

[52 & 53 VICT.] *Woodhall Spa (Gas and Water)* [Ch. cxxviii.]
Act, 1889.



CHAPTER cxxviii.

An Act for incorporating and conferring powers on the A.D. 1889.
Woodhall Spa Gas and Water Company.

[12th August 1889.]

WHEREAS Woodhall Spa in the parts of Lindsey in the county of Lincoln at which there are mineral springs is becoming a place of resort by a considerable number of residents and visitors for purposes of health :

And whereas there are no arrangements for the supply of water and gas at the place :

And whereas the persons hereinafter named with others are willing to undertake the lighting and water supply of Woodhall Spa and the neighbourhood on being incorporated with adequate powers for the purpose and it is expedient that they be incorporated accordingly and authorised to acquire land for gasworks and to construct waterworks and to supply gas and water as by this Act provided and that such other powers as are in this Act contained be conferred on the Company for the better and more effectually carrying the purposes of their undertaking into effect :

And whereas the Horncastle Water Company are empowered under the Horncastle Water Act 1882 to supply water within a district which adjoins the parish of Woodhall and the area to be supplied with water under the powers of this Act and the said Company have a supply of water in excess of the requirements of their district :

And whereas the agreement of which a copy is set out in the second schedule to this Act has been made between the said Horncastle Water Company of the one part and certain persons on behalf of the Company of the other part and it is expedient that the said agreement should be confirmed and made binding on the said Horncastle Water Company and the Company :

And whereas plans showing the lands required or which may be taken under the powers of this Act and also a book of reference

A.D. 1889. — to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands were duly deposited with the clerk of the peace for the parts of Lindsey in the county of Lincoln and are hereinafter respectively referred to as the deposited plans and book of reference :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

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

Short title.

1. This Act may be cited as the *Woodhall Spa (Gas and Water) Act 1889*.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Gasworks Clauses Act 1847 the Gasworks Clauses Act 1871 the Waterworks Clauses Act 1847 (which for the purposes of this Act shall be read as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from section 44) and the Waterworks Clauses Act 1863 except where expressly varied by or inconsistent with this Act are incorporated with and form part of this Act.

Interpretation of terms.

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 gasworks" and "the gas undertaking" respectively mean and include the gasworks and works connected therewith and the gas undertaking by this Act authorised ;

The expressions "the waterworks" and "the water undertaking" respectively mean and include the waterworks and the works connected therewith and the water undertaking by this Act authorised ;

And 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 with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1889.

4. The limits of this Act for the supply of gas and water shall be the parishes of Woodhall Kirkstead Roughton and Martin in the parts of Lindsey in the county of Lincoln: Provided that if in any parish within the limits the Company shall not have made adequate provision for the supply of water within four years after the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) of any such parish. Limits of Act.

5. The Right Honourable Edward Stanhope Thomas Cheney Garfit Cyril John Williams and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes hereinafter mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Woodhall Spa Gas and Water Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company incorporated.

6. The Company shall be established for the purpose of making and maintaining waterworks and gasworks and for supplying water and gas within the limits of this Act and for manufacturing storing utilising and distributing gas and for converting or utilising and distributing materials used in and about the manufacture of gas and residual products resulting from such manufacture and for dealing in selling and disposing of gas lime coke tar ammoniacal liquor and other residual products matters and things and for carrying on the business usually carried on by gas and water companies and for manufacturing purchasing and hiring and supplying meters stoves fittings and other apparatus and appliances and generally for carrying the powers of this Act with regard to the said matters and to drainage and otherwise into execution. General purposes of the Company.

7. The capital of the Company shall be twenty-five thousand pounds in two thousand five hundred shares of ten pounds each. Capital and number and amount of shares.

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Appropriation of capital.

8. The capital of the Company applicable for gas and water shall be divided into two portions of not exceeding twelve thousand five hundred pounds each and one portion shall be called "gas capital" and shall be appropriated to and used for the gas undertaking only of the Company and the other portion shall be called "water capital" and shall be appropriated to and used for the water undertaking only of the Company.

The Company shall keep separate accounts of receipts and expenditure on capital and revenue account in respect of the gas undertaking and the water undertaking.

Shares not to be issued until one-fifth part thereof shall have been paid up.

9. 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.

Calls.

10. One-fifth of the amount of a share shall be the greatest amount of a call and two months at the 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.

Receipt in case of persons not sui juris.

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

Power to borrow.

12. The Company may from time to time borrow on mortgage of and for the purposes of the gas undertaking any sums not exceeding in the whole two thousand five hundred pounds in respect of the gas capital and they may from time to time borrow on mortgage of and for the purposes of the water undertaking any sums not exceeding in the whole two thousand five hundred pounds in respect of the water capital but no part of either of such sums shall be borrowed until the whole gas capital or water capital as the case may be in respect of which the borrowing power is to be exercised 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. A.D. 1889.

13. 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 whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum. As to conversion of borrowed money into capital.

14. The mortgagees of any undertaking 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 of the undertaking comprised in their respective mortgages. 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. For appointment of a receiver.

15. 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* as against the undertaking upon which such debenture stock and mortgages are charged (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the same undertaking. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Power to create debenture stock.

16. All moneys raised or 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 Moneys borrowed on mortgage or debenture stock to have priority.

A.D. 1889. claim against the Company or their property in respect of any rent charge granted or 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 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 their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys. 17. All moneys raised by the Company 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.

First meeting. 18. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act.

Number of directors. 19. The number of the directors shall be four but the Company may from time to time increase the number provided that the number be not more than five.

Qualification of directors. 20. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum of directors. 21. The quorum of a meeting of directors shall be three.

First directors. 22. The Right Honourable Edward Stanhope Thomas Cheney Garfit and Cyril John Williams and one other person to be nominated by them or a majority of them and consenting to the 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 either continue in office the directors appointed by this Act and nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act and nominated as aforesaid being if they continue 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 increasing 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

Election of directors.

others are elected in their stead in manner provided by the same Act. A.D. 1889.

23. Subject to the provisions of this Act the Company may for the purposes of the gas undertaking enter upon take and use all or any of the lands described in the First Schedule to this Act defined on the deposited plans and described in the deposited book of reference. Power to take lands.

24. It shall be lawful for the Company and the Great Northern Railway Company to enter-into and carry into effect any agreement for the exercise by the Company of a right of way through the station property of the Great Northern Railway Company at Kirkstead to the lands described in the First Schedule to this Act. As to right of way to gas lands at Kirkstead Station.

25. Subject to the provisions of this Act the Company may from time to time on the lands described in the First Schedule to this Act or on any part thereof erect make lay down provide maintain alter improve enlarge extend renew or discontinue (with all necessary roads approaches sidings and conveniences) gasworks buildings retorts gasholders receivers purifiers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery apparatus works and conveniences and may do all such acts as they think proper for making and storing gas and for supplying gas within the limits of this Act and for the manufacture and storing of gas and coke and other residual products obtained in the manufacture of gas and matters producible therefrom and may make store and supply gas and may manufacture convert store sell provide supply and deal in coke tar pitch asphaltum ammoniacal liquor and all other products and residuum of any materials employed in or resulting from the manufacture of gas and matters producible therefrom and also meters fittings tubes pipes burners and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit and may also from time to time erect fit up maintain and let houses cottages and dwellings for the officers and servants employed by the Company for the purposes of their gas and water undertakings. Power to erect and maintain gasworks and manufacture and store gas on lands in First Schedule.

26. The Company as they from time to time think fit may manufacture purchase provide supply sell let for hire use and otherwise deal in fittings engines stoves ranges pipes and other apparatus and appliances for any of the various purposes for which gas can or may be used: And such letting for hire may be for such remuneration in money and on such terms with respect to the repair of articles and fittings let and for securing the safety and return to the Company of such articles and fittings and otherwise as may be agreed upon between the hirer and the Company. Power to supply fittings &c.

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Power to
take licences.

27. Subject to the provisions of this Act the Company may (but only for the purposes of the Company within their limits of gas supply and not so as to acquire an exclusive right therein) contract for take and use any leave licence or authority to work use exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture or distribution of gas or the conversion manufacture or utilisation of the products obtained from the manufacture of gas or the materials used therein or in relation to the manufacture of meters and other fittings and apparatus in which the Company are authorised in any way to deal.

Power to
purchase
lands by
agreement.

28. The Company may for the purposes of their gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the First Schedule to this Act any lands and hereditaments within their limits of gas supply not exceeding in the whole five acres which the Company may from time to time require for those purposes but the Company shall not create or permit any nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to this Act.

Restriction
on taking
houses of
labouring
class.

29. (1) The Company shall not under the powers of this Act except with the previous consent in writing of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Power to
lay pipes
against
building.

30. 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 lighting it and may with the like consent provide and set up any apparatus necessary for securing to

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such building a proper and complete supply of gas 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.

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31. The price to be charged by the Company for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed six shillings per one thousand cubic feet until the annual consumption reaches four million cubic feet and thereafter shall not exceed five shillings per one thousand cubic feet.

Limiting
the price of
gas.

32. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to the testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Pressure of
gas.

33. The prescribed number of candles shall be fifteen.

Quality of
gas.

34. When the Company commence to supply gas under this Act a testing place shall be provided at the gasworks of the Company.

Testing
place.

35. The prescribed burner shall be Sugg's London argand burner number one with a six-inch by one and three-quarter inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Burner.

36. 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 after the passing of this Act in respect of lands required for the gas undertaking.

Period for
compulsory
purchase of
lands.

37. The agreement dated the fourth day of March one thousand eight hundred and eighty-nine between the Horncastle Water Company of the one part and the Right Honourable Edward Stanhope Thomas Cheney Garfit and Cyril John Williams of the

Confirming
agreement
with the
Horncastle
Water
Company.

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As to purchase of existing waterworks.

38. Whereas there are at Woodhall Spa certain waterworks belonging or reputed to belong to Richard Adolphus Came or his assigns which are used for the supply of water to certain houses there the Company may enter into and carry into effect an agreement for the purchase and acquisition of the said waterworks and the land on which the same are situate and all necessary rights of way and access thereto.

Power to acquire additional lands by agreement for waterworks purposes.

39. The Company may for any of the purposes of this Act in connection with the waterworks from time to time by agreement purchase in fee any quantity of land not exceeding in the whole five acres which they may from time to time think requisite for any of the purposes of the water undertaking: Provided that the Company shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their water undertaking: Provided always that nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them on any lands acquired under the powers of this section.

As to lands acquired for gas works.

40. In the case of lands acquired by compulsion for the purposes of the gas undertaking of the Company the prescribed period within the meaning of section 127 of the Lands Clauses Consolidation Act 1845 shall be ten years from the passing of this Act.

Power to take easements &c. by agreement.

41. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right privilege or authority not being an easement of water required for the purposes of this Act in or 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 privileges and authorities as aforesaid respectively.

Constant supply and pressure.

42. The water to be supplied by the Company shall be constantly laid on under pressure but the Company shall not be required to supply water in any case at a pressure greater than that to be

afforded by gravitation from the service reservoir from which the supply is taken. A.D. 1889.

43. The Company shall on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates not exceeding the rates hereinafter specified according to the rateable value of such dwelling-house or part of a dwelling-house (that is to say) :—

Rate at which water is to be supplied for domestic purposes.

Where the rateable value of the premises so supplied with water shall not exceed seven pounds at a rate not exceeding two pence per week ;

Where such rateable value shall exceed seven pounds and shall not exceed twenty pounds at a rate per centum per annum not exceeding eight pounds ten shillings ;

Where such rateable value shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding eight pounds ;

Where such rateable value shall exceed forty pounds and shall not exceed sixty pounds at a rate per centum per annum not exceeding seven pounds ten shillings ;

Where such rateable value shall exceed sixty pounds and shall not exceed eighty pounds at a rate per centum per annum not exceeding six pounds ten shillings ;

Where such rateable value shall exceed eighty pounds and shall not exceed one hundred pounds at a rate per centum per annum not exceeding six pounds five shillings ;

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding six pounds :

In addition to the rates computed as above specified the Company may charge for a supply of water to every water-closet beyond the first the sum of five shillings per annum and to every bath the sum of ten shillings per annum :

Rates for water-closets and private baths.

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor : Provided that where the water rate is chargeable on the annual value of a part only of any hereditament entered in the valuation list or poor rate such annual value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

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For preventing the fouling of water.

44. The Company shall not be compelled to supply with water any water-closet or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Power to Company to supply water for other than domestic purposes and by measure.

45. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes: Provided that such supply for other than domestic purposes do not interfere with the supply for domestic purposes.

Regulations for preventing waste of water.

46. For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say):—

(1) The Company may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and amongst other things may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before-mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination.

(2) No such regulations shall be of any force or effect except within such part or parts of the district which the Company for the time being are bound to supply and do in fact supply or are prepared to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such regulation shall be confirmed until after the expiration of one month 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 every sanitary authority within the limits of supply and any such authority may within the said period of one month make such repre-

sentation with reference thereto to the Local Government Board as such authority shall think expedient. A.D. 1889.

- (3) All such regulations shall be subject to the provisions contained in sections 182 183 and 184 of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were by-laws within the meaning of those sections and the secretary of the Company were the clerk of the local authority.
- (4) A copy of all such regulations in force for the time being shall be kept at the office of the Company. All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding two pence for each copy.
- (5) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board 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.
- (6) In case of failure of any person to observe such regulations as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable.
- (7) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction therefor and the Company may in addition thereto recover the amount of any damages sustained by them.

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Company
may repair
pipes of
customers.

47. Where any person supplied with water by the Company after forty-eight hours' notice in writing under the hand of the secretary or other officer of the Company to alter or repair any pipe valve cock cistern or other apparatus in order that the water supplied to him by the Company shall not be wasted fails to alter or repair the same so as to prevent such waste the Company may forthwith alter or repair the same and their expenses in so doing shall be repaid to them by the person so failing as aforesaid and the Company may recover the same as damages and in addition to the penalty (if any) recovered for the offence.

Company's
officer may
enter build-
ings.

48. The Company's agent or other officer duly appointed for the purpose by the Company may between the hours of nine in the forenoon and four in the afternoon and after such notice has been given as is hereinafter provided enter any building or place supplied with water by the Company in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair 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 of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

For prevent-
ing frauds
and waste
of water.

49. If and whenever any person supplied with water under this Act wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or wilfully fails to do anything which under this Act ought to be done for the prevention of waste misuse or undue consumption of water the Company may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Water sup-
plied for
domestic
purposes not
to be used
for other
purposes.

50. In addition to and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company no person supplied by the Company with water for domestic purposes shall use such water or suffer the same to be used for the purposes of affording power to or in connection with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding five pounds.

Water to be
supplied by
measure if
required in
certain cases.

51. The Company may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any such person shall supply him with water by measure for other than domestic purposes. In every case

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a meter for ascertaining the quantity consumed shall be provided by the Company at a reasonable rate for the same. A.D. 1889.

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

53. If any person is required by the Company to give to them security for the payment of the price or rent of a meter the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Company to pay interest on money deposited as security for meter &c.

54. Before any person connects or disconnects any meter through which any of the water or gas of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Notice to Company of putting up meters &c.

55. Where water is supplied by measure the register of the meter shall be *primâ facie* evidence of the quantity of water consumed. Register of meter to be *primâ facie* evidence.

56. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water or gas supplied he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *primâ facie* evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting. Fraudulently injuring meters &c.

57. In all cases in which the Company are authorised to alter or repair any pipe valve cistern or apparatus the Company their agents and workmen may for that purpose and after giving notice as herein- Entry on premises to repair &c. pipes &c.

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A.D. 1889. after provided enter into any premises in which the same is placed between the hours of nine in the forenoon and four in the afternoon.

Notice before entry.

58. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing under the hand of the secretary or other officer of the Company and shall be given or served in manner following (that is to say):—

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

If such premises be unoccupied and the owner thereof and his usual place of abode be in 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 or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in 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 section any person receiving the rack rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

Power for Company to supply apparatus &c.

59. 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 apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Incoming tenant not liable for arrears.

60. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent gas 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.

Notice of discontinuance.

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

62. Subject to the provisions of this Act the Company may from time to time enter into and carry into effect agreements with any sanitary authority company corporation public body officers or persons for the supply by the Company of water or gas to any such sanitary authority company corporation public body officers or persons respectively in bulk :

A.D. 1889.
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Contracts for supply-
ing water
and gas for
public
purposes.

But notwithstanding anything else in this Act contained the Company shall not supply water in bulk to any sanitary authority company corporation body or person for other than domestic purposes if and so long as the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes.

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

Contents of
summons
&c.

64. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Costs of
distress.

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

Costs of
Act.

A.D. 1889.

SCHEDULES.

The FIRST SCHEDULE referred to in the foregoing Act.

GAS LANDS.

A piece of land in the parish of Woodhall comprising three acres or thereabouts adjoining the Great Northern Railway at the junction therewith of the Horncastle Railway at Kirkstead Station situate between the said railways and the road from Kirkstead Ferry to Horncastle and extending about ten chains eastward of the centre of the Great Northern Railway.

The SECOND SCHEDULE referred to in the foregoing Act.

ARTICLES OF AGREEMENT made this fourth day of March one thousand eight hundred and eighty-nine between the HORNCASTLE WATER COMPANY of the one part and the RIGHT HONOURABLE EDWARD STANHOPE of Revesby Abbey in the county of Lincoln M.P. one of Her Majesty's Principal Secretaries of State THOMAS CHENEY GARFIT of Kenwick Hall Louth in the same county Esquire and CYRIL JOHN WILLIAMS of Woodhall Spa in the same county Doctor of Medicine of the other part.

Whereas the Horncastle Water Company are a Company duly incorporated by Act of Parliament for (inter alia) supplying with water the parishes of Hemingby West Ashby and Thornton and the township and parish of Horncastle and part of the said parish of Thornton has been incorporated with the parish of Woodhall: And whereas the said Edward Stanhope Thomas Cheney Garfit and Cyril John Williams (who are hereinafter referred to as "the proposed Woodhall Company") are promoting a Bill for incorporating a Company for (inter alia) supplying water for the use of the inhabitants of the said parish of Woodhall and the surrounding district and they have agreed with the Horncastle Water Company for a supply of water in bulk on the terms and conditions following:

Now it is hereby agreed by and between the parties hereto as follows:—

1. As from the date of the passing of the said Bill any powers which the Horncastle Water Company may then have for the supply of water within that part of the parish of Woodhall which was formerly part of the parish of Thornton shall not be exercised by the Horncastle Water Company as long as the proposed Woodhall Company continue to supply water within the parish of Woodhall.

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2. The Horncastle Water Company will obtain and provide all necessary rights for the laying of a conduit or line of pipes from Horncastle to a suitable and convenient site in the parish of Martin near the "Tower on the Moor" and from thence to a point on the boundary between the parishes of Martin and Woodhall and will provide a piece of land in the said parish of Martin near the said "Tower on the Moor" not less than half an acre in extent suitable in all respects for the construction of a tank or service reservoir to contain about one hundred and twenty thousand gallons of water.

3. All the costs and expenses incurred by the Horncastle Water Company in negotiating for and providing the said way leave and site for the tank or service reservoir shall be repaid to them by the proposed Woodhall Company but the Horncastle Water Company shall pay to the proposed Woodhall Company a sum of two hundred and fifty pounds as a contribution towards such costs and expenses.

4. The proposed Woodhall Company shall proceed to provide and lay down the said conduit or line of pipes with a diameter of not less than six inches and to form and construct the said tank or service reservoir together with all necessary sluices valves stop cocks and appliances. From and after the completion of the said conduit or line of pipes and tank or service reservoir the Horncastle Water Company shall deliver into the said conduit a daily quantity of water of the same quality as that supplied to the inhabitants of Horncastle not being less than ten thousand gallons per day of twenty-four hours such water to be delivered between the hours of eleven p.m. and five a.m. and if at any time the proposed Woodhall Company require any larger daily supply than ten thousand gallons the Horncastle Water Company shall on receiving seven clear days notice in writing under the seal of the proposed Woodhall Company to that effect deliver into the said conduit such further quantity of water of the quality aforesaid as may be from time to time required but they shall not be bound to deliver a daily quantity of more than twenty thousand gallons.

5. The proposed Woodhall Company shall pay to the Horncastle Water Company for the said water after the rate of seven pence for every one thousand gallons: Provided that if in any one year after the twenty-fifth day of March one thousand eight hundred and ninety the total amount supplied exceeds three million six hundred and fifty thousand gallons payment for any quantity delivered in excess of such annual quantity of three million six hundred and fifty thousand gallons shall be made at the rate of six pence per one thousand gallons.

6. In the event of the payments to be made to the Horncastle Water Company under the last article in any year after the first being less than one hundred and six pounds nine shillings and two pence the proposed Woodhall Company shall make up the deficiency the intention being that there shall be a minimum payment by the proposed Woodhall Company to the Horncastle Water Company of one hundred and six pounds nine shillings and two pence in respect of water supplied by them under this provision. During the year commencing on the twenty-fifth day of March one thousand eight hundred and eighty-nine the proposed Woodhall Company shall pay only for the actual number of days calculated from the commencement of the supply of

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A.D. 1889. water up to the twenty-fifth day of March one thousand eight hundred and ninety at the rate of five shillings and ten pence per day.

7. The Horncastle Water Company shall provide and maintain a proper meter or meters at convenient situations as near as possible to the junction of the conduit or line of pipes hereinbefore mentioned and the existing main of the Horncastle Water Company in the Town of Horncastle and the duly authorised officers of the proposed Woodhall Company and the Horncastle Water Company respectively shall at all times have access thereto and the register of such meter or meters shall be *primâ facie* evidence of the quantity of the water supplied.

8. If at any time the Horncastle Water Company fail from circumstances beyond their control to deliver into the said conduit or line of pipes the quantity of water hereinbefore stipulated for they shall not be under any legal liability to the proposed Woodhall Company in respect of such failure provided they forthwith take all reasonable and proper steps to restore such supply.

9. If at any time the Horncastle Water Company fail to supply the stipulated quantity of water of the quality before mentioned in accordance with the provisions of this Agreement the proposed Woodhall Company may at any time by notice in writing to the Horncastle Water Company determine their obligation to receive and pay for the said supply in accordance with the provisions of this Agreement: But if and so long as the Horncastle Water Company continue to deliver the stipulated quantity of water of the quality aforesaid in accordance with the provisions of this Agreement the proposed Woodhall Company shall be liable to receive and pay for the same for a period of thirty years from the twenty-fifth day of March one thousand eight hundred and eighty-nine and if at any time after the expiration of the said period they shall desire to discontinue the use of such water they shall be at liberty to determine their obligation to receive and pay for the same on giving twelve calendar months' notice in writing of their intention to do so to the Horncastle Water Company.

10. If the proposed Woodhall Company shall cease at any future time to supply water to the said parish of Woodhall and the surrounding district the said Horncastle Water Company shall have the option (but it shall not be obligatory upon them so to do) to purchase the pipes agreed to be laid down pursuant to this Agreement and the tank or service reservoir agreed to be constructed as aforesaid including the site thereof and also any service-pipes which may have been laid down by the proposed Woodhall Company at a price to be determined in the absence of agreement between the parties by arbitration but no sum shall be claimable by the proposed Woodhall Company for goodwill.

11. From and after the passing of the said Bill the obligations of the said Edward Stanhope Thomas Cheney Garfit and Cyril John Williams under this Agreement shall absolutely cease and determine.

12. This Agreement is subject to such alterations as Parliament may think fit to make therein but if any such alteration be not approved by either party this Agreement and the clause confirming it may be withdrawn from the Bill.

