



CHAPTER ccxlvii.

An Act for incorporating and conferring powers on the A.D. 1884.
Tendring Hundred Waterworks Company.

[7th August 1884.]

WHEREAS Walton-on-the-Naze Harwich Dovercourt and other places in the Tendring Hundred in the county of Essex are imperfectly 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 and the necessary powers for that purpose conferred upon them and it is expedient that they be incorporated accordingly and empowered to make and maintain the works herein-after described :

And whereas it is expedient that the Company so incorporated be authorised to enter into contracts and arrangements for supplying water to local authorities companies and other bodies and for acquiring the existing water and gas works at Walton-on-the-Naze and any other waterworks within the limits of this Act :

And whereas under an agreement dated the sixteenth day of May one thousand eight hundred and fifty-four and made between the mayor aldermen and burgesses of the borough of Harwich (herein-after called " the corporation ") of the one part and Peter Bruff of Ipswich in the county of Suffolk civil engineer of the other part the said Peter Bruff covenanted to provide a supply of water to the town of Harwich and in providing such supply of water and in subsequent attempts to improve the supply considerable expenses have been incurred by the said Peter Bruff :

And whereas certain matters in difference between the corporation and the said Peter Bruff were in pursuance of the said agreement submitted in July one thousand eight hundred and eighty-three to arbitration and by an award dated the twenty-sixth day of October one thousand eight hundred and eighty-three the umpire in the arbitration determined that the said Peter Bruff had not continued

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A.D. 1884. — to obtain and provide such a supply of water and further that if the said Peter Bruff did not within the space of three years from the date of the award obtain and provide and continue to obtain and provide a sufficient and permanent supply of pure and wholesome fresh water for the purposes and to the extent in the said agreement mentioned then that after the expiration of such three years the said Peter Bruff should no longer be entitled to or continue to have the right to supply water within the limits in the said agreement mentioned but that all such rights and powers to supply water within such limits should cease and the said agreement be determined :

And whereas the said Peter Bruff being unable to obtain within the said borough a supply of water to satisfy the requirements of the said agreement and award is desirous of being incorporated with the other persons in this Act named into a Company for the purpose of obtaining such supply to the said borough and other places from the sources herein-after described :

And whereas plans and sections showing the situations lines and levels of the works authorised by this Act and also a book 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 Essex and are in this Act referred to as "the deposited plans sections and book of reference" :

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) :—

Short title. 1. This Act may be cited as the *Tendring Hundred Waterworks Act 1884*.

Incorporation of general Acts. 2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 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.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act. The expressions "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.

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Interpretation.

4. Newson Garrett Peter Schuyler Bruff Thomas Gelson Richard Lambert MacAlpine and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the 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 they are hereby incorporated by the name of the "Tendring Hundred Waterworks Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Company incorporated.

5. The Company shall be established for the purpose of making and maintaining and from time to time renewing the wells borings pumping stations reservoirs conduits and works by this Act authorised and for supplying water by measure and otherwise within the limits of this Act and for other the purposes of this Act and also for manufacturing and supplying gas within the limits of the Walton-on-the-Naze Gas and Water Company Limited after they shall have acquired the undertaking of the limited company.

General purposes of the Company.

6. The limits of this Act for the supply of water shall be the parishes of Bradfield Mistley Manningtree Wix or Wicks Ramsey with Parkeston Dovercourt Saint Nicholas Harwich Great Oakley Little Oakley Beaumont-cum-Mose Thorpe-le-Soken Kirby-le-Soken Great Holland Frinton and Walton-le-Soken, otherwise Walton-on-

Limits of Act for supply of water.

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Provided that if the Company do not within the space of three years from the date of the recited award obtain and provide and continue to obtain and provide a sufficient and permanent supply of good and wholesome water to the said parishes of Dovercourt and Saint Nicholas Harwich for the purposes for which the Company are under this Act empowered and required to afford such supply the powers of the Company for supplying those parishes shall cease and the recited agreement shall be determined. Any difference as to whether water has been so obtained and provided or whether it is proper and sufficient for the purposes for which it is required or whether such purposes are reasonable shall be settled by arbitration in manner provided by the Public Health Act 1875 :

Provided also that in any event the powers of the Company for supplying water within the area to which the said agreement refers shall from and after the sixteenth day of May one thousand nine hundred and twenty-nine absolutely cease and determine and at the expiration or other determination of the powers of the Company as by this Act provided the works within the borough of Harwich shall be offered to the corporation at such price and upon such terms as are specified in the agreement :

Provided further that if in any parish or township within the limits of supply other than Dovercourt and Saint Nicholas Harwich the Company shall not have made adequate provision for the supply of water within five years after the period herein-after fixed for the completion of the works the restriction on the construction of waterworks by a local authority by section fifty-two of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of any such parish or township.

Capital.

7. The capital of the Company shall be fifty thousand pounds in five thousand shares of ten pounds each of which three thousand shares shall be called Class A shares and the remaining two thousand shares shall be called Class B shares.

Shares not
to be issued

8. The Company shall not issue any share created under the authority of this Act nor shall any share vest in the person accepting

the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

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until one-fifth paid up.
Calls.

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

10. The net profits of the Company shall subject to the provisions of this Act be applied and paid in the manner and subject to the priorities following :

Dividends on the two classes of shares.

1. In payment of a dividend of four pounds ten shillings per centum per annum on the amount of calls from time to time made and paid up on such of the Class A shares as shall have been issued :

2. In payment of a dividend of four pounds ten shillings per centum per annum on the amount of calls from time to time made and paid up on such of the Class B shares as shall have been issued :

3. Any balance shall be divided rateably between the holders of Class A shares and Class B shares in proportion to the amount from time to time paid up on each of those classes of shares.

11. If in respect of any year ending on the thirty-first day of December there are not funds available for the payment subject to the before-mentioned priorities of the full amount of the aforesaid dividends to the holders of Class A shares and Class B shares or either of such classes no part of the deficiency shall be made good out of the income of any subsequent year or out of any other funds of the Company.

Any deficiency in dividend not to be paid out of income of subsequent year.

12. Class A shares and Class B shares shall confer upon the holders thereof respectively such right of voting at meetings of the Company and all such other rights qualifications privileges liabilities and incidents in proportion to the number of shares in one or both of such classes held by the same person at the same time.

Class A and Class B shareholders to have equal rights.

13. The terms and conditions on which Class A shares and Class B shares are issued and the moneys applicable to dividend on each class shall be stated on the certificates thereof respectively.

Terms on which shares issued to be stated on certificates.

14. 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 persons not sui juris.

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Power to
borrow.

15. The Company may in respect of the share capital of fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole twelve thousand five hundred pounds and of that sum they may borrow not exceeding six thousand two hundred and fifty pounds in respect of each twenty-five thousand pounds of such share capital but no part of either of such sums of six thousand two hundred and fifty pounds shall be borrowed until shares for the portion of capital of twenty-five thousand pounds in respect of which it is to be borrowed are issued and accepted and one half of such portion of capital 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 shares for the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted *bonâ fide* and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to con-
version of
borrowed
money into
capital.

16. 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.

For appoint-
ment of a
receiver.

17. 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.

18. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

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Debenture
stock.

19. All money to be 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 to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company 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 Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Priority of
mortgages
and debenture
stock
over other
debts.

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

Application
of moneys.

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

First
ordinary
meeting.

22. 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 two thousand pounds nominal value in the capital of the Company.

Quorum of
meetings.

23. 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 two thousand pounds in the capital of the Company.

Number of
shareholders
to call extra-
ordinary
meeting.

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- A.D. 1884. **24.** The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.
- Number of directors.
- Qualification of directors. **25.** The qualification of a director shall be the possession in his own right of not less than thirty shares.
- Quorum. **26.** The quorum of a meeting of directors shall be three unless the number be reduced to three when the quorum shall be two.
- First directors. **27.** Newson Garrett Thomas Gelson Richard Lambert MacAlpine and two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall subject to the power hereinbefore contained for reducing the number of directors elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.
- Election of directors.
- Contracts not to disqualify for office of director. **28.** Any contract to be made under this Act with any urban or rural sanitary authority corporation company or body shall not disqualify any of the members of such sanitary authority corporation company or 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 sanitary authority corporation company or body shall vote upon any question with reference to any contract with such sanitary authority corporation company or body.
- Power to make waterworks and take lands &c. **29.** Subject to the provisions of this Act the Company may continue maintain and from time to time renew the waterworks acquired by them as herein-after mentioned and may make and

maintain in the lines or situations and according to the levels shown on the deposited plans and sections the waterworks in the county of Essex herein-after described with all proper approaches fences excavations embankments tanks sluices culverts conduits pipes channels adits borings dams weirs drains filter beds and other conveniences and appliances connected therewith respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose:

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

- (1) A well shaft and adits (No. 1) with reservoir and tanks engine and boiler house pumping engines with other machinery and conveniences to be situate in the parish of Bradfield in and upon part of a certain plot or close of land on the southern side of the road leading from Bradfield Heath to Bradfield Village and abutting on the eastward side of the driftway leading to Cansey Lane and nearly opposite the Primitive Methodist Chapel which close of land belongs or is reputed to belong to George Francis Josselyn and is now in the occupation of Robert Gould and others and is numbered 161 on the twenty-five inch ordnance map:
- (2) A well shaft and boring (No. 2) with adits reservoir and tanks engine and boiler-house pumping engines and machinery with other conveniences to be situated in the parish of Bradfield on the said plot or close of land lastly herein-before described and numbered 161 on the twenty-five inch ordnance map:
- (4) A conduit or line or lines of pipes (No. 4) commencing in the parish of Bradfield at or in the wells shafts reservoirs or tanks No. 1 and No. 2 before described thence proceeding eastward under the public road into and through the parishes and places of Bradfield Wicks or Wix Great Oakley Beaumont-cum-Mose Thorpe-le-Soken Kirby-le-Soken and Walton-le-Soken and terminating at the waterworks in Station Road in the town of Walton-le-Soken otherwise Walton-on-the-Naze:
- (5) A conduit or line or lines of pipes (No. 5) commencing in the parish of Bradfield at or in the wells shafts reservoirs or tanks No. 1 and No. 2 before described thence proceeding eastward under the public road into and through the parishes and places of Bradfield Wicks or Wix Ramsey Dovercourt and Saint Nicholas the last two parishes being in the borough of Harwich and terminating at a point in the road at the

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commencement of West Street opposite the old high lighthouse in Harwich.

Power to take water.

30. 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 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 easements &c. by agreement.

31. 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 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.

Limits of lateral deviation.

32. 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 hereby given construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with respect to the corresponding embankment or wall and three feet in addition.

Limits of vertical deviation.

33. In the construction of the waterworks the Company may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards Provided that the Company may erect any water-tower standpipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Act.

Additional land may be purchased by agreement.

34. The Company may from time to time by agreement purchase or acquire for the purposes of this Act any land not exceeding in quantity five acres in addition to the land 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

land of any buildings other than buildings necessary for or connected with the waterworks. A.D. 1884.

35. 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 such lands while so held by them of any buildings other than buildings necessary for or connected with their waterworks. Power to hold lands for protection of works.

36. 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. Restrictions may be imposed upon the sale of superfluous property.

37. 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.

38. If the works by this Act authorised and shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing any such work 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 renewing extending enlarging altering or removing any of their engines machinery mains pipes works and conveniences and increasing and improving their supply of water from time to time whenever they find it requisite. Period for completion of works.

39. The Company may from time to time enter into and carry into effect contracts and arrangements with any urban or rural sanitary authority or other local authority railway or other company surveyors of highways bodies or persons with respect to a supply of water in bulk or otherwise from the works of the Company and every such contract and arrangement may be for such Contracts between Company and other bodies for supply of water

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Domestic
supply not
to be pre-
judiced.

period on such terms and conditions pecuniary or otherwise as the Company and such sanitary authorities and other parties may agree and the Company and such other parties as aforesaid to any such contract or arrangement 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 always 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 the limits by this Act authorised.

Power to
purchase
waterworks
and gasworks
at Walton-
on-the-Naze
and Harwich
and Dover-
court.

40. The Company shall if and when required by them respectively purchase from the Walton-on-the-Naze Gas and Water Company Limited and from Peter Schuyler Bruff his executors administrators or assigns and the said limited company and Peter Schuyler Bruff his executors administrators or assigns may sell and transfer to the Company their and each of their undertakings waterworks gasworks mains or pipes lands waters sources of water agreements rights and privileges plant stores works and conveniences at Walton-on-the-Naze and at Harwich and Dovercourt upon such terms and conditions pecuniary or otherwise as shall be settled by an arbitrator to be appointed by the President for the time being of the Institution of Civil Engineers and fourteen days previous notice in writing of the intention to apply for the appointment of such an arbitrator shall be given by the party applying to the corporation of Harwich who shall have a locus standi before the arbitrator to discuss the terms of the transfer.

Under-
takings when
purchased
to vest in
Company.

41. Immediately on the payment or satisfaction by the Company of the price or consideration and upon the execution of a conveyance duly stamped under the common seal of the said Walton-on-the-Naze Gas and Water Company Limited and under the hand and seal of the said Peter Schuyler Bruff respectively the undertaking so conveyed shall become absolutely vested in the Company for all such or the like estate and interest as the said limited company or Peter Schuyler Bruff were seised or possessed of or entitled to at the date of such conveyance :

Stamp duty
on convey-
ance.

And the Company shall within three months from the date of any such vesting produce to the Commissioners of Inland Revenue such conveyance duly stamped as aforesaid and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of

vesting to the date of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same:

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Upon the execution of such conveyance by the said limited company that company shall hold the price or consideration for their undertaking and all other money and securities for the time being belonging to them upon trust to pay and discharge thereout all their debts and liabilities and to distribute the residue among the shareholders their executors administrators or assigns rateably and according to their priorities and the directors of the said limited company may exercise all powers necessary for paying and discharging the debts and liabilities distributing the assets and winding up the affairs of that company.

Application of purchase money &c. and of winding up of limited company.

42. The Company may continue maintain and renew the gasworks so acquired by them and manufacture and supply gas within the limits for that purpose defined by the Walton-on-the-Naze Gas and Water Order 1878 and charge for such supply and for meters and other things the rates and rents not exceeding those limited by the said Order.

Company may continue gasworks at Walton.

43. Water supplied by the Company need not be constantly laid on under pressure but the Local Government Board may at any time or times after the expiration of five years from the passing of this Act order that the water supplied within the whole or any part of the Company's water limits shall be constantly laid on under pressure and the Company shall be bound by such Order as if the same were herein enacted and with a view to the better execution of the provisions of this section the Company shall on the first day of February in every year after the expiration of the said five years report to the Local Government Board within what part or parts of their water limits the water supplied by them is not constantly laid on under pressure.

Pressure.

44. For the protection of the Great Eastern Railway Company (herein-after called "the Great Eastern Company") the following provisions shall have effect:—

For protection of the Great Eastern Railway Company.

(a) All works so far as they directly or indirectly affect any part of the Great Eastern Company's railway works lands and conveniences or any bridges over or under that railway shall be made and maintained by and at the expense of the Company in accordance with plans sections and specifications to be approved by the engineer of the Great Eastern Company and if he fails to approve or disapprove the same within fourteen days

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after delivery thereof to him he shall be deemed to have approved thereof and all such works shall be executed and thereafter maintained and repaired to the reasonable satisfaction of such engineer :

(b) The Company shall not without the consent of the Great Eastern Company testified by writing signed by their secretary acquire any part of the land or property of that company but if and where any part of the works of the Company is to be executed in or upon any land of the Great Eastern Company the Company may acquire an easement or right of making and maintaining the work on that land in such manner as not prejudicially to affect any part of the Great Eastern Company's railway works and conveniences or the passage of engines and carriages over or along the railway.

Differences
with railway
and other
companies.

45. Except as otherwise provided in this Act if any difference arise between the Company and any railway 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.

Rates for
supply of
water for
domestic
purposes.

46. The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at any rate not exceeding the rates per annum herein-after specified (that is to say) :—

Where the annual rackrent or value of the premises so supplied with water does not exceed five pounds the sum of ten shillings :

Where such rackrent or value exceeds five pounds and does not exceed ten pounds the sum of sixteen shillings :

Where such rackrent or value exceeds ten pounds and does not exceed fifteen pounds the sum of twenty-four shillings :

Where such rackrent or value exceeds fifteen pounds and does not exceed twenty pounds the sum of thirty-two shillings :

Where such rackrent or value exceeds twenty pounds and does not exceed twenty-five pounds the sum of thirty-nine shillings :

Where such rackrent or value exceeds twenty-five pounds and does not exceed thirty pounds the sum of forty-six shillings :

Where such rackrent or value exceeds thirty pounds and does not exceed thirty-five pounds the sum of fifty-three shillings :

Where such rackrent or value exceeds thirty-five pounds and does not exceed forty pounds the sum of sixty shillings :

Where such rackrent or value exceeds forty pounds and does not exceed forty-five pounds the sum of sixty-six shillings :

Where such rackrent or value exceeds forty-five pounds and does not exceed fifty pounds the sum of seventy-two shillings :

Where such rackrent or value exceeds fifty pounds and does not exceed fifty-five pounds the sum of seventy-eight shillings :

Where such rackrent or value exceeds fifty-five pounds and does not exceed sixty pounds the sum of eighty-four shillings :

Where such rackrent or value exceeds sixty pounds and does not exceed sixty-five pounds the sum of eighty-nine shillings :

Where such rackrent or value exceeds sixty-five pounds and does not exceed seventy pounds the sum of ninety-four shillings :

Where such rackrent or value exceeds seventy pounds and does not exceed seventy-five pounds the sum of ninety-nine shillings :

Where such rackrent or value exceeds seventy-five pounds and does not exceed eighty pounds the sum of one hundred and four shillings :

Where such rackrent or value exceeds eighty pounds and does not exceed eighty-five pounds the sum of one hundred and eight shillings :

Where such rackrent or value exceeds eighty-five pounds and does not exceed ninety pounds the sum of one hundred and twelve shillings :

Where such rackrent or value exceeds ninety pounds and does not exceed ninety-five pounds the sum of one hundred and sixteen shillings :

Where such rackrent or value exceeds ninety-five pounds and does not exceed one hundred pounds the sum of one hundred and twenty shillings :

Where such rackrent or value exceeds one hundred pounds at a rate per centum not exceeding six pounds :

Provided that the foregoing rates shall not apply to any house or premises where any trade or business is carried on for which water is required and that all inns and hotels whether public or private to which the supply is laid on shall be liable to a rate not exceeding eight pounds ten shillings per centum on the amount of the annual rackrent or value.

[Ch. ccxli.] *Tending Hundred Waterworks Act*, [47 & 48 VICT.]
1884.

A.D. 1884.
Rates for
water-
closets and
baths.

47. The Company may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding seven shillings and sixpence per annum and for every bath an additional sum not exceeding ten shillings per annum and such additional sums may be received with and as part of or recovered by the same means as the rate for the supply of water for domestic purposes Provided always that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Company may charge an increased rate in proportion to the size of such baths and the Company shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water.

Supply of
water by
meter.

48. The Company shall on being required so to do by the owner or occupier of any hotel or slaughter-house or other business premises or any house or premises where any trade or business is carried on afford a supply of water by measure to such hotel slaughter-house or premises and may charge for such supply any rates not exceeding the following (that is to say) :—

FOR 4,000 GALLONS OR LESS 2s. 9d. PER THOUSAND GALLONS.

For the First Quantity in Gallons, per Quarter.	Per Thousand Gallons.	For the Second Quantity in Gallons, per Quarter.	Per Thousand Gallons.	Where total Quantity taken is in Gallons, per Quarter.	The Mean Price will be per Thousand Gallons.
4,000	s. d. 2 9	4,000 or less quantity	s. d. 2 3	8,000	s. d. 2 6
8,000	2 6	8,000 „	2 0	16,000	2 3
16,000	2 3	16,000 „	1 9	32,000	2 0
32,000	1 6	32,000 „	1 4	64,000	1 5
64,000	1 4	64,000 „	1 2	128,000	1 3
128,000	1 3	128,000 „	1 1	256,000	1 2
256,000	1 2	256,000 „	1 0	512,000	1 1
512,000	1 1	next 488,000 or less quantity	0 11	1,000,000	1 0

Any quantity exceeding a million gallons per quarter to be paid for by special arrangement :

All meters and other appliances for ascertaining the quantity of water supplied shall unless provided by the Company be approved of by their engineer.

49. The Company shall at all times when required by the corporation maintain a sufficient supply of water in their mains and pipes within the borough of Harwich for the purposes of watering streets and cleansing the sewers and drains of that borough and shall supply such water at such price (not exceeding one shilling per thousand gallons) as may be agreed between the said corporation and the Company.

A.D. 1884.
Company to provide water for certain purposes.

50. 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.

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

51. The Company may by agreement supply with water ships or vessels resorting to the port of Harwich and for the purpose of supplying such ships or vessels with water may subject to the provisions of this Act from time to time lay down and erect such pipes and other works as they may think necessary in convenient stations upon or near to any of the piers quays or wharfs within the limits of supply and may also for the like purpose from time to time vary and alter such pipes and other works and the Company may charge such remuneration or rate of payment for the water supplied to any ships or vessels as they from time to time may think reasonable not exceeding one shilling and sixpence for every one thousand gallons or for any less quantity than one thousand gallons supplied to the same person on the same day.

For supply of vessels.

52. The Company with the consent of the owner and occupier of any building may lay any pipe branch or 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.

Power to lay water-pipes against buildings.

53. The Company shall not be obliged to supply with water any watercloset or any bath or the apparatus or pipes connected there-

For preventing fouling of water.

[Ch. ccxvi.] *Tending Hundred Waterworks Act*, [47 & 48 VICT.]
1884.

A.D. 1884.

with respectively unless the same be so constructed used and maintained 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.

For preventing frauds and waste of water.

54. 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.

Company's officers to enter buildings.

55. 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 every such offence forfeit to the Company a sum not exceeding five pounds.

Entry on premises to cut off supply in certain cases.

56. 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-after 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.

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

A.D. 1884.

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:

Mode of giving notice.

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 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.

58. 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.

Power to remove meters and fittings.

59. No person shall connect any meter with any pipe through which any water is supplied by the Company to such meter or

Meters not to be connected or

A.D. 1884. 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.

disconnected
without
notice to
Company.

Repair of
meters.

60. 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.

Register of
meter to be
primâ facie
evidence.

61. 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.

Fraudulently
injuring
meter.

62. 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 meter 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 and control of the consumer shall be *prima facie* evidence that such alteration prevention abstraction or consumption as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such meter.

A.D. 1884.

63. 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 pipes valves cocks cisterns baths soil-pans waterclosets apparatus and receptacles 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 works shall be paid by the person requiring the same.

Power to
Company
to supply
materials,
&c.

64. It shall be lawful for the Company from time to time to make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the contamination waste or misuse of water within the whole or any part of the Company's water limits within which the Company is bound to supply water constantly under pressure and thereby amongst other things to prescribe the size nature and strength of the pipes cocks cisterns and other apparatus whatsoever to be used and to 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. Provided always that no such regulations shall have effect unless and until they have been approved by the Local Government Board.

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

65. 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 do not refuse to confirm any regulations so submitted within three calendar months after submission such regulations shall be deemed to have been duly confirmed:

Confirmation
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

Publication
of regula-
tions.

[Ch. ccxlvii.] *Tending Hundred Waterworks Act*, [47 & 48 VICT.]
1884.

A.D. 1884. 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 :

For enforcing regulations.

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.

Power to sell or let meters.

66. The Company may from time to time sell and dispose of meters subject to such terms (pecuniary or 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 any meter and fittings so let for hire 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.

Incoming tenant not liable for arrears.

67. 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.

Company not bound to supply several houses by one pipe.

68. 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.

Recovery of sums due.

69. 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 water rent meter rent or rate.

A.D. 1884.

70. In proceedings under any bankruptcy or deed of composition or arrangement or liquidation by arrangement or composition with 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.

Representation of the Company in bankruptcy &c.

71. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the principal office for the time being of the Company and shall take effect only at the next ensuing quarter day.

Notice of discontinuance.

72. 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.

Liability to rate not to disqualify justices.

73. 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.

Contents of summons, &c.

74. 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.

Costs of distress.

75. 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 herewith shall be deemed a separate Act.

Penalties not cumulative.

76. Notwithstanding anything in this Act the Company shall not in any way injure or interfere with the present supply of water to the village of Kirby-le-Soken or the pipes standcocks or conduits whereby water is now supplied to that village. If the Company in any way either during the construction of their works or afterwards at any time injure or interfere with such supply or the pipes stand-

Saving for existing water supply to Kirby-le-Soken.

[Ch. ccxvi.] *Tending Hundred Waterworks Act*, [47 & 48 VICT.]
1884.

A.D. 1884. — cocks or conduits used for the purpose of such supply all damage arising from such injury or interference shall be immediately made good by the Company or in case of default for the period of seven days the same may be made good by the churchwardens and overseers for the time being of the parish of Kirby-le-Soken and the amount expended by them in making good such damage shall be forthwith repaid to them by the Company.

Saving for
Walton Hall
Estate.

77. Notwithstanding anything in this Act contained no part of the Walton Hall Estate situate northward and eastward of the northern end of the public road called Hall Lane otherwise known as Sycamore Avenue in the parish of Walton-le-Soken shall be considered within the limits of this Act either for the supply of water or gas and the Company shall not be at liberty to supply water or gas to any such part of the said estate unless with the consent of the owner for the time being of that estate.

Costs of Act. **78.** 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.