



### CHAPTER lviii.

An Act for supplying the borough of Helston the parish of Sithney and the town of Porthleven and neighbourhood with water. A.D. 1888.  
—  
[28th June 1888.]

**W**HEREAS the borough of Helston parish of Sithney and the town of Porthleven in the county of Cornwall and adjoining parishes are imperfectly supplied with water :

And whereas the persons herein-after named with others are desirous of being incorporated into a company and when so incorporated are willing at their own expense to provide a better supply of water and it is expedient that they be incorporated accordingly and be empowered to make and maintain the works herein-after described :

And whereas plans and sections showing the lines and levels of the proposed works and the lands to be taken for the purposes thereof and a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the county of Cornwall and are herein-after respectively 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) :—

1. This Act may be cited as the Helston and Porthleven Water Act 1888. Short title.

2. The Companies Clauses Consolidation Act 1845 Parts I. (relating to cancellation and surrender of shares) and III. (relating to general Acts.) Incorporation of general Acts.  
[Price 1s. 3d.] A 1

A.D. 1888. — to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 and the Waterworks Clauses Acts 1847 (except the words in the 44th section thereof “ with the consent in writing of the owner or reputed owner of any “ such house or of the agent of such owner ”) and 1863 are (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act.

Interpreta-  
tion.

**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 “ court of competent jurisdiction ” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute and the expression “ superior courts ” shall include county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts.

Limits of  
Act.

**4.** The limits of this Act for the supply of water shall be and include the borough and parish of Helston the town of Porthleven and the parishes of Breage Sithney and Wendron all in the county of Cornwall Provided that if in any parish the Company have not made adequate provision for the supply of water within seven years after the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of that parish.

Company in-  
corporated.

**5.** Frank Harvey, the Reverend Alexander Allen Vawdrey, John Peverell Rogers, John Simons, Thomas Russell, and Humphry Trembath and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of “ The Helston and Porthleven Water Company ” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

6. The Company shall be established for the purpose of making and maintaining the reservoirs and aqueducts conduits or lines of pipes by this Act authorised and for supplying water by meter or otherwise to and within the limits of this Act and for selling or letting on hire meters and other materials necessary or desirable for such supply and for other the purposes of this Act.

A.D. 1888.

Purposes of  
the Com-  
pany.

7. The capital of the Company shall be eight thousand pounds in eight hundred shares of ten pounds each.

Capital.

8. 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.

Shares not  
to be issued  
until one  
fifth paid.

9. 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 of calls made in any year upon any share.

Calls.

10. 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.

Money  
payable to  
shareholders  
under dis-  
ability.

11. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole two thousand pounds and of that sum they may borrow from time to time not exceeding one thousand pounds in respect of every four thousand pounds of their capital but no part of any such sum of one thousand pounds shall be borrowed until the whole of the respective four thousand pounds of capital in respect of which it is to be borrowed 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 40th section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of the respective four thousand pounds of capital has been issued and accepted and that not less than one fifth part of the amount of each separate share in such four thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof and that the respective four thousand pounds of 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 Provided

Power to  
borrow.

A.D. 1888.

always that the power to borrow hereby conferred on the Company shall not be exercised until the storage reservoir and the aqueduct or line of pipes (No. 3) and so much of the aqueduct or line of pipes (No. 1) as may be necessary for the purpose of laying the other aqueduct or line of pipes (No. 3) herein-after mentioned shall have been respectively constructed or laid.

New shares  
and stock not  
to be raised for  
the purpose of  
borrowing  
unless dividend  
limited.

**12.** 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 are limited to a rate not exceeding five pounds per cent. per annum.

Appoint-  
ment of  
receiver.

**13.** The mortgagees of the Company may enforce payment of the arrears of interest or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two hundred pounds in the whole.

Debenture  
stock.  
Interest on  
debenture  
stock.

**14.** 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of  
mortgages  
and debenture  
stock  
under this  
Act.

**15.** 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 any 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 or their property in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease 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

A.D. 1888.

priority to or *pari passu* with the interest or dividends on the mortgages and debenture stock nor shall anything herein-before 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 on the Company.

**16.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Money raised to be applied for the purposes of this Act.

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

First ordinary meeting.

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

Votes and qualification.

**19.** The number of shareholders on whose requisition an extraordinary meeting of the Company may be required to be convened shall not be less than five shareholders holding in the aggregate not less than five hundred pounds in the capital of the Company.

Requisition for extraordinary meetings.

**20.** The number of directors shall be seven but the Company may from time to time reduce the number provided that the number be never less than three.

Number of directors.

**21.** The qualification of a director shall be the possession in his own right of not less than ten shares.

Qualification of director.

**22.** The quorum of a meeting of directors so long as the number of directors be four or more shall be three.

Quorum.

**23.** Frank Harvey, the Reverend Alexander Allen Vawdrey, John Peverell Rogers, John Simons, Thomas Russell, and Humphry Trembath, and one other duly qualified person 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

First directors.

A.D. 1888.

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.

Contracts made with local board, corporation, or public body not to disqualify member of same from office of director of Company.

**24.** 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.

Power to make works.

**25.** Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the reservoirs and aqueducts conduits or lines of pipes shown on the deposited plans and sections with all proper filtering beds approaches embankments roads ways wells tanks tunnels dams sluices outfalls channels drains mains pipes and works and conveniences connected therewith respectively and may within the limits of this Act construct alter maintain and renew sluices embankments gauge weirs waste weirs overflows bridges drains aqueducts filtering beds main pipes tunnels roads approaches and other works and conveniences in connexion with the said waterworks authorised by this Act or any of them or necessary for conducting inspecting maintaining repairing cleansing or managing the same or for the purpose of diverting intercepting or conducting the waters intended to be taken as aforesaid and may cross divert raise lower break up or interfere temporarily with any turnpike or other road highway footpath river stream bridge brook or pipe and may lay down aqueducts and pipes in through and under the same 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 reservoirs or on any lands for the time being belonging to the Company.

Provision as to labouring class houses.

**26.** The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any

parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

**27.** The principal works herein-before referred to and authorised by this Act will be wholly situate in the county of Cornwall and are :— Works.

A reservoir (to be called a storage reservoir) situated wholly in the parish of Sithney and on the Tregathenan stream partly in certain fields or closes of land numbered respectively 869 and 783 on sheet No. LXXVI. 1 of the Ordnance Survey of the said parish of Sithney of twenty-five inches to the mile and dated 1877 which said fields or closes of land are the property or reputed property of Richard Russell and in the occupation of Joseph Reed Russell and partly in certain other fields or closes of land numbered respectively 870 871 873 874 and 875 on the said Ordnance sheet and are the property or reputed property of John Yarde Buller Baron Churston and in the occupation of John Richards and which said reservoir will be constructed partly to the north of a footpath and lane leading from Tregathenan to Chyreen and partly to the south of the said footpath and lane.

An aqueduct or line of pipes (No. 1) commencing in the parish of Sithney in the southern end of the said storage reservoir in the said field numbered 874 on the said Ordnance map and terminating in the parish of Wendron in the north-east corner of a field numbered 5565 on sheet No. LXXVI. 6 of the Ordnance Survey of the said parish of Wendron of twenty-five inches to the mile and dated 1877 which said field adjoins the road from Helston to Redruth and is the property or reputed property of Colonel Shadwell Morley Grylls on lease to and in the occupation of John Williams which said aqueduct or line of pipes passes from through or into the parishes of Sithney and Wendron.

[A.D. 1888.]

A reservoir (to be called a service reservoir) to be situated in the parish of Wendron in the north-east corner of the said field No. 5565 above described.

An aqueduct or line of pipes (No. 2) commencing in the parish of Wendron on the east side of the said service reservoir above described and terminating in the parish and borough of Helston near to the old turnpike gate house at Crosswolla on the main road from Helston to Falmouth which said aqueduct or line of pipes will pass from through or into the parish of Wendron and the parish and borough of Helston.

An aqueduct or line of pipes (No. 3) commencing in the said parish of Sithney by a junction with the aqueduct or line of pipes No. 1 before described in a road leading from Truthall to Mellangoose at a point where the footpath from Sithney Green to Gwavas crosses the said road and terminating at Porthleven in the said parish of Sithney at a point near the north-west corner of the inclosure in front of the Wesleyan Methodist Chapel which said aqueduct or line of pipes is wholly in the parish of Sithney.

Lands for  
extra-  
ordinary  
purposes.

**28.** The Company may for the purposes 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 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 water undertaking.

Power to  
take ease-  
ments.

**29.** 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 such 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 said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Limit of  
lateral and

**30.** 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 five feet upwards and ten feet downwards Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with respect to the corresponding embankment or wall and two feet in addition.

A.D. 1888.

vertical  
deviation.

**31.** 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.

Period for  
compulsory  
purchase of  
lands.

**32.** If the waterworks authorised by this Act and shown on the deposited plans 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 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.

Period for  
completion  
of works.

**33.** Except as in this Act otherwise provided if any difference arises between the Company and any railway canal or other company whose land or works the Company have power to cross under the authority of this Act for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down repairing altering or enlarging their aqueducts conduits or lines of pipes or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Proviso in  
case of dis-  
pute with  
railway,  
canal, or  
other com-  
pany.

**34.** For the protection of the Helston Railway Company (herein-after referred to as the Helston Company) and the Great Western Railway Company (herein-after referred to as the Great Western Company) the following provisions shall apply:—

For the pro-  
tection of the  
Helston and  
Great  
Western  
Railway  
Companies.

(a.) In laying down altering improving enlarging extending main-  
taining or renewing or in executing or effecting the repairs or  
renewals of any mains pipes culverts or other works in the  
exercise of the powers contained in this Act upon across over  
under or adjoining or in any way affecting the railways lands  
and property now or hereafter belonging to or used or occupied  
by the Helston Company and the Great Western Company or

A.D. 1888.  
—

either of them or the bridges approaches viaducts stations or other works or any level crossings over the Helston Railway the same shall be done under the superintendence and to the reasonable satisfaction of an engineer appointed for that purpose by the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing.

- (b.) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the Helston Railway or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company.
- (c.) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon.
- (d.) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains culverts pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the Helston Company and the Great Western Company or either of them the Company shall make compensation to the Helston Company and the Great Western Company or to whichever of them is entitled thereto in respect thereof the amount of such compensation to be determined by arbitration in manner herein-after provided.
- (e.) The Company shall acquire only such an easement across over or under any of the railways works or property of the Helston Company and the Great Western Company or either of them as may be necessary for constructing or maintaining any of the works of the Company and shall pay to the Helston Company and the Great Western Company or to whichever of them is entitled thereto for any such easement to be acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the acquisition of lands otherwise than by agreement and the easement so to be taken shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of such arbitration.

(f.) If the Helston Company and the Great Western Company or either of them as the case may be at any time or times hereafter require of which requirement they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the Helston Company or the Great Western Company or either of them as the case may be may on giving to the Company seven days notice in writing under the hand of the secretary or general manager for the time being of the Company giving the notice and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect thereof and the Company shall at their own expense shore up or support their mains pipes sewers culverts or other works which may be interfered with during the alteration or repair of any bridges of the Helston Company and the Great Western Company or either of them as the case may be and failing their doing so the Great Western Company may do so at the expense of the Company.

A.D. 1888.

(g.) Except as in this section otherwise provided any dispute or difference which may arise between the Helston Company and the Great Western Company or either of them and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Helston Company and the Great Western Company or either of them as the case may be and the Company or either of them and the costs of such arbitration shall be in the discretion of such arbitrator.

**35.** For the protection of the rights of John Yarde Buller Baron Churston and for the accommodation of his tenants the several provisions following shall have full effect:—

For protection of  
Baron  
Churston.

(a.) The Company shall as soon as conveniently may be after the passing of this Act construct and place a drinking trough in the corner of each of the fields numbered 111 161 162 and 163 on the tithe apportionment map for the parish of Sithney

A.D. 1888.

aforesaid for the accommodation of the tenants of such fields respectively.

- (b.) The Company shall as soon as conveniently may be after the passing of this Act construct and place a large drinking trough not less than twelve feet long in the town place at Truthall in the parish of Sithney shown on the deposited plans for supplying cattle with water and shall also carry a pipe into Truthall Manor House for household use at such a point as the said John Yarde Buller Baron Churston or his agent or agents for the time being may direct.
- (c.) The Company shall as soon as conveniently may be after the passing of this Act construct and place a trough for watering cattle through the hedge between the two fields numbered 59 and 60 on the deposited plans of the parish of Sithney so near the footpath through the said fields as possible.
- (d.) The said Company shall supply all the said troughs referred to in this section with a continuous supply of water free of charge.
- (e.) The Company shall pay the said John Yarde Buller Baron Churston for the privilege of laying down the pipes maintaining and repairing the same and for water rights in over or through the lands of the said John Yarde Buller Baron Churston traversed by the works of the Company the sum of twenty shillings per annum such sum to become due and payable on the first day of January in each year after the Company shall have entered upon the said lands and property or any part thereof so long as the Company shall use any part of the same for any of the purposes of this Act.
- (f.) The Company will pay any tenants of the lands of the said John Yarde Buller Baron Churston prejudicially affected by the works of the Company compensation for any damage to their crops cattle or fences by reason of the execution carrying out repairing or maintaining the works by this Act authorised or any of them.

Power of  
sale of  
lands, &c.,  
not required  
for the pur-  
poses of the  
undertak-  
ing.

**36.** The Company may from time to time demise and also either before or after making any demise thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands or works by this Act vested in them or acquired by them under this Act which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands) and on the sale by the Company of any lands or works they may reserve to themselves all or any part of the water

or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

A.D. 1888.

**37.** The water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken.

Constant  
supply and  
pressure.

**38.** The Company shall 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 person a sufficient supply of water for domestic use (including the supply of one water closet) at rates not exceeding the rates herein-after specified (that is to say) :—

Rates at  
which water  
to be supplied  
for domestic  
purposes.

If the rateable value of the house or of part of a house does not amount to four pounds the rate of eight shillings and eight-pence per annum upon such rateable value and so in proportion for any shorter period.

If such rateable value amounts to four pounds but does not amount to seven pounds the rate of twelve shillings per annum upon such rateable value and so in proportion for any shorter period.

If such rateable value amounts to seven pounds but does not amount to ten pounds the rate per annum of sixteen shillings upon such rateable value and so in proportion for any shorter period.

If such rateable value amounts to ten pounds and does not amount to fifteen pounds the rate of twenty-four shillings per annum upon such rateable value and so in proportion for any shorter period.

If such rateable value amounts to fifteen pounds but does not amount to twenty pounds the sum of thirty-two shillings per annum upon such rateable value and so in proportion for any shorter period.

If such rateable value amounts to and exceeds twenty pounds the rate of seven pounds ten shillings per centum per annum upon such rateable value and so in proportion for any shorter period.

A.D. 1888.

Provided always that the Company shall not be compellable to afford a supply of water for domestic purposes at a less rate than twopence per week.

For the purposes of this section the rateable value shall be ascertained by the valuation list in force at the time in the district in which the dwelling-house in respect of which the water rate is made is situate and if there should be no such valuation list then by the last rate for the relief of the poor made in respect of such dwelling-house. Provided that where the water rate is chargeable on the annual value of a part only of any hereditaments entered in the valuation list such annual value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as provided by the 68th section of the Waterworks Clauses Act 1847 the apportionment in case of dispute to be determined in manner provided by the said section.

Rates for  
waterclosets  
and baths.

**39.** In addition to the rates for the supply of water chargeable under the preceding section the Company may demand and receive for every watercloset beyond one in any house any yearly sum not exceeding five shillings and for every private fixed bath in any house any yearly sum not exceeding ten shillings.

Rates to be  
paid in  
advance.

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

Company not  
bound to  
supply water  
to water-  
closets or  
baths unless  
apparatus and  
pipes are con-  
structed to  
prevent waste.

**41.** Provided always that the Company shall not be compelled to supply with water any watercloset 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 or the return of foul air or noisome and impure matter into 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.

Rates for  
water when  
supplied by  
meter.

**42.** The Company shall at the request of any consumer of water for purposes other than the purposes for or in respect of which the rates or charges are herein-before provided or limited or may at their own instance afford a supply of water by meter and may charge for such supply not exceeding the rate per one thousand gallons of one shilling and sixpence.

Sale and  
hire of  
meters.

**43.** The Company may from time to time sell and dispose of meters or let meters on hire upon and subject to such terms (pecuniary or otherwise) and conditions as the Company think fit.

A.D. 1888.

44. The Company may from time to time make regulations for the purpose of preventing the waste or misuse or contamination of water and may by such regulations prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus or receptacles whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination.

Company may make regulations for preventing waste of water.

45. No such regulation shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same And no such regulation shall be confirmed until after the expiration of thirty days after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulation shall have been given by or on behalf of the Company to the local authorities within the limits of supply who may within the said period of thirty days make such representation with reference thereto to the Local Government Board as such authorities shall respectively think expedient.

No regulation to have effect until confirmed by the Local Government Board.

46. All such regulations shall be subject to the provisions contained in sections 182 to 184 both inclusive of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority.

Regulations subject to provisions of the Public Health Act, 1875.

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

Publication of regulations.

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

Evidence of publication of regulations.

A.D. 1888.

Proceeding  
to be taken  
by Company  
on non-  
observance  
of regula-  
tions.

**49.** In case of failure of any such person to observe such regulations as are for the time being in force the Company may (notwithstanding any contract or otherwise) if they think fit after forty-eight hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe valve cock cistern bath soil-pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them summarily.

Disputes as  
to non-observance of  
regulations how  
determined.

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

Company  
may contract  
with cor-  
porations  
and others  
for supply of  
water.

**51.** Subject to the provisions of this Act the Company may from time to time enter into and carry into effect such contracts and arrangements with any corporation urban or rural sanitary authority and the trustees of any turnpike or other road or any highway board or any surveyors of any highway and any railway company and any other companies bodies or persons with respect to the supply of water in bulk or otherwise within the limits of this Act as the Company think fit and every such contract and arrangement may be for such period on such terms pecuniary or otherwise and conditions as the Company think fit and they may from time to time by agreement vary or rescind any such contracts or arrangements.

Company  
not bound to  
supply water  
for other  
than domes-  
tic purposes.

**52.** Notwithstanding anything in this Act contained the Company shall not supply water in bulk or otherwise to any corporation body or person for other than domestic purposes if and so long as the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes.

Fittings to be  
placed and  
removed under  
superinten-  
dence of Com-  
pany.

**53.** All fittings connected with any service 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.

Company  
may in cer-  
tain cases

**54.** 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 water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building 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.

A.D. 1888.  
—  
enter pre-  
mises and  
remove  
pipes,  
meters, &c.,  
and repair  
damages.

**55.** The notice to be given previously to any entry under this Act shall be in writing and shall be served in manner following (that is to say):—

Notice be-  
fore entry.

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

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

And for the purposes of this section any person receiving the 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.

**56.** Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and any

Penalty for  
connecting  
or discon-  
necting  
meter with-

A.D. 1888.

out notice to  
Company.Consumer of  
water to  
keep meter  
in repair.

person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

**57.** 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 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  
evidence of  
quantity of  
water con-  
sumed.Penalty for  
injury to  
and fraudu-  
lent use of  
meter.

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

**59.** 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 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 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 consumer using such pipe meter or fitting Provided always that the Company shall not discontinue the supply of water except in pursuance of an order of two justices who are hereby authorised if they shall think fit to make the same.

Damages  
may be re-  
covered by  
Company for  
contraven-  
tion of pro-  
visions of  
Act.

**60.** If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse or undue consumption of water the Company may 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. A.D. 1888.

**61.** 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 meters pipes valves cocks baths soil-pans waterclosets apparatus and receptacles as are required in connexion with such supply 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. Company may if required furnish and repair meters, &c.

**62.** The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of 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. Incoming tenant not liable to pay arrears of water rate.

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

**64.** If any person fails to pay any water rate meter rent or other money 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. Recovery of rates.

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

**66.** 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 rent meter rent rate or charge under this Act or by reason of his being a shareholder in this Company. Liability to water rent, &c., not to disqualify justice, &c.

**67.** 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 sums. Contents of summons.

A.D. 1888.

Costs of  
distress.

**68.** 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 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 cumula-  
tive.

**69.** 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.

**70.** 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.

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