CHAPTER cxvi.

An Act for incorporating the Woking Water and Gas Company and for other purposes. [18th July 1881.] A.D. 1881.

WHEREAS the town and parish of Woking and other parishes adjacent or near thereto are not supplied with gas and are imperfectly supplied with water:

And whereas the persons hereinafter in that behalf named with others are willing to undertake the manufacture and supply of gas and the supply of water in the said town and parishes if incorporated for that purpose and it is expedient that they be incorporated into a Company accordingly:

And whereas it is expedient that the Company should be authorised to purchase or hire and to use let and sell gas and other fittings and engines stoves pipes and other appliances for the lighting warming and ventilating houses and buildings the cooking of food for motive power and other purposes:

And whereas plans and sections of the waterworks by this Act authorised showing the situation and levels thereof the plans showing also the lands to be taken compulsorily under the powers of this Act for such waterworks and for the gasworks by this Act authorised with a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited at the office of the clerk of the peace for the county of Surrey and are in this Act referred to as the deposited plans sections and book of reference:

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

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

Short title.

1. This Act may be cited as "the Woking Water and Gas Act 1881."

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. 15.
34 & 35 Vict. c. 41.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Gas Works Clauses Act 1847 the Gas Works Clauses Act 1871 the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

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 and 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 for the purposes 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 the Statute.

Incorporation of Company.

4. John McMillan and Robert Alexander Meyer 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 hereinafter mentioned and shall be incorporated by the name of "the Woking Water and Gas 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.

5. The Company shall be established for the purpose of making and maintaining the waterworks by this Act authorised and of making and maintaining gas works and manufacturing gas and of supplying water and gas within the parishes following viz.: Woking Send Ripley Send and Ripley West Clandon East Clandon West Horsley East Horsley Merrow Horsell and Pirbright and any hamlet township or extra-parochial place situate within those parishes all in the county of Surrey (hereinafter referred to as "the limits of this Act") and for selling or letting on hire meters and other materials necessary for such supply and for converting or utilising and distributing materials used in and about the manufacture of gas and of residual products resulting from such manufacture and for dealing in selling and disposing of gas coke

lime tar chemicals and other residual and manufactured products and other matters and things and for carrying on the business usually carried on by water companies and by gas companies or by companies or persons dealing in any of the matters and things aforesaid and for manufacturing purchasing or hiring and supplying gas meters fittings and other apparatus.

Capital.

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

Shares not to be issued until one fifth paid.

7. 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.

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

Power to divide shares.

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

Dividends on half shares.

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

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

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

Half shares to be registered and certificates issued.

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

Terms of issue to be stated on certificates.

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

Forfeiture of preferred half shares.

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

Preferred half shares not to be cancelled or surrendered.

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

Half shares to be half shares in capital.

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

Receipt in case of persons not sui juris.

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

Representation of the Company in bankruptcy, &c.

18. In proceedings under any bankruptcy or liquidation by arrangement or deed of composition or arrangement the secretary of the Company or any person appointed on his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Power to borrow.

19. The Company may from time to time borrow or mortgage any sums not exceeding in the whole twelve thousand five hundred pounds but no part thereof shall be borrowed until the whole capital of fifty 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 certificate shall be sufficient evidence thereof.

Conversion of borrowed money into capital.

20. 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 a receiver.

21. 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

A.D. 1881.

for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture stock.

22. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.

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

23. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on debenture stock created and issued under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rent charge to be granted by them in pursance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on the mortgages or debenture stock nor shall anything hereinbefore contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

Application of moneys.

24. 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.

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

Number of directors.

26. The number of directors shall be five but the Company may from time to time reduce or again increase the number provided that the number be never less than three nor more than five.

Qualification of directors.

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

Quorum.

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

First directors.

29. John McMillan and Robert Alexander Meyer and three other duly qualified persons to be nominated by them or by the

majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may subject to the power of reducing the number of directors herein contained either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to fill up the number of directors or to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

30. Any contract to be made under this Act with any local board corporation or public body shall not disqualify any of the members of such local board corporation or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local board corporation or public body shall vote upon any question with reference to any contract with such local board corporation or public body.

Contracts not to disqualify for office of director.

31. Subject to the provisions of this Act the Company may make and maintain the waterworks hereinafter described and works and conveniences connected therewith respectively in the lines and according to the levels shown on the deposited plans and sections and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for any of the purposes which the Company are by this Act authorised to execute and may collect take and divert into the said waterworks and therein impound and thence distribute the waters of any springs and streams on the site of the proposed works or on any lands for the time being belonging to the Company The waterworks hereinbefore referred to and by this Act authorised will be wholly situate in the county of Surrey and are:

Power to make waterworks.

A.D. 1881.

(1) A well or shaft with headings or borings and pumping station with engines and other works to be wholly situated in the parish of West Clandon.

(2) A conduit aqueduct or line of pipes commencing at the pumping-station before described thence passing along and under the aforesaid road from Send to West Clandon and thence to Albury Downs and terminating at the service reservoir next hereinafter described.

(3) A service reservoir to be situate in the said parish of West Clandon and at a point in the west end of a field numbered 84 on the said Ordnance Survey of the parish 20 chains or thereabouts in a southerly direction from the guide post at Clandon Cross which field belongs to the Honourable Peter J. Locke-King and is in the occupation of Mr. Harmsworth and to the south of the junction of the road from West Clandon to Albury Downs with the occupation road to Wellhouse Farm.

(4) A conduit aqueduct or line of pipes to be wholly situate in the parish of West Clandon and commencing at the junction of the said occupation road leading from Wellhouse Farm with the road from West Clandon to Albury Downs thence passing along and under the said occupation road and terminating at the high service reservoir next hereinafter described.

(5) A high service reservoir to be situate in the said parish of West Clandon and in the south-west end of the aforesaid field numbered 84 on the said Ordnance Survey of that parish and to the south-west of the said occupation road leading to Wellhouse Farm and 35 chains or thereabouts in a south-easterly direction from the guide post at Clandon Cross.

Provided always that the Company shall not enter upon take or use for any of the purposes of this Act the property or any part of the property numbered 1 in the parish of West Clandon on the deposited plans and in the deposited book of reference.

Protection of the Surrey county bridges.

32. For the protection of Surrey county bridges and other property. Be it enacted as follows:—

(*a*) No line of pipes shall be carried over under or along any bridge belonging to or under the control of Her Majesty's justices of the peace for the county of Surrey or the approaches thereto so as to impair the structure of any such bridge or approach or to interfere unnecessarily with the traffic thereon and any works affecting such bridge or approach shall be constructed according to plans and specifications previously submitted to and signed by the surveyor for the time being of the county of Surrey and the said works shall be executed under the superintendence of the said surveyor and to his

reasonable satisfaction and shall be thereafter maintained by the Company at their own expense and under such superintendence as aforesaid provided that if the said surveyor neglect to signify his approval or disapproval to the said plans and specifications during one month after the same shall have been submitted to him such neglect or omission shall be deemed an approval.

(*b*) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the said justices all costs losses damages and expenses which may be occasioned to the justices or to any of their bridges or approaches by reason of the execution or failure of any of the intended works or of any act or omission of the Company or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Company will effectually indemnify and hold harmless the justices from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission.

(*c*) The costs charges and expenses of and incident to the approval of the said plans and specifications and the superintendence of the works shall be paid by the Company.

Power as to maintenance and construction of gasworks.

33. Subject to the provisions of this Act the Company may from time to time erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue gasworks and other works for the manufacture of gas and convert or utilise and distribute materials used in and about the manufacture of gas and of residual products resulting from such manufacture upon the lands and hereditaments described in the schedule to this Act and delineated on the deposited plans or some part or parts thereof and upon those lands they may accordingly manufacture gas and manufacture convert utilise and distribute such materials and residual products as aforesaid and also on those lands store gas and the Company may also from time to time provide lay down maintain alter improve enlarge extend and renew or discontinue mains pipes meters lamps lamp posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such other acts as they may think proper for making storing and supplying gas within the limits of this Act and may supply gas accordingly and may deal in and sell and dispose of coke lime tar chemicals and other residual and manufactured products and other matters and things and carry on the business usually carried on by gas companies or by companies or persons dealing in any of the

A.D. 1881.

matters and things aforesaid and may manufacture purchase or hire and supply gas meters fittings and other apparatus.

Power to lay pipes against buildings.

34. The Company with the consent of the owner and occupier of any building may lay any pipe branch or any other necessary apparatus from any gas main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas 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 supply gas fittings and engines, and other apparatus.

35. The Company may buy or hire and may supply sell or let to consumers of gas within their district or limits for use upon premises belonging to or occupied by such consumers burners tubes and stoves or ranges for heating or cooking by means of gas and any other materials or fittings for the use of gas for domestic or other purposes and also engines and machines for domestic agricultural manufacturing industrial or any other purposes whatever to be worked by means of gas for the production of motive power and any materials or fittings to be used in connection therewith.

Recovery of charges.

36. The Company may charge for any fittings engines or other things supplied sold or let under the powers of this Act such price rent or sum as may be agreed upon between the Company and the other party to any such agreement.

Power to take licences, &c.

37. The Company may subject to the provisions of this Act (but only for the purposes of the Company within the limits of this Act and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture production and distribution of light by means of gas for the conversion manufacture or utilization of any products obtainable in or arising from such manufacture or production or from the materials used therein and for any such purpose as aforesaid may purchase construct maintain and use all such apparatus and appliances connected with the manufacture of gas and with the manufacture or distillation of the products and residuals arising from or out of the manufacture of gas as they may require or deem necessary or expedient for efficiently and economically carrying on their undertaking.

Limiting the price of gas.

38. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not

at any time exceed six shillings and sixpence per thousand cubic feet for gas supplied within a radius of two miles from the Company's gasworks for the time being or seven shillings and sixpence per thousand cubic feet for gas supplied beyond that radius.

Pressure of gas.

39. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and of penalties shall mutatis mutandis apply to such testing of pressure and two hours' previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

40. The prescribed number of candles shall be fifteen.

Testing place.

41. Within twelve calendar months from the passing of this Act a testing place shall be provided upon some part of the works or lands of the Company.

Burner.

42. The prescribed burner shall be any burner for the time being approved for this purpose by the Board of Trade or if there be no such burner then Suggs' No. 1 London Argand burner consuming five cubic feet of gas per hour with a six inch by one and three-quarter inch glass chimney and if at any time the gas flame rises above the top of the glass a six inch by two inch chimney shall be used.

Limits of deviation

43. Except as in this Act otherwise provided the Company in constructing the waterworks by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked or described in writing thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoirs two feet upwards and five feet downwards and in the case of other works five feet upwards or ten feet downwards.

Period for compulsory purchase of lands.

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

Power to purchase lands by agreement.

45. The Company may for the purpose of their undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands delineated on the deposited plans and described in the deposited book of reference any lands and hereditaments not exceeding in the whole five acres which the Company may from time to time require for the purposes of their works and undertaking but no lands shall be used for the manufacture of gas or residual products except the lands described in the schedule to this Act.

Power to take easements, &c., by agreement.

46. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege in over or affecting any lands (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rent charges 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.

Period for completion of works.

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

Constant pressure.

48. Water supplied under this Act need not be supplied in any case at a level above that at which water can be supplied by gravitation from the service reservoir or tank by this Act authorised.

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

49. The Company shall at the request of the owner or occupier of any private dwelling-house or part of a private dwelling-house in any street in which any pipe of the Company shall be laid or on the application of any person who under the provisions of this Act is entitled to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic use at rates not exceeding the yearly rates hereinafter specified (that is to say):

Where the gross estimated annual rental of the premises so supplied with water shall not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds and ten shillings :

Where such gross estimated annual rental shall exceed twenty pounds and not exceed forty pounds at a rate per centum per annum not exceeding seven pounds :

Where such gross estimated annual rental shall exceed forty pounds and not exceed sixty pounds at a rate per centum per annum not exceeding six pounds and ten shillings :

Where such gross estimated annual rental shall exceed sixty pounds and not exceed eighty pounds at a rate per centum per annum not exceeding six pounds :

Where such gross estimated annual rental shall exceed eighty pounds and not exceed one hundred pounds at a rate per centum per annum not exceeding five pounds and ten shillings :

Where such gross estimated annual rental shall exceed one hundred pounds at a rate per centum per annum not exceeding five pounds :

Provided always that the Company shall not be obliged to furnish such supply for any less sum than twopence per week.

Rates for water-closets and baths.

50. In addition to the rates for the supply of water for domestic purposes the Company may demand and receive for every water-closet beyond one or private fixed bath containing not more than one hundred and fifty gallons in any house any yearly sum not exceeding ten shillings.

Preventing fouling water.

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

Water for other than domestic purposes.

52. The Company may supply any person with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Company and the persons desirous of having such supply of water: Provided that a supply of water for domestic purposes shall not include a supply for any of the purposes mentioned in section 12 of the Waterworks Clauses Act 1863 nor for the use of workhouses hospitals or other large public institutions.

Rate for water may be ascertained by meter.

53. The Company and any person desirous of having a supply of water may agree that the rate of remuneration for such supply shall be determined by the quantity of water consumed to be ascertained by a meter to be provided or approved by the Company and may agree on the amount of the rate or remuneration to be paid for such supply: Provided that such rate or remuneration be charged to all persons equally under similar circumstances.

Charges for supply of water for other than domestic purposes.

54. The Company may supply water within the limits of this Act for purposes other than domestic purposes by meter or otherwise and on such terms pecuniary and otherwise and conditions as shall be agreed on between the Company and the person requiring the supply and the moneys payable for the supply shall be water rates and recoverable accordingly: Provided that the Company shall not be bound to supply water otherwise than by measure to any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required.

Where several houses supplied by one pipe each to pay.

55. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe: Provided always that the Company shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Penalty for misuser of water by tenant of one of several tenements in a row.

56. Any tenant or occupier of one or of part of one of several houses supplied by a common pipe who takes or uses the water laid on by the Company to any other such house or allows the same to be used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Rate payable by owners for small houses.

57. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from rent from time to time due from him to the owner.

Company not bound to supply several houses by one pipe.

58. The Company shall not be bound to supply more than one house by means of the same pipe and they may if they think fit require that a separate pipe be laid into each house supplied by them with water.

Power to sell or let meters.

59. The Company may from time to time sell and dispose of gas or water meters or let meters on hire upon and subject to such

terms (pecuniary and otherwise) and conditions as the Company think fit.

Company to pay interest on money deposited as security for gas meter, &c.

60. If any person is required by the Company to give to them securities for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

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

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

Entry on premises to cut off supply in certain cases.

62. In all cases in which the Company are by this Act authorised to cut off the pipe or to turn off gas or water from any premises the Company their agents and workmen (after giving notice to the owner or occupier as hereinafter provided) may enter into such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the gas or water of the Company shall be supplied to such premises.

Mode of giving notice.

63. The notice to be given previously to such entry shall be in writing and shall be served in manner following (that is to say):—

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

If such premises be unoccupied and the owner thereof and his usual place of abode be in England and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode and posted forty-eight hours at least previously to such entry;

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

A.D. 1881.

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

Service pipes.

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

Power to remove meters and fittings.

65. The Company after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of gas or water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such buildings or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal and every notice required by this section shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business in England or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry then by being affixed on some conspicuous part of such building or lands.

Notice to Company of putting up meters, &c.

66. Before any person connects or disconnects any meter through which any of the gas or water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meters.

67. Every consumer of gas or water of the Company shall at all times at his own expense keep all meters belonging to him whereby any gas or water of the Company is registered in proper order for correctly registering such gas or water in default whereof the Company may cease to supply gas or water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Register of meter to be primâ facie evidence.

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

Fraudulently injuring meters, &c.

69. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such index from duly registering the quantity of gas or water supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also discontinue the supply of gas or water to the person so offending until the injury is remedied and the amount of the damages is paid notwithstanding any contract previously existing and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the customer using such pipe meter or fitting.

Preventing frauds and waste of water.

70. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in such cases.

Power for Company to supply materials, &c.

71. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any meters pipes valves cocks baths soil-pans water-closets apparatus and receptacles and may provide all materials and do all work necessary or proper in that behalf and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Incoming tenant not liable for arrears.

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

Recovery of sums due.

73. If any person fails to pay any gas or water rent meter rent rate damages costs expenses or other sum due to or recoverable by the Company under this Act then if the amount thereof is not bonâ fide disputed the same may be levied by distress (the person in default being first duly summoned) and any justice may issue his warrant accordingly and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent rate damages costs expenses or other sum.

Notice of discontinuance.

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

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

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

Contents of summons, &c.

76. 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.

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

Penalties not cumulative.

78. Penalties imposed 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.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

A piece or parcel of land in the parish of Send and Ripley containing 5 acres or thereabouts which piece or parcel of land forms part of the field numbered 41 on the 25-inch Ordnance Survey and abutting northward on the River Wey Navigation which field is generally called or known by the name of "Broad Mead" and belonging or reputed to belong to Edward Manning and is in the occupation of Alfred Lee.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1881.