



CHAPTER ccxxxi.

An Act for incorporating and conferring Powers on the Ross District Water Company. [18th August 1882.] A. D. 1882.

WHEREAS the town of Ross and other places in the parish of Ross in the county of Hereford herein-after in this Act mentioned are inadequately supplied with water :

And whereas the persons herein-after in that behalf named with others are willing to provide a better supply of water to those places if incorporated into a company with the necessary powers for that purpose 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 situations and levels of the works authorised by this Act and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Hereford and are herein-after respectively referred to as "the deposited plans sections and books of reference" :

And whereas it is expedient to provide for the transfer of the undertaking authorised by this Act to the Ross Improvement Commissioners :

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

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

1. This Act may be cited as the Ross District Water Act 1882. Short title.
2. The Companies Clauses Consolidation Act 1845 Part I. Incorporation of
(relating to cancellation and surrender of shares) and Part III. general Acts.
[Local.-231.] A 1

[Ch. ccxxxi.] *Ross District Water Act*, 1882. [45 & 46 VICT.]

A.D. 1882.

8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

(relating to debenture stock) of the Companies Clauses Act 1863 (as amended by the Companies Clauses Act 1869) the Lands Clauses Consolidation Acts 1845 1860 and 1869 (herein-after referred to as "the Lands Clauses Acts") and the Waterworks Clauses Acts 1847 and 1863 are (except where expressly varied by 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 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the company incorporated by this Act; the expression "the works" "the waterworks" and "the undertaking" mean respectively the waterworks and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt and not a debt or demand created by statute 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.

28 & 29 Vict.
c. cviii.

4. The limits of this Act for the supply of water shall be the town of Ross as defined by the Ross Improvement Act 1865 and such other parts of the parish of Ross in the county of Hereford as are situated within a radius of half a mile of the Ross Town Hall.

Company
incorporated.

5. Richard Davison Greatorex John Leonard Piddocke Walter Redmond and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors and administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the waterworks and supplying water within the limits of this Act and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Ross District Water Company" and by that name shall be a body corporate with perpetual succession and with a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Capital.

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

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

A.D. 1882.
Shares not
to be issued
until one
fifth paid.

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

Calls.

9. 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.

Receipt in
case of per-
sons not
sui juris.

10. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one thousand two hundred and fifty pounds but no part thereof shall be borrowed until the whole capital of five thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Power to
borrow.

11. 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 two hundred pounds in the whole.

For appoint-
ment of a
receiver.

12. 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.

A.D. 1882. 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 and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts.

13. All money raised by the Company on mortgage or 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 by them in pursuance of this Act or 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 in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and waterworks or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

As to conversion of borrowed money into capital.

14. 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 centum per annum.

Application of moneys.

15. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Quorum of meetings.

17. The quorum to constitute a general meeting of the Company whether ordinary or extraordinary shall be not less than five shareholders holding in the aggregate not less than five hundred pounds nominal value in the capital of the Company.

Number of shareholders to call extraordinary meeting.

18. The number of shareholders who may require an extraordinary meeting to be convened shall not be less than five holding in the aggregate not less than five hundred pounds in the capital of the Company.

A.D. 1882.

19. The number of directors shall be three.

Number of directors.

20. The qualification of a director shall be the possession in his own right of not less than two hundred pounds in the capital of the Company.

Qualification of directors.

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

Quorum.

22. Richard Davison Greatorex John Leonard Piddocke and Walter Redmond 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 continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.

Election of directors.

23. 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 or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company but no director of the Company being a member of any such local board corporation or public body shall vote upon any question with reference to any contract with such local board corporation or public body.

Contracts not to disqualify for office of director.

24. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the water-works herein-after described with all proper mains pipes culverts cuts drains sluices engines stand-pipes machinery apparatus approaches buildings wells shafts drifts adits tanks embankments roads ways tunnels filtering beds dams engines and other works and conveniences for collecting filtering storing and distributing water or as may be necessary for carrying into effect the purposes of this Act and may enter upon take and use such of the lands

Power to make water-works and to take lands &c.

A.D. 1882. delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The waterworks herein-before referred to and authorised by this Act are—

1. A conduit or line of pipes with branches therefrom commencing and being in meadows adjoining and near to and on the north side of Foxhall Mill in the parishes of Weston-under-Penyard and Upton Bishop in the county of Hereford and terminating in the said parish of Weston-under-Penyard at or in the well or tank next herein-after described at a point distant twenty yards or thereabouts measured in a southerly direction from Rudhall Mill ;
2. A tank or reservoir with pumping works in the said parish of Weston-under-Penyard upon or near to the site of Rudhall Mill and upon land being part of the meadow adjoining and on the south side of the said mill ;
3. A conduit or line of pipes commencing in the said tank or reservoir secondly before described and terminating in the parish of Brampton Abbots in a field on the north side of the highway leading from Ross to Crow Hill at or in the tank or service reservoir next herein-after described ;
4. A tank or service reservoir in the said parish of Brampton Abbots in the field lastly herein-before described ;
5. A conduit or line of pipes commencing in or out of the tank or service reservoir fourthly herein-before described thence running in a south-westerly direction to the highway leading from Ross to Crow Hill at a point southward of the Blackhouse and thence along the said highway into the town of Ross.

For protection of Great Western Railway Company.

25. For the protection of the Great Western Railway Company (in this section called the Great Western Company) the provisions following shall have full effect :—

- (1) The conduit or line of pipes fifthly described in section 24 of this Act shall be made and maintained in the roadway under the Great Western Company's bridge shown on the deposited plans and sections at such a depth and in such manner as not to injuriously interfere with the said bridge or the foundations thereof and the said conduit or line of pipes shall be laid in the said roadway at a depth not exceeding four feet beneath the surface of the roadway and shall be a distance of at least eight feet from the abutments of the said bridge or either of them ;
- (2) The Great Western Company if and when they think fit may execute for and at the expense of the Company all or any of

those works respectively which are to be made and maintained in or upon any part of their railways works conveniences and lands and if any dispute shall arise between the Company and the Great Western Company with respect to the cost reasonably incurred in executing such works the same shall be settled by arbitration in the manner provided by the Railway Companies Arbitration Act 1859;

A.D. 1882.

- (3) The Company shall not without the consent of the Great Western Company testified by writing signed by their secretary acquire any part of their land or property but if and when any part of the said works of the Company is to be executed in or upon any land of the Great Western Company the Company may acquire an easement or right of making and maintaining the work in that land in such a manner as not to prejudice any part of the Great Western Company's railway works and conveniences.

26. 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 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 rent-charges 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.

Power to take easements, &c. by agreement.

27. The Company may subject to the provisions of this Act intercept take collect and divert into the waterworks and therein impound and thence distribute the waters of any springs and streams at or near to Foxhall and of any other brooks springs and streams shown on the deposited plans that can or may be intercepted by the works by this Act authorised or that may be on in or under any lands for the time being belonging to the Company Provided that the Company shall make compensation to the persons entitled to the waters of any springs brooks and streams so intercepted or impounded.

Power to take water.

28. In the construction of the waterworks the Company may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and when in any road no such limits are shown the boundaries of such road shall be deemed to be such limits Provided always that the Company shall not in the exercise of the power of lateral deviation by this Act given construct any embankment or wall of any reservoir of a greater height above the general surface

Limits of lateral deviation.

A.D. 1882. of the ground than that shown on the deposited sections with reference to the corresponding embankment or wall thereon delineated and two feet in addition.

Limits of vertical deviation.

29. In the construction of the waterworks the Company may deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the tanks or reservoirs two feet upwards and ten feet downwards and in the case of other works not exceeding two feet upwards or seven feet downwards Provided that the Company may erect any water-tower stand-pipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Act.

Certain provisions of 10 & 11 Vjct. c. 17. to extend to turnpike roads.

30. The clauses and provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to the opening and breaking up by the Company of any turnpike roads public highways or footways or any public bridges within the limits of this Act and also to the laying down and placing of pipes conduits and other works in under and along the said roads highways footways and bridges respectively.

Lands may be purchased by agreement.

31. The Company may from time to time by agreement purchase or acquire for the purposes of this Act any lands not exceeding in quantity five acres in addition to the lands which they are by this Act authorised to take by compulsion Provided that the Company shall not erect or authorise or permit the erection on any of such lands of any buildings other than buildings necessary for or connected with the waterworks.

Power to hold lands for protection of works.

32. The Company may hold any lands to be vested in them which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Consolidation Act 1845 respectively Provided always that the Company shall not erect or authorise or permit the erection on any of such lands while so held by them of any buildings other than buildings necessary for or connected with their waterworks.

Restrictions may be imposed upon the sale of superfluous property.

33. Upon any sale by the Company under the provisions of the Lands Clauses Consolidation Act 1845 of any lands or hereditaments purchased by them under the powers of this Act the Company may reserve to themselves all or any part of the water or water-rights and other easements thereunto belonging and may sell such lands and hereditaments subject to such reservations and

also subject to such special conditions restrictions and provisions with reference to the use of water and for preventing the exercise of noxious trades or business upon the premises and for preventing or regulating the discharge and deposit of manure sewage and other impure matter and liquids as they may think fit.

A.D. 1882.

34. 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.

35. If the works by this Act authorised are not completed within three 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 any work not so completed or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed but nothing in this section shall restrict the Company from extending enlarging altering or removing any of their aqueducts mains pipes works and conveniences or increasing or improving their supply of water from time to time whenever they find it requisite.

Period for completion of works.

36. The Company may from time to time enter into and carry into effect such contracts and arrangements with any company corporation local board sanitary or other local authority bodies or persons with respect to the supply of water in bulk or otherwise as the Company think fit for any purposes whatsoever within the limits of this Act 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 may from time to time by agreement vary suspend or rescind any such contracts or arrangements and make others in lieu thereof or in addition thereto Provided that the Company shall not supply water in bulk beyond the limits for the supply of water by this Act authorised nor within those limits for other than domestic purposes if and so long as in either case the affording such supply would prevent the Company from giving a proper and sufficient supply for domestic purposes within such limits.

Contracts between Company and other bodies for supply of water.

Domestic supply not to be prejudiced.

37. Except as otherwise provided in this Act if any difference arise between the Company and any railway canal or other company or body whose lands or works the Company have power or require to cross as to the mode of laying down repairing altering or enlarging their conduits or pipes or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences with railway and other companies.

A.D. 1882.

Company to
sell their
undertaking
on requisition of Commissioners.

38. If the Ross Improvement Commissioners (in this Act called "the Commissioners") shall within three months after the passing of this Act by writing under their common seal addressed and sent to the solicitors of the Company or delivered at the office of the Company require the Company to sell the Company shall thereupon sell to the Commissioners and the Commissioners shall purchase from the Company all their undertaking property rights powers and privileges as the same exist at the time of the delivery of such notice for the consideration and subject to the terms and conditions of the agreement made between Richard Davison Greateorex John Leonard Piddocke and Walter Redmond three of the promoters on behalf of the Company of the one part and the Commissioners of the other part a copy whereof is set out in the schedule to this Act and such agreement is hereby confirmed and made binding upon the Commissioners and the Company respectively Provided always that upon the request of the Commissioners the Company by writing under the hands of two of their directors may if they think fit extend the time within which the Commissioners may give the above-mentioned notice of their intention to purchase the undertaking for any time not exceeding three months.

When water-works are vested in Commissioners powers of Company to be executed by Commissioners.

39. Immediately upon the undertaking becoming vested in the Commissioners under the provisions herein-before contained all the powers authorities regulations and provisions contained in this Act shall be extended to and vested in the Commissioners and be exercised and put in force by or against the Commissioners in the same manner as if they had throughout this Act been named therein instead of the Company Provided that the powers of the Company by this Act vested in the Commissioners shall not comprise any of their powers with respect to general meetings or with respect to directors or with respect to the management of the internal affairs of the Company or with respect to the raising of money by shares or by borrowing or with respect to the amount of profit to be received by the undertakers when the works are carried on for their benefit.

Receipt of directors of Company for purchase money &c.

40. The receipt in writing of the directors of the Company for the purchase money and costs to be paid by the Commissioners shall effectually discharge the Commissioners from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Application of purchase money and

41. The purchase money to be paid by the Commissioners shall be applied by the directors in discharging all outstanding

debts and liabilities of the Company and the balance if any shall be divided rateably among the shareholders of the Company in proportion to their respective interests in the undertaking and when and so soon as such purchase money shall have been appropriated and divided in manner herein-before directed the Company shall be by virtue of this Act dissolved.

A.D. 1882.
—
dissolution
of Company.

42. In the case of the purchase by the Commissioners of the undertaking of the Company as herein-before provided the Commissioners may with the consent of the Local Government Board from time to time under the authority of this Act in addition to any existing mortgages of the Commissioners borrow at interest on mortgage of the rates which the Commissioners are by the sixty-fifth and sixty-sixth sections of the Ross Improvement Act 1865 as amended by this Act entitled to make and levy (herein-after called the improvement rate) and on the net revenues of property vested in them and of the revenue to arise from that undertaking and on such securities either together or separately all such sums as may from time to time be required by the Commissioners for the purchase of the undertaking of the Company if the same shall be purchased by the Commissioners and otherwise for the purposes of this Act Provided always that the moneys borrowed under this Act shall be applied for the purposes for which they are borrowed in each case and for objects to which capital money is properly applicable and for no other purposes or objects.

Power to
Commis-
sioners to
borrow.

43. Subject to the provisions of this Act the provisions of the Public Health Act 1875 with respect to mortgages shall apply to all money borrowed by the Commissioners and all mortgages granted under this Act but the powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Public Health Act 1875 and in calculating the amount which the Commissioners may borrow under the Public Health Act 1875 any sums which they may borrow under the provisions of this Act shall not be reckoned.

Mortgages
&c. to be
under pro-
visions of
38 & 39 Vict.
c. 55. but
certain re-
strictions not
to apply.

44. In case of purchase by the Commissioners of the undertaking of the Company as herein-before provided the Commissioners shall keep separate accounts of their capital and revenue in respect of their waterworks undertaking separate from all their other accounts and shall apply all moneys from time to time received by them in respect of their waterworks undertaking except borrowed money and money properly applicable on capital account as follows:—

Application
of water
revenue by
Commis-
sioners.

In payment of the expenses properly chargeable to revenue of conducting managing and maintaining the waterworks and

A.D. 1882.

otherwise carrying on the water undertaking of the Commissioners ;

In payment of interest upon money borrowed under the provisions of this Act for waterwork purposes ;

In providing the requisite instalments or sinking fund under this Act in relation to moneys borrowed for waterwork purposes ;

And shall carry to the improvement rate any balance remaining in any year.

Deficiency of funds of waterworks.

45. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon and the execution of this Act in relation to the water undertaking the deficiency shall be made up out of the improvement rate by carrying an adequate sum therefrom to the credit of the water account and the Commissioners from time to time in preparing the estimates of the amount required in their judgment to be raised by means of the improvement rate for the purposes of the district may include therein such sums (if any) as in the judgment of the Commissioners are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of the improvement rate.

Limits in 28 & 29 Vict. c. cviii. ss. 65 and 66 not to apply for purposes of this Act.

46. The limits imposed by sections sixty-five and sixty-six of the Ross Improvement Act 1865 on the improvement rate which the Commissioners are entitled to make and levy either with or without the consent of the ratepayers shall not apply to so much of the improvement rate as is required to be levied for the purpose of making up any deficiency in the water account or for the purpose of defraying any expenses incurred by the Commissioners in the execution of this Act.

Accounts to be made out and audited under Public Health Act. 10 & 11 Vict. c. 16.

47. Sections ninety to ninety-five (both inclusive) of the Commissioners Clauses Act 1847 shall cease to apply with respect to the accounts to be kept of the receipts and expenditure of the Commissioners under the provisions of this Act and the same shall be made out and audited in accordance with the provisions in that behalf contained in the Public Health Act 1875.

Protection of lenders from inquiry.

48. A person lending money to the Commissioners shall not be bound to inquire as to the observance by them of any provision of this Act or bound to see to the application or be answerable for any loss misapplication or non-application of such money or of any part thereof.

Power to reborrow.

49. If the Commissioners pay off any part of any money borrowed by them under the powers of this Act otherwise than by instalments or by means of a sinking fund they may reborrow the

same and so from time to time. Provided that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid and as if they formed part of the original loan.

A.D. 1882.

50. The Commissioners shall pay off the moneys raised under the provisions of this Act by equal annual instalments or appropriations or by means of a sinking fund or partly by annual instalments and partly by a sinking fund as they think fit and the sum or sums to be yearly set apart for the instalments or appropriations or sinking fund shall be of such an amount as will enable the Commissioners to pay off the amount raised under the powers of this Act in the course of sixty years from the date when the same was borrowed but the Commissioners shall not be bound to commence the formation of the sinking fund or the payment by instalment or appropriation by setting apart or applying any portion of the moneys applicable in that behalf until the expiration of three years from the date of the borrowing as aforesaid.

Money borrowed to be paid off by annual instalments or by means of sinking fund.

51. Nothing in this Act shall prejudicially affect any charges on the corporate property of the Commissioners or on any rates by way of mortgage annuity or otherwise subsisting at the passing of this Act.

Saving for existing charges.

52. The Commissioners may if they think fit borrow and re-borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed or re-borrowed in manner by this section authorised for any of the purposes of this Act by the Commissioners shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act and such discharge or any part thereof shall be effected by means of a sinking fund if the Commissioners shall so think fit Provided always that if the Commissioners at any time think fit to form any such sinking fund all sums paid into the same shall be as soon as may be invested by the Commissioners in the manner in which sinking funds are by this Act authorised to be invested or applied in paying off a portion of the principal moneys owing by the Commissioners.

Power to borrow under 38 & 39 Vict. c. 83.

A.D. 1882.
Application
of sinking
fund.

53. The sums set apart for any sinking fund under the provisions of this Act and the interest thereon shall be invested in the purchase of Exchequer bills or other Government securities or may be applied by the Commissioners in paying off mortgages granted under the provisions of this Act and the Commissioners may from time to time as they think fit sell all or any Exchequer bills or securities which shall have been so purchased and apply the proceeds in paying off mortgages granted under the provisions of this Act: Provided always that whenever any of such mortgages have been paid off the Commissioners shall thenceforth until the whole of such mortgages have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be set apart and appropriated a sum equal to the interest of the mortgages so paid off: Provided further that whenever and so long as the yearly income arising from the sinking fund shall be equal to or in excess of the annual interest of the mortgages then due and outstanding the Commissioners may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto: Provided further that the provisions of this section shall apply *mutatis mutandis* to debentures debenture stock and annuity certificates.

Annual
return to
Local Go-
vernment
Board with
respect to
sinking fund.

54. The clerk to the Commissioners shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or any interest thereof has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds recoverable by the Local Government Board in any court of summary jurisdiction. If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to pay any instalment or set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by

this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice in England and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

55. The Company shall at the request of every person entitled to demand a supply of water furnish to the occupier of every dwelling-house or part of a dwelling-house to which the request relates a sufficient supply of water for the domestic purposes of every such occupier at any rate not exceeding the following rates (that is to say):

Rates for supply of water for domestic purposes.

Where the gross estimated rental of a house or part of a house does not exceed six pounds at a rate not exceeding eight shillings and eightpence per annum and so in proportion for any shorter period ;

Where the gross estimated rental of a house or part of a house exceeds six pounds and does not exceed thirty pounds at a rate not exceeding six pounds per centum per annum on such gross estimated rental and so in proportion for any shorter period ;

Where such gross estimated rental exceeds thirty pounds and does not exceed one hundred pounds at a rate not exceeding five pounds and ten shillings per centum per annum on the amount of such gross estimated rental and so in proportion for any shorter period ;

Where such gross estimated rental exceeds one hundred pounds at a rate not exceeding five pounds per centum per annum on the amount of such gross estimated rental and so in proportion for any shorter period ;

Provided that all inns and hotels whether public or private to which the supply is laid on shall be liable to a rate not exceeding seven pounds ten shillings per centum on the amount of the gross estimated rental. The gross estimated rental shall for the purposes of this section be ascertained by the valuation list for the time being in force in the parish or district in which the dwelling-house in respect of which the water-rate is made is situate and if there be no such valuation list then by the last rate for the relief of the poor made in respect of such dwelling-house.

56. The Company may charge in any one year in respect of one bath supplied with water in or belonging to any private dwelling-

Rates for waterclosets and baths.

A.D. 1882. house the sum of seven shillings and sixpence and in respect of every watercloset in excess of one and of every bath in excess of one the sum of five shillings.

Rates payable quarterly in advance.

57. The rates for a supply of water shall be payable in advance by equal quarterly payments on the usual quarter days.

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

58. The Company may supply any person with water for other than domestic purposes within the limits of this Act by meter or otherwise for such remuneration and on such terms and conditions as are agreed on between the Company and the person desirous of having the supply Provided always that the Company shall not supply water for other than domestic purposes so as in any way to interfere with or unduly diminish the supply of water for domestic purposes.

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

59. Every person using for other than domestic purposes any water of the Company without having previously agreed with them for a supply of water for other than domestic purposes or any person using for any purpose other than the purposes so agreed on any water so supplied by the Company shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Power to lay water-pipes against buildings.

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

For preventing fouling of water.

61. The Company shall not be obliged to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed of such strength material size and on such principle as the Company approve and are used and maintained so as to prevent the waste or undue consumption of the water of the Company and the access of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company nor unless such bath shall be so constructed that it will not contain when filled for use more than fifty gallons of water.

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

A.D. 1882.

For prevent-
ing frauds
and waste of
water.

63. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine of the clock in the forenoon and four of the clock in the afternoon enter any building or place supplied with water by the Company in order to inspect any watercloset or bath or the apparatus or pipes connected therewith and to see whether the provisions of this Act relating thereto are complied with and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier if there be an occupier and if there be no occupier then the owner or lessee of such premises shall for any such offence forfeit to the Company a sum not exceeding five pounds.

Company's
officers to
enter build-
ings.

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

Entry on
premises to
cut off supply
in certain
cases.

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

Mode of
giving
notice.

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

If the premises be unoccupied and the owner thereof and his usual place of abode be in England and be known to the Company then by delivering the notice to such owner or by

A.D. 1882.

leaving the same at his usual place of abode twenty-four hours or by sending the same by post by registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry ;

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

Service pipes.

66. The service pipes to communicate with the mains and pipes of the Company and the fittings connected therewith shall be laid placed and removed under the superintendence of the Company and at the expense of the persons requiring or having the supply and either by the Company or some person approved by the Company.

Power to remove meters and fittings.

67. The Company by their agents or workmen after giving forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if unoccupied then to the owner or lessee of any land house or building in which any pipes mains meters or fittings belonging to the Company are laid or fixed and through or in which the supply of water shall from any cause other than the neglect or default of the Company or their servants be discontinued may enter such land house or building between the hours of nine in the forenoon and four in the afternoon or with the authority in writing of a justice at any other time and may remove such pipes mains meters or fittings but repairing all damages caused by such removal and every such notice shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or sent by post addressed to such person or if such person or his address be not known to the Company and cannot after due inquiry be found or ascertained then by being affixed for forty-eight hours to some conspicuous part of such land house or building.

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

68. No person shall connect any meter with any pipe through which any water is supplied by the Company to such meter or disconnect any meter from such pipe unless he shall have given to the Company not less than twenty-four hours notice in writing of his intention so to do and obtained their consent in writing and any

person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. A.D. 1882.

69. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspection and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer. Repair of meters.

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

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

A.D. 1882. alteration prevention abstraction or consumption as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such meter.

Power to
Company to
supply ma-
terials &c.

72. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all works 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.

Regulations
to be made
for prevent-
ing waste of
water &c.

73. The Company may from time to time with the approval of the Local Government Board make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the contamination waste or misuse of water and thereby amongst other things may prescribe the size nature and strength of the pipes cocks cisterns and other apparatus whatsoever to be used and may interdict any arrangements and the use of any pipes cocks cisterns or other apparatus which may tend to such contamination waste or misuse as aforesaid.

Confirmation
of regula-
tions.

74. No such regulations shall be confirmed by the Local Government Board until the expiration of ten days after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to the several local authorities (as defined by the Public Health Act 1875) within the limits of this Act who may within the said period of ten days make such representation with reference thereto to the Local Government Board as such authorities shall deem expedient Provided that if the said Board do not confirm or refuse to confirm any regulations so submitted within three calendar months after submission such regulations shall be deemed to have been duly confirmed.

Publication
of regula-
tions.

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

Evidence of
regulations.

A printed copy of any such regulations purporting to be made and to have been confirmed by the Local Government Board as aforesaid shall be evidence (until the contrary be proved) in all

legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof. A.D. 1882.

In case of failure of any person to obey such regulations as are for the time being in force the Company may 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 pipes cocks cisterns and other apparatus whatsoever 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 the Company summarily. For enforcing regulations.

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

76. 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 for arrears.

77. 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 several houses by one pipe.

78. If any person fails to pay any water rent meter rent or rate 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 or rate. Recovery of sums due.

79. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement or composition with Representation of the Company

A.D. 1882. creditors the secretary of the Company or any person appointed in his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim of such secretary or person and not of the Company.

in bank-
ruptcy &c.

Notice of dis-
continuance.

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

Liability to
rates not to
disqualify
justices.

81. No justice or judge of any county court shall be disqualified from acting in the execution of this Act by reason of his being liable to any rate or sum under this Act.

Contents of
summons
&c.

82. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of
distress.

83. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of the rate or sum shall be paid by the person liable to pay the rate or sum and the costs shall be ascertained by the justice and shall be included in the warrant of distress for the recovery of the rate or sum.

Penalties not
cumulative.

84. Penalties imposed by several Acts for one and the same offence shall not be cumulative and for this purpose this Act and each of the several Acts incorporated therewith shall be deemed a separate Act.

Costs of Act.

85. 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.

SCHEDULE referred to in the foregoing Act.

A.D. 1882.

AN AGREEMENT made the nineteenth day of May one thousand eight hundred and eighty-two between Richard Davison Greatorex of Holywood near Belfast Ireland Esquire John Leonard Piddocke of Ross Herefordshire Solicitor and Walter Redmond of 15 Cockspur Street in the city of Westminster in the county of Middlesex Gentleman being the promoters of a Bill now before Parliament and called "the Ross District Water Bill" herein-after called "the Company" of the one part and the Commissioners appointed and acting under the Ross Improvement Act 1865 and herein-after described as "the Commissioners" of the other part.

1. If the Commissioners decide to purchase the undertaking of the Company and the sum to be paid for the same cannot be agreed upon between the Company and the Commissioners the sum shall be ascertained by arbitration in the mode provided by the Public Health Act 1875.

2. To the sum awarded by the arbitrators or umpire as the purchase money payable for the undertaking of the Company there shall be added—

(A) All costs charges and expenses incurred by the Company in obtaining their Act and in relation thereto and all costs charges and expenses paid or incurred by or on behalf of the Company subsequently to the passing of the said Act with reference or incidental to their undertaking and of and incidental to the transfer of their undertaking to the Commissioners. All such costs to be made out as between solicitor and client and shall be paid with and at the same time as the purchase money ;

(B) The arbitrators or umpire shall also entertain and determine upon any claim that may be made by the Company to a per-centage on the amount to be awarded by them in respect of prospective value and compulsory purchase.

3. The Company to deliver abstract of title within one month after the purchase money has been agreed upon or fixed.

4. Requisitions on title to be delivered within twenty-one days after receipt of abstract.

5. The Commissioners to take over all contracts entered into by the Company and to indemnify the Company against the same.

6. The purchase to be completed within three months after the purchase money shall have been agreed to or fixed by arbitration.

7. Five pounds per centum per annum to be paid by the Commissioners to the Company on the total amount of the sum agreed upon or awarded from the date of the agreement or award until the completion of the purchase.

8. If the Company and the Commissioners cannot agree upon the amount to be paid the Company for costs the same shall be referred to the arbitrament

[Ch. ccxxxi.] *Ross District Water Act, 1882.* [45 & 46 VICT.]

A.D. 1882. of Mr. F. A. Durnford or Mr. William Wakeford parliamentary agents whose decision shall be final and the charges of the arbitrator shall be paid by the Commissioners.

In witness whereof the said parties hereto of the first part have hereunto set their hands and the said Commissioners have affixed their common seal the day and year first above written.

RICHARD DAVISON GREATOREX.

JNO. LEO^D PIDDOCKE.

WALTER REDMOND,

Capⁿ. Royal Irish Regiment.

The seal of the Ross Improvement Commissioners was hereto affixed in pursuance of a resolution passed by the said Commissioners at a meeting held the nineteenth day of May one thousand eight hundred and eighty-two by



SAMUEL R. DAVIES,

Solicitor, Ross,

Clerk to the said Commissioners.