



CHAPTER xiii.

An Act to authorise the Truro Water Company to construct additional waterworks acquire lands and raise further moneys and for other purposes. A.D. 1905.

[30th June 1905.]

WHEREAS by the Truro Water Act 1875 (hereinafter called "the Act of 1875") the Truro Water Company (hereinafter called "the Company") were incorporated with a share capital of sixteen thousand pounds and power to borrow four thousand pounds for the purpose of supplying with water the borough of Truro and the parishes of Saint Mary Truro Saint Erme and Saint Clement in the county of Cornwall :

And whereas the Company have raised and expended the whole of their authorised capital and have borrowed four thousand pounds :

And whereas in order the more effectually to supply the district with water it is expedient that the Company should be authorised to make and maintain the additional waterworks in this Act described and for the purposes of the said works and for the general purposes of their undertaking that they should be authorised to raise further moneys :

And whereas the Company have since the year 1894 expended out of their revenue sums of money amounting in the aggregate to upwards of two thousand nine hundred pounds for purposes to which capital was properly applicable and it is expedient that they be authorised to repay that sum out of any premiums to be obtained upon the sale by auction or otherwise of capital to be created under the powers of this Act :

And whereas it is expedient that the other provisions of this Act should be made :

A.D. 1905.

And whereas plans and sections showing the lines situations and levels of the works by this Act authorised and also a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Act were duly deposited with the clerk of the peace for the county of Cornwall and are hereinafter referred to as the deposited plans sections and book of reference :

And whereas the objects 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 King'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 :—

Short title.

1. This Act may be cited as the *Truro Water Act 1905.*

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :—

The *Waterworks Clauses Acts 1847 and 1863* except the words “with the consent in writing of the owner or “reputed owner of any such house or of the agent of “such owner” in section 44 of the *Waterworks Clauses Act 1847* :

The *Lands Clauses Acts* :

The provisions of the *Railways Clauses Consolidation Act 1845* with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing the reservoir by this Act authorised) :

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 or transmission of shares ;

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

- The forfeiture of shares for non-payment of calls ;
 The remedies of creditors of the Company against the shareholders ;
 The borrowing of money by the Company on mortgage or bond ;
 The consolidation of the shares into stock ;
 The general meetings of the Company and the exercise of the right of voting by the shareholders ;
 The making of dividends ;
 The giving of notices ; and
 The provision to be made for affording access to the special Act by all parties interested :

And Part I. (Cancellation and surrender of shares) Part II. (Additional capital) and Part III. (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated wholly or in part with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

Interpreta-
tion.

The expressions "the undertaking" or "the waterworks" mean respectively the waterworks and the works connected therewith and the undertaking by the Act of 1875 and this Act authorised :

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act the expression "the railway" "the work" and "the centre of the railway" respectively mean the reservoir and works by this Act authorised.

4. Subject to the provisions of this Act the Company may wholly in the county of Cornwall and in the lines and situations and upon the lands shown on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (namely):—

Power to
construct
works.

Work No. 1 A conduit or line of pipes situate wholly in the parish of Saint Clement commencing at or near the existing pumping station of the Company in the enclosure numbered 360 on the $\frac{1}{2500}$ Ordnance maps Cornwall

A.D. 1905.

Sheets LVIII. 5 and LVIII. 9 (published in 1880) and terminating in the intended service reservoir next hereinafter described (Work No. 2):

Work No. 2 A covered service reservoir to be situate wholly in the parish of Saint Clement in the north-east corner of the enclosure numbered 521 on the $\frac{1}{2500}$ Ordnance map Cornwall Sheet LVIII. 9 (published in 1880).

Power to
make sub-
sidiary
works.

5. The Company in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such wells pumps reservoirs aqueducts conduits mains pipes drains roads ways engines machinery tanks sluices outlets washouts byewashes overflows basins gauges filter-beds adits drifts shafts wells bores channels tunnels culverts cuts catchwaters drains stand-pipes hydrants meters valves dams embankments walls bridges junctions approaches buildings houses chimneys water-towers telegraphs telephones and means of electric communication and other conveniences as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or either of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them:

Provided that any telegraphs telephones or other means of communication shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Limits of
deviation.

6. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards Provided that except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to
take lands.

7. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for any of the purposes which the Company

are by this Act authorised to execute or for the general purposes of their undertaking. A.D. 1905.

8. Subject to the provisions of this Act and in addition to any other lands which the Company are by this Act authorised to acquire the Company may enter upon take and use the following lands and property delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to acquire additional lands.

Certain lands lying on both sides of and adjoining the existing open conduit of the Company and to the west of the Trevella Stream extending from the railway of the Great Western Railway Company to the existing pumping station of the Company.

9. The works by this Act authorised shall subject to the provisions of this Act for all purposes whatsoever form part of and be comprised in the undertaking of the Company.

New works to be part of undertaking of Company.

10.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any well conduit or line of pipes or other works by the Act of 1875 or this Act authorised the Company may cause the water in any such well or works to be temporarily discharged into any available stream or watercourse.

Temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

11. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing thereof.

Period for compulsory purchase of lands.

12. And whereas in the exercise of the powers of this Act it may happen that portions only of certain properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed

Owners may be required to sell parts only of certain lands and buildings.

A.D. 1905. — from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Correction of errors &c. in deposited plans and book of reference.

13. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Cornwall and such certificate shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands in accordance with such certificate.

Period for completion of works.

14. If the works authorised by this Act be 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 in this section shall restrict the Company from extending enlarging altering renewing or removing any of their waterworks plant and other incidental works from time to time as the Company think fit.

Power to take easements &c. by agreement.

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable

in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1905.

16. In addition to the lands which the Company are otherwise authorised to purchase or hold they may for any of the purposes of their undertaking from time to time purchase by agreement and hold any additional lands within the limits for supply of water as defined by the Act of 1875 not exceeding in the whole ten acres or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) in or over any lands or otherwise which they may from time to time think requisite for any of the purposes of their undertaking. Provided that the Company shall not create or permit the creation or continuance of any nuisance on any such lands nor shall any buildings be thereon erected except such as may be used for offices and dwellings for persons in their employ or such buildings and works as may be incident to or connected with their waterworks. Power to take additional lands by agreement.

17. For the protection of John Scobell Armstrong and John Warneford Scobell Armstrong and the survivor of them and of other the owner or owners for the time being of the Vineyards Farm and the Lower Tregurra Farm respectively or of so much of such farms respectively as shall for the time being remain vested in him or them (all of whom are hereinafter collectively called "the owner") and notwithstanding anything to the contrary in this Act contained or shown upon the deposited plans the following provisions shall unless otherwise agreed in writing between the Company and the owner apply and have effect (that is to say):— For protection of John Scobell Armstrong and others.

- (1) The Company shall not acquire the surface of the lands of the owner numbered 7 8 9 10 11 and 12 on the deposited plans but in lieu thereof the Company may acquire such easement or right in such lands as may be required for the purpose of making maintaining and cleansing Work No. 1 by this Act authorised:
- (2) The Company shall make and maintain two watering or drinking places at least for cattle in lieu of those provided for by an agreement dated the tenth day of December one thousand eight hundred and seventy-seven and made between John Usticke Scobell of the one part and the Company of the other part in such positions on the owner's land at Lower Tregurra as shall be agreed upon between the owner and the

A.D. 1905.
—

Company or determined by arbitration as hereinafter provided and shall give to the owner his tenants and their cattle free and convenient access thereto at all times and for all purposes :

- (3) So long as the Vineyards Farm or any part thereof shall remain vested in the owner the Company shall not if they acquire the lands numbered 18 on the deposited plans in the parish of Saint Clement erect or permit or suffer to be erected on any part thereof any building or erection (other than the service reservoir by this Act authorised) except in accordance with plans and elevations previously submitted to and reasonably approved by the owner. Provided that if the owner do not within twenty-one days after the submission of such plans and elevations signify his approval or disapproval thereof or his requirements in relation thereto he shall be deemed to have approved such plans and elevations. Provided also that if any difference arises between the Company and the owner as to whether the owner's approval of such plans and elevations is or is not unreasonably withheld and such difference is accordingly submitted to arbitration as hereinafter provided the arbitrator shall take into consideration the question whether the proposed buildings or works will be unsightly or such as to decrease the value of the Vineyards Farm for building or residential purposes :
- (4) The Company shall forthwith make good any damage caused to the owner or so long as the same or any part thereof shall remain vested in the owner to the said Vineyards Farm during the construction of the service reservoir or other works by this Act authorised or at any time afterwards by the bursting of the banks thereof or any overflow therefrom :
- (5) The Company shall not acquire any part of the lands coloured red and shown upon a plan signed in duplicate by the Right Honourable William Hillier Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred during its progress through Parliament one copy of which plan has been deposited in the Private Bill Office of the House of Commons and the other copy whereof

has been deposited in the Office of the Clerk of the Parliaments but the Company may acquire a right-of-way for all purposes to their lands over the strip of land situate between the blue dotted lines shown upon the said plan. Provided always that if the Company require to remove the existing gate or gate-post marked A on the said plan they shall at their own expense erect another gate and gate-post of a similar description and in such position as the owner may reasonably require:

- (6) If any difference shall arise between the Company and the owner under or in respect of the provisions of this section such difference shall be referred to arbitration under the Arbitration Act 1889 or any statutory modification thereof.

18. The Company may from time to time raise additional capital not exceeding in the whole for the purposes of this Act and for the general purposes of their undertaking twenty-two thousand nine hundred pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including the amount of any premium after deducting therefrom the expenses of and incident to such issue which may be obtained on the sale thereof the sum of twenty-two thousand nine hundred pounds.

Power to raise additional capital.

19. Subject to the provisions of this Act and any resolution of the Company creating any new capital in shares or stock under this Act any capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as the number of such shares or the nominal amount of such stock would have been entitled to if the same had respectively been part of the now existing share capital of the

Except as otherwise provided new shares or stock to be subject to same incidents as ordinary shares.

A.D. 1905. Company of the same class or description and the new shares or stock as the case may be were shares in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

20. Every person who becomes entitled to new shares or stock in the Company shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

21. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Profits of Company on additional capital.

22. The Company shall not in any one year make out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on such capital which shall have fallen short of the said sum of seven pounds per centum per annum or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividend on different classes of stock or shares to be paid proportionately.

23. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

New shares or stock to be offered by auction or tender.

24. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock of the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares

or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of bid or tender shall be allowed to any holder of shares or stock in the Company.

A.D. 1905.

25. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Purchase-money of capital sold to be paid within three months.

26. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of Truro and to the clerks of every district council of any district wholly or partly included in the limits of the Company for the supply of water and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers published and circulating within such limits.

Notice to be given as to sale of shares or stock.

27. When any shares or stock created under the powers of this Act may have been offered for sale by auction or by tender and not sold the same may be disposed of by the directors at a price not less than the reserved price put upon the same for the purpose of sale by auction or by tender or may be offered at such reserved price to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock not so disposed of or so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act except that the reserved price put upon such shares or stock may upon such second sale if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold may be disposed of by the directors or offered to the holders of ordinary shares or ordinary stock at not

Shares or stock not sold by auction or by tender to be offered to shareholders.

A.D. 1905. less than the last mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Application
of premium
arising on
issue of
shares or
stock.

28. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue and subject as hereinafter provided shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided always that out of any moneys so arising by way of premium the Company may in the first place and from time to time deal with as divisible profits any sum or sums not exceeding in the whole two thousand nine hundred pounds and pay the same to the registered proprietors of the now existing share capital of the Company in proportion to the number and nominal value of their shares in that capital.

Power to
borrow.

29. Subject to the provisions of this Act the Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised upon the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment
of receiver.

30. Section 13 of the Act of 1875 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

31. All mortgages granted by the Company in pursuance of the powers of the Act of 1875 before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Act of 1875 have so far as regards the principal moneys secured thereby priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

A.D. 1905.
Existing mortgages to have priority.

32. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 14 of the Act of 1875. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Debenture stock.

33. All money to be raised by the Company on mortgage or by the issue of debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking.

Priority of mortgages over other debts.

34. Except as is by this Act otherwise expressly provided all moneys raised under this Act whether by shares or stock or borrowing or debenture stock shall be applied only for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Application of moneys.

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

Receipt in case of person not *sui juris*.

36.—(1) As from the first day of January one thousand nine hundred and six section 22 (Number of directors) and section 24 (Quorum) of the Act of 1875 shall be and the same are hereby repealed.

Number of directors and quorum.

A.D. 1905.

(2) The Company may vary the number of the directors of the Company but so that the number of directors shall not at any time be less than three nor more than seven.

(3) The quorum of a meeting of directors shall be three.

(4) If any director shall be made bankrupt or shall go to reside abroad or shall become lunatic or of unsound mind or shall neglect to attend a meeting of directors for six months (unless such neglect to attend be occasioned by illness or by any other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

(5) The continuing directors may act notwithstanding any vacancy in the number of directors Provided that if the number of directors shall by such vacancy be reduced below three the continuing directors shall elect another director in manner provided by section 89 of the Companies Clauses Consolidation Act 1845.

Power for directors to determine remuneration of secretary.

37. In addition to the powers which the directors may exercise under the Companies Acts 1845 to 1889 they may from time to time determine the remuneration of the secretary.

Rates payable by owners of small houses.

38. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Company not bound to supply several houses by one pipe.

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

Notice of discontinuance.

40. A notice to the Company from the consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.

Repeal of section 39 of Act of 1875.

41. From and after the passing of this Act section 39 of the Act of 1875 shall be and is hereby repealed.

- 42.** The Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes. A.D. 1905.
Supply by
measure.
- 43.** The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required. Supply to
houses partly
used for
trade &c.
- 44.** The price to be charged for a supply of water by measure shall not exceed one shilling and sixpence per thousand gallons. Price of
supply by
measure.
- 45.** The Company shall at the request in writing of any local authority within the limits of supply of the Company afford to that authority such a supply of water for any sanitary or public purpose as may be reasonably required at a price not exceeding nine pence per thousand gallons. Water for
public pur-
poses.
- 46.** The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Company to let for hire any water fittings to any person supplied by them with water. Power to sell
or let meters.
- 47.** Before any person connects or disconnects any meter by means of 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 all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Notice to
Company
connecting
or discon-
necting
meters.
- 48.** Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or Injuring
meters &c.

A.D. 1905.

other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained :

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or has prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to supply materials.

49. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soilpans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Power to lay pipes in streets not dedicated to public use.

50. The Company may on the application of the owner or occupier of any premises within the limits of supply of the Company abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay and renew in across or along such street such pipes and apparatus as may be requisite or proper

for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. A.D. 1905.

51. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act. Agreements for supplying water in bulk.

52.—(1) If the corporation shall introduce a Bill into Parliament and bonâ fide promote the same in the next or next but one available session of Parliament for an Act to empower them to purchase the undertaking of the Company the Company shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of provisions to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit. Provisions as to purchase of undertaking by corporation.

(2) If the corporation obtain an Act authorising such purchase they shall give a written notice of their intention to purchase within six months after the passing of such Act and thereupon the Company shall sell and transfer and the corporation shall purchase and acquire the undertaking of the Company subject to all their then existing obligations and liabilities.

(3) Any such sale and purchase shall be for such price and consideration and on such terms and conditions as may be agreed upon between the Company and the corporation or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the corporation and the

A.D. 1905. — expression "lands" shall mean the undertaking of the Company Provided that in determining the price or consideration to be paid to the Company any arbitrator or umpire shall if the Company so desire treat as capital all moneys expended for capital purposes.

(4) In addition to the sum to be paid by the corporation to the Company under the foregoing provisions of this section the corporation shall on or before the transfer of the undertaking pay to the Company all the costs charges and expenses incurred by the Company preliminary to and of and incident to the preparing applying for and obtaining this Act or otherwise in relation thereto and the corporation shall also pay to the Company the costs charges and expenses of and incident to the arbitration (if any) and the transfer of the undertaking of the Company and the winding up of the Company.

(5) The corporation shall also pay compensation to any officers and servants in the regular employment of the Company who shall not be retained by the corporation in the same or similar office or employment and at the salary and on the terms and conditions in at and on which they respectively were employed by the Company at the passing of the Act authorising the purchase of the undertaking of the Company in respect of any loss of office or diminution of salary or income by reason of the transfer of the undertaking of the Company to the corporation the amount of such compensation in default of agreement to be determined by arbitration as aforesaid and no officer or servant who has been in the employment of the Company for ten years or upwards shall lose his right to compensation aforesaid by reason of his declining to continue in the service of the corporation.

(6) For the purposes of this section the expression "the undertaking of the Company" includes all the waterworks engines mains pipes and machinery lands and buildings plant fixed and movable and all other property of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of transfer of the undertaking of the Company to the corporation save and except—

(i) The cash balances (other than consumers' deposits) in the Company's hands or in those of their bankers or agents on the date of transfer and all sums standing to the credit of their reserve fund and all undivided profits and all surplus stock-in-trade and stores which are not in use and which shall be purchased by the corporation by valuation in the usual way :

- (ii) All the rents and profits of and all book and other debts received or due to the Company on credit or revenue account and all rates accrued due on the date of the transfer and the books and papers relating exclusively to the shareholders in and the constitution of the Company. A.D. 1905.

53. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of the Act of 1875 and this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Company as if in either case this Act had not passed. Power to local authority &c. to supply water in case Company fail to supply.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

54. All costs charges and expenses of and incident and preliminary to the preparing applying for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company. Costs of Act.

A.D. 1905.

The SCHEDULE referred to in the foregoing Act.

PROPERTIES IN RESPECT OF WHICH A PORTION ONLY IS
REQUIRED TO BE TAKEN.

Parish.	Numbers on deposited Plan.
COUNTY OF CORNWALL.	
Parish of Saint Clement	5 7 8 9 10 11 12 15 16 18.

Printed by EYRE and SPOTTISWOODE,

FOR

ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
OLIVER AND BOYD, EDINBURGH
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.