under the superintendence of the Company, and at the expense of the persons requiring or having the supply, and, at their option, either by themselves or by the Company.

Power to Company to supply materials, &c.

43. The Company may, if requested by any person supplied or about to be supplied by them with water, furnish to him, and from

time to time repair or alter, any such pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary and proper in that behalf.

Power to lay water pipes against buildings.

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

Power to take easements, &c. by agreement.

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

Provisions as to letting meters.

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

Power to remove meters and fittings.

47. The Company, by their agents or workmen, after giving forty-eight hours notice in writing to the occupier, or if unoccupied, then to the owner or lessee, of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the Company are laid or fixed, and through or in which the supply of water shall from any cause, other than the neglect or default of the Company or their servants, be discontinued, may enter such land, house, or

A.D. 1879.

building between the hours of nine in the forenoon and four in the afternoon, or, with the authority in writing of a justice, at any other time, and may remove such pipes, mains, meters, or fittings, but repairing all damages caused by such removal; and every such notice shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode, or sent by post addressed to such person, or if such person or his address be not known to the Company, and cannot after due inquiry be found or ascertained, then by being affixed for forty-eight hours to some conspicuous part of such land, house, or building.

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

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

Repair of meters.

49. 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 any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing and inspection, and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

Register of meter to be primâ facie evidence.

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

Fraudulently injuring meter.

51. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipes, meters, or fittings belonging to the Company, or alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses the water of

the Company, shall, without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender, for every such offence forfeit and pay to the Company a sum not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damages by them sustained; and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipes, meter, or fittings belonging to the Company, or altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Company may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention, or for abstracting, consuming, or using water of the Company when such meter shall be under the custody or control of the consumer, shall be primâ facie evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Company's officers to enter buildings.

52. The Company's agent or other officer duly appointed for the purpose by the Company may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with water by the Company, in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, and to see whether the meters, pipes, fittings, cisterns, or other apparatus provided 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, if there be an occupier, and if there be no occupier, then the owner or lessee, of such premises shall for any such offence forfeit to the Company a sum not exceeding five pounds.

Notice of discontinuance.

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

Incoming tenant not liable to pay arrears of water rates.

54. 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 the 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.

A.D. 1879.

Undisputed rates may be recovered by distress.

55. All rates and sums due to the Company, and all damages, costs, and expenses by this Act directed to be paid, may be levied by distress after the defaulter has been duly summoned, and any justice on application by the Company may and shall issue his warrant accordingly.

Costs of distress.

56. 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.

57. 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.

58. No justice or judge 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.

Expenses of Act.

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

The SCHEDULE referred to in the foregoing Act.

Limits of this Act.

So much of the parishes of Saint John the Baptist, Minster, Acol, and Birchington, in the Isle of Thanet, in the county of Kent, as is comprised within a boundary line commencing on the sea-shore at the eastern side of the northern end of the road which commences at the sea-shore and passes thence in a southerly direction eastward of the Beach House Hotel, crosses the Westgate Road to the London, Chatham, and Dover Railway, thence crossing that railway in a direction due south to a point on a line drawn in a southerly direction in continuation of the said eastern side of that road for a distance of 150 feet southward from the northern fence of that railway, thence along a line drawn in a direction due east from the last-mentioned point for a distance of 330 feet, thence along a line drawn in a direction due south from the last-mentioned point to the southern side of the Margate and Canterbury Road, thence in a westerly direction along the south side of that road to the point where that side meets the boundary between the parishes of St. John the Baptist and Minster detached No. 1, thence in a southerly direction along that boundary till it meets the footpath which is the continuation in a south-westerly direction of the private road passing through the Dentdelion Estate, thence in a south-westerly direction along the south-eastern side of the said footpath to the road leading from Acol to Margate, thence along the south-eastern side of that road in a south-westerly direction to the point where the same road intersects the boundary between the parishes of Acol and Birchington, thence proceeding along that boundary and along the road on the southern side of Quex Park to a point on that road 150 yards or thereabouts eastward of the south lodge entrance to Quex Park, thence along the same road in a westerly direction to the south-west corner of Quex Farm, called Acol Corner, where that road meets the boundary between the parishes of Acol and Birchington, and thence in a westerly and south-westerly direction along that boundary to a point where that boundary meets the boundary between the parishes of Monkton and Birchington, thence along the last-mentioned boundary in a north-westerly direction till that boundary reaches the point where the boundaries between the parishes of Monkton and Saint Nicholas-at-Wade and Birchington meet, thence generally in a north-westerly direction along the boundary between the parish of Birchington and Saint Nicholas-at-Wade to a point on low-water mark north of and nearly opposite to the outfall of Brook's End Sluice, and thence in an easterly direction along the line of low-water mark until it reaches the point herein-before described as the commencement of the boundary.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1879.