



## CHAP. xlix.

An Act for supplying with water the townships of Undermillbeck, Applethwaite, and Troutbeck in the parish of Windermere in the county of Westmorland, and for conferring powers for that purpose on the Windermere District Gas Company ; and for other purposes. [24th June 1869.]

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**W**HEREAS the construction of works for the supply of water within the townships of Undermillbeck, Applethwaite, and Troutbeck in the parish of Windermere in the county of Westmorland would be of great advantage to the inhabitants of and others frequenting those places :

And whereas plans and sections showing the works proposed to be constructed for the purpose of affording such supply, with a book of reference to the plans, have been deposited at the office of the clerk of the peace for the county of Westmorland, which plans, sections, and book of reference are herein-after respectively referred to as the deposited plans, sections, and book of reference :

And whereas the Windermere District Gas Company (herein-after referred to as "the company") were incorporated by the Windermere District Gas Act, 1862, (herein-after referred to as "the Act of 1862,") with power to construct works for the supply of gas within the several townships before mentioned, and to raise for that purpose the sum of ten thousand pounds by the creation of one thousand shares of ten pounds each, and the sum of two thousand five hundred pounds by borrowing :

25 & 26 Vict.  
c. lxxiii.

And whereas the company have constructed gasworks, and are now supplying gas in accordance with the provisions of the Act of 1862 :

And whereas the company are willing to carry into execution the undertaking by this Act authorized, and it is expedient that they should be empowered so to do, and to raise capital for that purpose :

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And whereas the districts of the local boards for the districts of Bowness and Windermere respectively are included within the before-mentioned townships, and the construction of the works by this Act authorized will be beneficial to those districts, and it is expedient that the said local boards should respectively be empowered to guarantee to the company the payment of such sums as herein-after mentioned, in consideration of the benefits the inhabitants of the said districts will derive from the carrying into effect by the company of the objects of this Act :

And whereas the purposes aforesaid 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 ; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Windermere District Waterworks Act, 1869."

8 & 9 Vict.  
cc. 16, 18,  
and 20.,  
10 & 11 Vict.  
c. 17.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
cc. 93. and  
118. incor-  
porated.

2. The several Acts and parts of Acts following are incorporated with and form part of this Act (except so far as the same respectively are altered by or are inconsistent with the provisions of this Act) ; that is to say,

The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 :

The Waterworks Clauses Act, 1847 and 1863 :

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof :

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters ; (that is to say,)

The distribution of the capital of the company into shares :

The transfer and transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the company against the shareholders ;

The borrowing of money by the company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ; and

The access to be afforded to the special Act :

Part I. (relating to cancellation and surrender of shares), Part III.

(relating to debenture stock), and Part IV: (relating to change of name) of the Companies Clauses Act, 1863. A.D. 1869.

**3.** In this Act the several words and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Interpreta-  
tion of terms.

The expressions "the company," "the promoters of the undertaking," and "the undertakers" shall mean respectively the Windermere District Gas and Water Company, heretofore called the Windermere District Gas Company:

The expressions "the waterworks" and "the undertaking" shall mean the waterworks and works connected therewith by this Act authorized to be constructed:

The expression "the gasworks" shall mean the gasworks and the works connected therewith authorized to be constructed by the company under the authority of the Act of 1862:

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

**4.** On and after the passing of this Act, the name of the company, instead of being as follows, "The Windermere District Gas Company," shall be as follows, "The Windermere District Gas and Water Company." Change of  
name.

**5.** The company may sell and supply water, and the limits within which the company may supply water under the authority of this Act shall be the same as the limits within which they are now authorized to supply gas, and shall comprise and include the several townships of Undermillbeck, Applethwaite, and Troutbeck in the parish of Windermere, all in the county of Westmorland. Limits of  
Act.

**6.** The capital of the company for the purposes of the waterworks shall be seven thousand five hundred pounds, subject to augmentation as herein-after provided, and the company may from time to time raise, by the creation and issue of new ordinary shares of ten pounds each, any sums not exceeding in the whole the amount of the said capital, and the new shares so from time to time created shall be called, and the certificates for the same shall be marked, "Windermere District Waterworks Shares." Power to  
raise capital  
for water-  
works pur-  
poses.

**7.** The company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accept- Shares not  
to issue until  
one fifth paid  
up.

A.D. 1869. ing 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. **8.** One fifth of the amount of any share issued under the authority of this Act shall be the greatest amount of a call, and two months at the least shall be the interval between the making of any two successive calls, and sixty pounds per centum of the amount of a share shall be the utmost aggregate amount of calls made in any year upon any share.

Qualifica-  
tions of new  
shareholders. **9.** All new shares issued under the powers of this Act shall confer on the respective holders thereof the same qualifications and rights of voting as the existing shares in the capital of the company created under the authority of the Act of 1862.

Power to  
raise further  
capital by  
new shares. **10.** In addition to the capital of seven thousand five hundred pounds by this Act herein-before authorized to be created by shares, and when the same is fully paid up, it shall be lawful for the company, with the consent of three fifths of the votes of the shareholders present in person or by proxy at any general meeting of the company specially convened for the purpose, from time to time to raise, by the creation and issue of new ordinary or preference shares, any further sum or sums of money not exceeding in the whole the sum of seven thousand five hundred pounds; and all the provisions of this Act with respect to the Windermere District Waterworks shares, and the holders thereof, shall extend and apply to the last-mentioned new shares and the holders thereof; and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, is incorporated with and forms part of this Act, so far as relates to the additional capital by this section authorized to be created: Provided always, that the expression "the ordinary shares," in section 17 of the said Act, shall be deemed and construed to mean the ordinary shares created under the authority of this Act.

Power to  
borrow on  
mortgage in  
respect of  
ordinary  
capital of  
7,500*l.* **11.** When shares for the sum of three thousand seven hundred and fifty pounds (being one half of the capital of seven thousand five hundred pounds first herein-before authorized to be raised by shares) have been issued and accepted, and one half of such sum has been paid up, the company may borrow on mortgage any sums of money not exceeding in the whole the sum of nine hundred pounds, and when shares for the further sum of three thousand seven hundred and fifty pounds (being the residue of the capital of seven thousand five hundred pounds first herein-before authorized to be raised by shares) have been issued and accepted, and one half of such last-mentioned sum has been paid up, the company may borrow on mortgage any further sums of money not exceeding in

the whole the sum of nine hundred pounds : Provided always, that no part of either of the said sums of nine hundred pounds shall be borrowed until the company have proved to the justice who is to certify under the provisions of the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of the said respective sum of three thousand seven hundred and fifty pounds in respect of which it is to be borrowed have been issued and accepted, and one half of such sum has been paid up, and that not less than one fifth part of the amount of each separate share 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 to whom the same was issued, or their assigns, and that such persons or their 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.

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**12.** The company may, in respect of each moiety of the said further capital of seven thousand five hundred pounds secondly herein-before authorized to be raised by shares, borrow on mortgage any further sums of money not exceeding in the whole the sum of nine hundred pounds, in addition to and subject to the like conditions and restrictions as are applicable to the respective sums of nine hundred pounds each by the last preceding section authorized to be borrowed.

Further power to borrow in respect of further capital.

**13.** The money to be borrowed under the powers of this Act on the security of the waterworks shall be borrowed on mortgages only, which mortgages, and all the renewals thereof, shall include and be expressed to include only the waterworks, and shall be styled and marked "Windermere District Waterworks Mortgages;" and the holders of any such mortgages or renewals shall not in respect thereof have any right over or claim upon the gasworks or any part thereof.

Rights of mortgagees of waterworks.

**14.** The holders of any mortgages, bonds, or securities (original or renewed), granted or to be granted under the powers of the Act of 1862, shall not in respect of such mortgages, bonds, securities, or renewals have any right over or claim upon the waterworks.

Rights of existing mortgagees.

**15.** The mortgagees of the waterworks may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by

Arrears may be enforced by appointment of a receiver.

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Debenture stock.

**16.** The company may create and issue debenture stock in the undertaking, and may attach thereto such a fixed perpetual preferential dividend as they may think fit, not exceeding the rate of five pounds per centum per annum.

Application of monies.

**17.** All monies raised under this Act, whether by shares or debenture stock or borrowing, shall be applied to the purposes of this Act, and to no other purpose.

Monies received from gas rents, &c. to be carried to a separate account, to be called the Gasworks Account.

**18.** The company shall from time to time keep a separate account, to be called the gasworks account, and all monies which shall come to the hands of the company in respect of gas supplied by them, or of coke or other residuum disposed of by them, or from any other source whatever connected with or relating to the gasworks, or payable to the gasworks account, or from any penalties recovered by them under the provisions of the Gasworks Clauses Act, 1847, shall fall into and form part of the gasworks account, and shall, except as regards capital, be applicable as part thereof.

Application of gasworks account.

**19.** The gasworks account shall be applied and disposed of as follows; that is to say,

First, in payment of all expenses exclusively relating to the gasworks :

Secondly, in payment of such proportion of the general expenses of the company as the directors of the company shall from time to time think proper to charge to the gasworks account :

Thirdly, in payment of the interest on the monies from time to time borrowed by the company under the authority of the Act of 1862 :

Fourthly, in or towards payment of dividends on the capital of the company created under the authority of the Act of 1862, in accordance with the provisions of the Gasworks Clauses Act, 1847, and in making up the deficiency of any previous dividend on the gas shares, and in providing a reserved fund in accordance with the provisions of the last-named Act :

And, lastly, the balance (if any) shall be carried to the waterworks account.

Monies received from water rents to be carried to a separate account to be called the

**20.** The company shall from time to time keep a separate account, to be called the waterworks account; and all monies which shall come to the hands of the company from rents or payments made to them in respect of water supplied by them, or from any other source whatever connected with or relating to the waterworks,

or from any penalties recovered under the provisions of the Waterworks Clauses Act, 1847, and also all other monies which are by this Act required to be carried to the waterworks account, shall fall into and form part of the waterworks account, and shall, except as regards the capital raised under this Act, be applicable as part thereof.

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waterworks  
accounts.

21. The waterworks account shall be applied and disposed of as follows; (that is to say)

Application  
of water-  
works ac-  
count.

First, in payment of all expenses exclusively relating to the waterworks:

Secondly, in payment of such proportion of the general expenses of the company as the directors of the company shall from time to time think proper to charge to the waterworks account:

Thirdly, in payment of the interest and dividend on the mortgages and debenture stock from time to time granted and issued by the company on the waterworks under the authority of this Act:

Fourthly, in or towards payment of dividends on the capital of the company raised for waterworks purposes, in accordance with the provisions of the Waterworks Clauses Act, 1847, and in making up the deficiency of any previous dividends on the waterworks shares, and in providing a reserve fund, in accordance with the provisions of the last-named Act:

Lastly, the balance (if any) shall be divided equally between the gasworks account and the waterworks account, subject to the liability of the company to make such a rateable reduction in the rates chargeable by the company for the supply of gas and water as is provided for in that behalf by the Gasworks Clauses Act, 1847, and the Waterworks Clauses Act, 1847, respectively.

22. Subject to the provisions of this Act, the company may make and maintain the waterworks in the lines, according to the levels, and upon the lands delineated on the deposited plans and sections, and described in the deposited books of reference, and for those purposes may enter upon, take, and use such of the lands, streams, and waters delineated on the said plans and described in the said book of reference as shall be necessary for the purposes of this Act, and may impound, take, and divert the waters of the brook or stream called Dubbs Beck, and of the several tributaries of the said beck, and all other brooks, streams, springs, and waters which now directly or derivatively flow or proceed into or supply the said beck, or which can or may be intercepted or abstracted by means of the waterworks.

Power to  
make water-  
works.

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Lateral and  
vertical de-  
viations.

**23.** Wherever and so far as the line of any works shown upon the deposited plans passes along any road, and no limits of lateral deviation are marked thereon, the company may in the construction of such works deviate laterally from the lines thereof as laid down on such plans to the extent of the boundaries of such road, and also the company may in the construction of any works shown upon the deposited plans deviate laterally from the lines or position thereof as laid down on the said plans to any extent not exceeding the limits of deviation shown on the said plans, and the company may deviate from the levels of the reservoirs as delineated on the deposited sections to any extent not exceeding five feet, and of other works as delineated on the said sections to any extent not exceeding seven feet.

Temporary  
occupation  
of lands.

**24.** The provisions with respect to the temporary occupation of lands incorporated with this Act shall apply only to the reservoirs authorized by this Act, and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if the said reservoirs and works were therein mentioned instead of the railway, and the boundaries of the reservoirs and works instead of the centre of the railway.

Construction  
of works af-  
fecting the  
London and  
North-wes-  
tern Railway  
Company.

**25.** All works to be constructed in carrying into execution the purposes of this Act across or in any way affecting the Kendal and Windermere Railway of the London and North-western Railway Company, or the bridges or works thereof, or any lands or property belonging or in lease to that company, shall be carried and maintained at such level as the principal engineer for the time being of that company shall in writing reasonably require, and the works for that purpose, as well also all alterations and repairs thereof respectively, shall be made and constructed in all respects under his superintendence and to his reasonable satisfaction, and according to plans to be reasonably approved by him in writing before any such works are begun, but in all things at the expense of the company; and if the engineer of the company and of the London and North-western Railway Company shall differ with respect to anything required to be done under this enactment, every such difference shall be settled by an engineer to be appointed by the two engineers, or if they cannot agree upon a referee then by an engineer to be appointed by the Board of Trade, on the application of either party.

Repairs of  
those works.

**26.** If by reason of any accident to or defect in the main pipes or other works of the company at or near such crossing any damage shall arise or be likely to arise to the said railway or any of the works thereof, and the company shall not forthwith repair the



same, the London and North-western Railway Company may cause such repairs to be made, and recover the reasonable expenses thereof, with full costs, against the company, in any court of competent jurisdiction.

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**27.** If by reason of any works of the company, or the failure of any such works, the said railway or any of its works, or any lands or property belonging or leased to the London and North-western Railway Company, shall be injured or damaged, the company shall forthwith, at their expense in all things, make good such injury, or, in the event of their failing to do so, then that company may make good the same, and recover from the company all expenses thereof; and if any interruption shall be occasioned to the traffic of that company by reason of any of the works or proceedings or failure of the works of the company, the company shall, on demand, pay to that company all costs and expenses to which they may be put, as well as full compensation for the loss sustained by them by reason of any such interruption, all such costs and expenses and compensation to be recovered against the company, with full costs, as aforesaid.

Compensation to London and North-western Railway Company in case of injury.

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

Powers for compulsory purchases limited.

**29.** In addition to the lands, streams, and waters which the company are by this Act authorized to purchase compulsorily, they may, for any of the purposes of this Act, from time to time, by agreement, purchase in fee, either absolutely or in consideration of any yearly or other rent, any additional quantity of land not exceeding in the whole ten acres, or any easement or right (not being an easement or right of water) in or over such additional lands which they may from time to time think requisite for the purposes of this Act: Provided that, notwithstanding the exception in this section contained, the company may acquire a right to take the water of any spring in any case in which they would be entitled to the exclusive use of the whole water of such spring on purchasing the land in which the same arises.

Power to acquire additional lands by agreement.

**30.** The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell or convey or release lands, shall, subject to the provisions of those Acts respectively, have full power to grant to the company in fee, either absolutely or in consideration of any yearly or other rent, any lands, or any easement, right, privilege, power, or authority in, over, or affecting any

Owners may grant easements.

A.D. 1869. lands by this Act authorized to be purchased by the company, compulsorily or by agreement, and which the company from time to time think requisite for any of the purposes of this Act.

Application  
of Lands  
Clauses Act,  
1860, to  
easements.

**31.** For the purposes of this Act, the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Period for  
completion  
of water-  
works.

**32.** If the waterworks shall not be completed within seven years from the passing of this Act, then, on the expiration of that period, the powers of the company under this Act for making the works or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that, subject to the provisions of this Act, the company from time to time may alter, enlarge, and extend their reservoir, tanks, gauges, gauge basins, engines, machinery, wells, mains, pipes, and other works in such way and manner as shall be necessary for supplying water for the purposes of this Act.

As to com-  
pensation to  
millowners  
and others.

**33.** The company shall cause or permit continuously to flow down the stream or brook called Dubbs Beck, as compensation water for the supply of the mills, manufactories, and other works using the waters of Dubbs Beck aforesaid, or any of the waters which the company are authorized to impound, and take a quantity of water per day equal to the quantity of water which the company shall take for their own purposes from the reservoir No. 1, shown on the deposited plans, and which the company are by this Act authorized to construct upon Dubbs Beck aforesaid, and not being less on any day than fifty thousand gallons, and the company shall commence such discharge at the same time as they commence to take water from the said reservoir for their own purposes, and the company shall construct and for ever after maintain, within one hundred yards of the foot of the embankment of the said reservoir, a suitable measuring gauge or gauges for the purpose of measuring the respective quantities of water so taken and discharged: Provided always, that a plan of the proposed gauge or gauges shall be submitted to three of the owners or occupiers of the mills, manufactories, and other works using the waters of Dubbs Beck aforesaid, and occupying in the aggregate water power to the extent of eighty-horse estimated power; and in case the said owners or occupiers shall, within seven days from the delivery of the said plan, object to the mode in which the company propose to construct the said gauge or gauges, or to the place or places at which the company

propose to construct the same, and differences shall arise thereupon, such differences, if not settled by mutual agreement, shall be settled by arbitration in the manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration; and in case two arbitrators are appointed, and they refuse or neglect to appoint an umpire, as provided by that Act, such umpire shall be appointed by the Board of Trade.

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**34.** So long as the company shall cause or permit to flow down the said stream or brook called Dubbs Beck the compensation water provided for by this Act, the same shall be accepted and taken by the owners, lessees, and occupiers of all mills, manufactories, and other works, and by all other parties using or interested in the waters of Dubbs Beck aforesaid, below the said reservoir No. 1, shown on the deposited plans, as full compensation for all water which the company can impound or take under the powers of this Act.

Water supplied to be taken as full compensation.

**35.** Provided always, that the company shall not be required to discharge from the said reservoir any quantity of water as compensation water at or for any time during which they shall be unable so to do, either by reason of any damage having happened to the said reservoir or the works connected therewith, or by reason of the same being emptied for cleansing or repairs, or from any other unavoidable cause; and the company shall also be released from their obligation to discharge any greater quantity of water as compensation than they for the time being take for their own purposes, during such time as may be necessary to discontinue or diminish such discharge, in consequence of unusual drought or deficiency of water, on giving to the several owners or occupiers of the mills, manufactories, and other works, or to any three of them occupying in the aggregate water-power to the extent of eighty-horse estimated power interested in the compensation water, fourteen days previous notice in writing of their intention to discontinue or diminish such discharge.

Compensation water need not be discharged in certain events.

**36.** If it shall appear to the said owners or occupiers of mills, manufactories, or other works, or to any three of them, occupying in the aggregate water power to the extent aforesaid, that the drought or deficiency of water is not such as to justify the company in giving such notice as is provided for in the last preceding section, or that the necessity for discontinuing or diminishing the discharge of the compensation water has ceased without the discharge thereof having been recommenced, they may require the company to continue or to recommence such discharge, notwith-

Disputes between company and millowners to be settled by arbitration.

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Water not to be used for certain purposes without consent of mill-owners.

**37.** The power given to the company by this Act to supply water for other than domestic purposes shall not, without the consent of three of the owners or occupiers of mills, manufactories, and other works using the waters of Dubbs Beck aforesaid, and occupying in the aggregate water power to the extent of eighty-horse estimated power, extend to the water to be used for turning any water wheel or turbine, or any other machine moved by water and used for trade purposes.

Authorizing agreements between millowners and company.

**38.** The owners or occupiers of the mills, manufactories, and other works using the waters of Dubbs Beck aforesaid, or any of the waters which the company are authorized to impound, under the provisions of this Act, may from time to time enter into and carry into effect agreements or arrangements with respect to all or any of the matters aforesaid in which the said owners or occupiers of mills, manufactories, and other works are interested, and any three of the said owners or occupiers of mills, manufactories, and other works occupying in the aggregate water power to the extent of eighty-horse estimated power, may sign and execute any such agreement or arrangement on behalf of themselves and the several owners or occupiers of the mills, manufactories, and other works using the waters of Dubbs Beck aforesaid, or any of the waters which the company are authorized to impound under the provisions of this Act.

Payments to be made by the local boards of

**39.** The local board for the district of Bowness in the county of Westmorland, and the local board for the district of Windermere in the county of Westmorland, (which local boards are herein-after

referred to as "the two local boards,") shall contribute and pay to the company, at the times and in manner herein-after provided, and for a period of twenty years, to be computed from the first day of January next, such half-yearly sum or sums of money, not exceeding in the whole in any one year the sum of two hundred and fifty pounds, as shall be sufficient, together with the net balance (if any) of the waterworks account applicable to the payment of dividend on the waterworks shares, to produce a dividend at the rate of five pounds per centum per annum on the share capital of the company from time to time actually expended or raised on the waterworks account, and such sum or sums shall be carried by the company to that account; and the first of such half-yearly payments shall be made in respect of the half year ending the thirtieth day of June one thousand eight hundred and seventy.

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Bowness and  
Windermere  
to the com-  
pany.

40. The company shall at all reasonable times and from time to time produce to such person or persons as the two local boards, or either of them, shall appoint, all books, accounts, and vouchers relating to the waterworks, and permit such person or persons to take copies of and extracts from such books, accounts, and vouchers.

Accounts to  
be produced  
to local  
boards.

41. The company shall, half-yearly, deliver to each of the two local boards an abstract of the waterworks account for the last preceding half year, which account shall show the net actual balance (if any) applicable to dividend on the capital at that time actually expended or raised on waterworks account; and the amount which the two local boards are to contribute, as herein-before provided, towards payment of a dividend thereon, shall become due and payable within twenty-one days from the delivery of such account.

Times at  
which such  
payments  
shall be  
made.

42. As between the two local boards, the amount to be paid to the company shall be contributed by them in the proportion of the net annual value of the rateable property within their respective districts, according to the last preceding audited statement of accounts: Provided always, that in ascertaining such net annual value all property which for the time being is rated at one fourth only of the net annual value thereof shall be taken at one fourth only of the net annual value thereof.

Proportions  
in which  
local boards  
to contri-  
bute.

43. The two local boards may respectively apply to the purposes of their contribution to the company under the provisions of this Act any monies which they may from time to time have power to levy or raise by rates under the authority of any Act of Parliament empowering them to raise money by rates.

Local boards  
may apply  
rates.

44. The water to be supplied by the company need not be constantly laid on under pressure.

Limitation  
of pressure.

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Rates at  
which water  
is to be sup-  
plied for do-  
mestic pur-  
poses.

**45.** 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 service pipe of the company shall be laid, or of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at any rate not exceeding the rate of seven pounds ten shillings per centum per annum upon the annual rackrent or value of such dwelling house or part of a dwelling house when such annual rackrent or value shall exceed eight pounds, and not exceeding the rate of twopence per week where such annual rackrent or value shall not exceed eight pounds.

Rates for  
waterclosets  
and baths.

**46.** In addition to the rates for the supply of water for domestic purposes, the company may demand and receive, for every water-closet (after the first) in any private dwelling house or part of a private dwelling house or appurtenant thereto any yearly sum not exceeding five shillings, and for every bath any yearly sum not exceeding ten shillings.

Company  
bound to  
supply water  
unless ap-  
paratus ap-  
proved by  
them.

**47.** The company shall not be bound to supply water for any watercloset or bath, or for domestic purposes, unless the cistern pipes, cocks, and other apparatus necessary for such supply shall be constructed in a manner approved of by the company, nor to supply any private bath which shall be so constructed as to contain when filled for use more than fifty gallons of water.

Company  
may require  
pipes, &c.  
to be re-  
paired.

**48.** The company may, by notice in writing under the hand of their secretary, manager, or other duly authorized officer, require any person who shall have suffered any cistern, pipe, cock, or other apparatus to be out of repair, forthwith to put the same into a proper state of repair; and if such person shall not, within three days after the service of such notice, so repair such cistern, pipe, cock, or other apparatus as to prevent any waste of water therefrom, the company may repair the same, and if the expenses of such repair be not repaid to the company, on demand, the same may be recovered by the company as damages.

Supply of  
water by  
agreement.

**49.** The company may supply water for other than domestic purposes upon such terms and conditions as shall be agreed upon between the company and the person, company, or public body desirous of having the supply: Provided always, that, notwithstanding any such agreement, no party shall be entitled to a supply of water for other than domestic purposes, if the company shall be of opinion that such supply would be likely to diminish the sufficiency of the supply of water for domestic purposes, or for compensation to millowners and others, as provided for by this Act, nor shall any such party be liable to any charge in respect of the quantity of water

which would have been delivered to him but for the discontinuance of such supply. A.D. 1869.

**50.** Subject to the provisions of this Act, the company from time to time may make and enforce such reasonable regulations as they think proper for preventing the waste, misuse, or contamination of water supplied by them, and, among other things, may prescribe the size, nature, materials, strength, and arrangement of the pipes, cocks, cisterns, apparatus, and receptacles used for purposes of supply of water; and if and whenever any of those regulations are not observed by any person having or requiring a supply of water, the company may cut off the water supplied by them, or refuse to supply to him unless and until the regulations be complied with; and if and whenever any difference arises as to whether any of the regulations are reasonable, or had been complied with by any person whose supply is so cut off, the difference may be referred by either party to and shall be settled by two justices.

Power to make regulations to prevent waste of water.

**51.** 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 sending the same by post, addressed to him at his usual place of abode or business, or if the owner or his usual place of abode or business 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 or other works the property of the company.

Power for company to remove water pipes from unoccupied premises.

**52.** The company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rate or 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.

Incoming tenant not liable for arrears.

**53.** Every person who, not having agreed to be supplied with water by the company, shall wrongfully take or use any water from any reservoir, watercourse, conduit, or pipe of the company, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or other like place containing water belonging to the company, or supplied by them for the use of any consumer of the water of the company, shall for every such offence forfeit to the company a sum not exceeding five pounds; and every person who, having agreed to be supplied with water by the company, wrongfully takes or uses any water from any such reservoir, water-

Penalty on wrongful use of water.

A.D. 1869. — course, conduit, or pipe, or any such pipe, cistern, or other like place, for any purpose other than the purpose for which he so agreed to be supplied, shall for every such offence forfeit to the company not exceeding five pounds; and in any of the cases aforesaid the company may, in addition, recover from the person in default, by action in any court of competent jurisdiction, the amount of any loss or injury sustained by them by or in consequence of such wrongful act.

Sums undisputed may be recovered by distress.

**54.** All sums of money due to the company for the supply of water, and all damages, costs, and expenses by this Act directed to be paid, and the amount of which shall not be disputed, may be levied by distress; and any justice, on application, may issue his warrant accordingly.

Contents of warrant.

**55.** Any one 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.

Warrants shall include costs.

**56.** 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 the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justices, and shall be included in the warrant of distress for the recovery of such money.

Recovery of sums due to the company.

**57.** Whenever any person, company, or public body neglects to pay any water rate or rent, or sum of money due to the company, the company may recover the same in any court of competent jurisdiction for the recovery of sums of a like amount, and the remedies of the company under this enactment shall be in addition to their other remedies for the recovery of such rate or sum.

Liability to water or gas rate not to disqualify justices.

**58.** No justice shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent, rate, or other charge under this Act, or of any gas rent, rate, or other charge under the Act of 1862.

Penalties not cumulative.

**59.** Penalties imposed on the company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Expenses of Act.

**60.** All the costs, charges, and expenses of applying for and obtaining this Act or incident thereto shall be defrayed by the company as expenses exclusively relating to the waterworks, and shall be paid out of the first monies that may come to their hands on waterworks account.