



**CHAPTER lxiv.**

An Act to empower the mayor aldermen and burgesses of the borough of Wolverhampton to construct additional waterworks to extend their limits for the supply of water and to make further provision in regard to their water undertaking and for other purposes. A.D. 1915.

[29th July 1915.]

**W**HEREAS the mayor aldermen and burgesses of the borough of Wolverhampton (in this Act called "the Corporation") are the owners of the waterworks for supplying and are supplying water within their borough and the neighbourhood thereof and powers in regard to their waterworks and to such supply are conferred upon the Corporation by the Wolverhampton Improvement Act 1869 and by the several local Acts and Orders confirmed by Parliament amending or extending that Act:

And whereas it is expedient to empower the Corporation to construct the waterworks referred to in this Act to extend their limits for the supply of water and to make further provision as in this Act contained in regard to their water undertaking:

And whereas it is expedient that the other provisions contained in this Act be enacted:

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

For and in connection with the purchase of lands for and the construction of the works authorised by this Act	£ 80,000
For the extension of mains and other purposes in connection with the supply of water by the Corporation	40,000

[Price 2s. 9d.]

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And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference 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 Stafford and with the clerk of the peace for the county of Salop and are in this Act respectively referred to as the deposited plans sections and book of reference:

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

PRELIMINARY.

Short title.

1. This Act may be cited as the *Wolverhampton Corporation Water Act 1915.*

Incorporation of Acts.

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

- (1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the construction of the waterworks and with respect to mines; and
- (3) The provisions of the Waterworks Clauses Act 1863 with respect to the security of reservoirs constructed by the undertakers.

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

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Interpretation.

“The Corporation” means the mayor aldermen and burgesses of the borough of Wolverhampton;

“The borough” means the borough of Wolverhampton;

“The town clerk” means the town clerk of the borough;

“The improvement fund” and “the improvement rate” mean respectively the improvement fund and the improvement rate of the borough;

“The Act of 1869” means the Wolverhampton Improvement Act 1869;

“The recited Acts” means the Acts and the Orders confirmed by Parliament mentioned in the First Schedule to this Act;

“The tribunal” means the jury arbitrators umpire justices or other authority to whom any question of disputed compensation under this Act is referred.

#### LANDS.

4. Subject to the provisions and for the purposes of this Act the Corporation may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Acquisition  
of lands.

5.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

Acquisition  
of easements.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this

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A.D. 1915. section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Compensation in case of recently acquired interest.

6. For the purposes of determining any disputed question of compensation payable in respect of lands taken for or in connection with any works authorised by this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November nineteen hundred and fourteen if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration &c. in certain cases.

7.—(1) The tribunal shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time has been delivered and that the Corporation have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of

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the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case. A.D. 1915.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

**8.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

**9.**—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act or any of the recited Acts may by agreement purchase take on lease acquire and hold further lands for the purposes of their water undertaking but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres and the Corporation may on all or any of such additional lands execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847. Purchase of additional lands by agreement.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking.

**10.** 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 Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable Persons under disability may grant easements &c.

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A.D. 1915. in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to hold lands and exercise powers for protection of waters.

**11.**—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take the Corporation may by agreement purchase take on lease or otherwise acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes:

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connection with their water undertaking and such buildings and works as may be incident to or connected with their water undertaking.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of sections 176 to 183 of the Act of 1869 (relating to the breaking up of streets).

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

Reservation of water rights &c.

**12.** The Corporation on selling any lands held by them for the purposes of their water undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may

also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. A.D. 1915.

### WORKS.

**13.** Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described. Power to make water-works.

The said works will be situate in the counties of Stafford and Salop and are—

Work No. 1 (to be called “the Ivetsey pumping station”)

A pumping station with a well or wells boreholes adits and other works and conveniences connected therewith or ancillary thereto to be situate wholly in the parish of Lapley and Wheaton Aston in the rural district of Cannock in the fields or enclosures numbered 694 and 695 on the  $\frac{1}{2500}$  Ordnance map (second edition 1903) of that parish :

Work No. 2 An aqueduct consisting of one or more lines of pipes commencing at the said Ivetsey pumping station and terminating in the parish of Brewood in the said rural district of Cannock at the service reservoir (Work No. 3) hereinafter described :

Work No. 3 A service reservoir to be situate in the said parish of Brewood in the field or enclosure numbered 1100 on the  $\frac{1}{2500}$  Ordnance map (second edition 1903) of that parish :

Work No. 4 An aqueduct consisting of one or more lines of pipes commencing at the said service reservoir and terminating in the urban district of Tettenhall by a junction with the existing mains of the Corporation at or near to the junction of Lower Street with the road leading from Shifnal to Wolverhampton.

**14.** In addition to the works hereinbefore described the Corporation may upon any lands for the time being belonging Subsidiary works.

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A.D. 1915. to them make and maintain all such culverts tunnels shafts drains junctions discharge pipes sluices tanks basins filter beds filters embankments dams retaining walls bridges roads tram-roads approaches telegraphic and telephonic apparatus valves machinery buildings appliances apparatus and conveniences connected with or ancillary to the said works or necessary for inspecting maintaining repairing cleansing managing working or using the same.

Wells &c. to be lined.

**15.** Notwithstanding anything contained in this Act—

(1) Any well borehole shaft or other similar work made under the powers of this Act shall be lined with steel or iron tubes properly cemented in to exclude the admission of water for a depth of three hundred feet below the surface of the ground or to the bottom of the stratum known as the "Keuper sandstone" whichever shall be the lower:

(2) No adit or other similar work shall be driven or constructed above the level of the bottom of such lining.

Power to deviate.

**16.** In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding four feet upwards and to any extent downwards:

Provided that except for the purposes of crossing over a stream or railway no part of the aqueducts authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

**17.—**(1) If the works authorised by this Act and delineated on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of that period the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and



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in the case of the pumping station make additional wells shafts bores adits headings machinery works and conveniences in connection with such pumping station and in the case of the aqueducts authorised by this Act lay down additional lines of pipes as and when occasion may require. A.D. 1915.

**18.** Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their water undertaking all such springs streams and waters as will or may be intercepted by Work No. 1 authorised by this Act or by the works connected therewith or ancillary thereto. Power to  
take waters.

**19.—(1)** From and after the completion of the Ivetsey pumping station the Corporation shall not at any time pump thereat during any period of one month a quantity of water exceeding an average of one million five hundred thousand gallons a day nor during any day from midnight to midnight a quantity of water exceeding two million gallons. Limiting  
quantity of  
water to be  
pumped at  
Ivetsey  
pumping  
station.

(2) The Corporation shall provide and use and at all times keep in good order and condition at the said Ivetsey pumping station proper apparatus for automatically measuring or otherwise ascertaining and recording the quantity of water pumped by them thereat and shall keep at the Town Hall Wolverhampton accurate records of the quantity so pumped on each day after the commencement of such pumping.

(3) Any person duly authorised in that behalf by the Salop County Council the Shifnal Rural District Council the Most Noble the Duke of Sutherland or other the owner or owners for the time being of the property in the county of Salop known as the Lilleshall Estate or any part thereof the Right Honourable the Earl of Bradford or other the owner or owners for the time being of the property in the counties of Stafford and Salop known as the Weston Estate or any part thereof and the Reverend Sir Robert Boughey Baronet or other the owner or owners for the time being of the property in the counties of Stafford and Salop known as the Aqualate Estate or any part thereof or by any of them shall at all reasonable times be entitled to enter (whether during construction or after completion) the Ivetsey pumping station (which expression shall include all works and conveniences in connection with the said pumping station) and to inspect the same and the apparatus referred to in subsection (2) of this

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A.D. 1915. section and also at all reasonable times to inspect the said records at the Town Hall Wolverhampton and to take copies of or extracts from such records:

Provided that twenty-four hours' notice in writing of any intended inspection shall be given to the Corporation by registered letter addressed to the town clerk and such notice shall state the name of the person (if any) appointed to make such inspection who shall if required by the Corporation produce his authority.

(4) In the event of any contravention by the Corporation of the provisions of this section or of the section of this Act of which the marginal note is "Wells &c. to be lined" either of the councils and any of the owners referred to in subsection (3) of this section shall be entitled to apply for an injunction to restrain the Corporation from such contravention and to recover from the Corporation in any court of competent jurisdiction full damages for any loss or injury sustained in consequence of any such contravention.

Limiting powers of Corporation to abstract water.

**20.** The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament or are shown upon plans deposited in respect of this or some other Act of Parliament.

Temporary discharge of water into streams.

**21.**—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any of the waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Application of Act of 1869 to conduits and to telephones.

**22.**—(1) The provisions of sections 176 to 183 of the Act of 1869 (relating to the breaking up of streets) shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road (whether

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within or without the limits within which the Corporation are empowered to supply water) of the aqueducts authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus erected or laid down by the Corporation for the purposes of their water undertaking. A.D. 1915.

(2) Provided that nothing contained in this section shall deprive the Corporation of the power conferred upon them by this Act to deviate from the lines of the said aqueducts as shown on the deposited plans beyond the boundaries of any street or road and within the limits of deviation shown on those plans.

**23.** Any telephone or telegraph posts wires conductors or apparatus made maintained laid down or erected by the Corporation under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. For protection of Postmaster-General.

**24.** The Corporation shall have and may exercise the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the limits for the time being of the Corporation for the supply of water shall be deemed to be the district of the Corporation but the Corporation shall not exercise the said powers outside those limits (other than for the purposes of the section of this Act whereof the marginal note is "For protection of existing sources of supply") except in the road in which the aqueduct Work No. 2 authorised by this Act is authorised to be laid down. Further powers in relation to water mains.

**25.** The Corporation may on the application of the owner or occupier of any premises within the limits of the Corporation for the supply of water abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Act of 1869 relating to the breaking up of streets for the purpose of laying pipes shall apply as if section 177 (Not to enter on private land without consent) of that Act were excluded therefrom. Power to lay pipes in private streets.

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New works  
to form part  
of existing  
waterworks  
undertaking.

26. Subject to the provisions of this Act the waterworks to be constructed under the authority of this Act shall for all purposes be deemed part of the waterworks undertaking of the Corporation as authorised under the recited Acts.

SUPPLY.

Limits of  
supply.

27.—(1) From and after the passing of this Act the limits of the Corporation for the supply of water shall be extended so as to include therein the area which comprises the parishes of Featherstone Hilton Lapley and Wheaton Aston and Stretton in the rural district of Cannock in the county of Stafford the parish of Shareshill in that district except the detached portion of that parish and the parish of Brewood in that district except so much of the last-mentioned parish as lies to the east of the site of the lines of pipes Work No. 2 and Work No. 4 as shown on the plans deposited with the clerk of the peace for the county of Stafford in respect of the Bill for the South Staffordshire Waterworks Act 1915 between the bridge over the River Penk known as Somerford Bridge and the point where the boundary of the parish of Featherstone crosses the highway leading from Slade Heath to Featherstone (but including within the limits the whole of the highways in which the said lines of pipes between the points aforesaid may be laid) and to the east of that part of the River Penk which extends from Somerford Bridge to the point where the northern boundary of the parish of Brewood is crossed by the bridge carrying Watling Street over the said river and those parishes (except as aforesaid) are referred to in this Act as "the new water limits."

(2) The Corporation shall have and may exercise within the new water limits all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations as they now have may exercise and are subject to within the existing limits of the Corporation for the supply of water and the provisions of the recited Acts so far as they relate to the water undertaking of the Corporation and to the supply of water by them and of the enactments incorporated therewith and any byelaws or regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to and within the new water limits:

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Provided that nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws or regulations.

(3) The limits of the Corporation for the supply of water as extended by this section (in this Act called "the water limits") are shown on the map signed in triplicate by the Most Noble Arthur Charles Wellesley Duke of Wellington the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one of which maps has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office.

(4) Copies of the map referred to in subsection (3) of this section and deposited with the town clerk or extracts therefrom certified by him to be correct copies or extracts shall be received in all courts of justice and elsewhere as *primâ facie* evidence of the correctness thereof.

**28.**—(1) If after the expiration of seven years from the passing of this Act the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act throughout the district of any local authority within the new water limits the local authority of that district may provide a supply in accordance with the provisions of the Public Health Act 1875 or the local authority or any company body or person may apply for an Act of Parliament or provisional order for the purpose of supplying water in any part of such district not sufficiently supplied by the Corporation and for the repeal of the powers of the Corporation in that behalf.

Power to local authority &c. to supply water in case Corporation fail to supply.

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

**29.** Section 142 (Water rent for water for domestic purposes) of the Act of 1869 is hereby amended by the substitution of "eight shillings and eightpence" for "ten shillings" and by the repeal of the following words namely "nor shall they be

Amendment of Act of 1869 as to maximum water rate.

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A.D. 1915. — “entitled to receive from any owner or occupier more than the  
“sum of ten pounds in a year for such a supply.”

Charges for  
waterclosets  
and baths.

**30.**—(1) This section shall come into operation as from the thirtieth day of September nineteen hundred and sixteen.

(2) In addition to the water rents payable to the Corporation under the recited Acts and this Act the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises supplied by the Corporation with water for domestic purposes a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid half-yearly in advance and to be recoverable in all respects with and as the water rent.

(3) The words “and any person so furnished with water  
“shall be entitled to demand a supply of water for any water-  
“closet in or belonging to that house or part of a house on  
“payment of a water rent to be agreed on not exceeding one  
“pound per annum for any watercloset” in section 141 (Water to be supplied for domestic purposes on requisition) of the Act of 1869 and the words “for waterclosets or” in section 144 (What to be deemed domestic purposes) of that Act are hereby repealed and the unrepealed provisions of the recited Acts shall have effect as if the charges authorised by this section had been authorised by the Act of 1869.

Supply to  
houses partly  
used for trade  
&c.

**31.**—(1) The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade business or manufacturing purpose for which water is required or any club hotel public-house or inn.

(2) Provided that the price to be charged for a supply of water by measure under this section shall not exceed one shilling and sixpence per one thousand gallons except that the sum to be paid for a supply by measure to any such building for any quarter of a year shall not be less than the sum which would be chargeable by the Corporation for a supply of water given to the occupier of such building for domestic purposes otherwise than by measure.

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

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Corporation not bound to supply several houses by one pipe.

**33.**—(1) Any person who shall fail to observe the regulations made by the Corporation under section 163 (Regulations for preventing waste &c. of water) of the Act of 1869 shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding two pounds for each day on which the offence is continued after conviction.

Penalty for breach of regulations.

(2) Subsection (3) of the said section 163 is hereby repealed.

(3) Regulations made by the Corporation under the said section 163 at any time after the passing of this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to allow or disallow the same as they may think proper.

**34.**—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage sustained by them.

Injuring meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation 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 ensuring the proper

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A.D. 1915. registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rents are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

(4) Article VI. (Penalties for injuring pipes meters and instruments and for fraudulently altering meters) of the *Wolverhampton Order 1903* is hereby repealed.

Meters may be placed in streets to measure water or detect waste.

**35.**—(1) Subject to the provisions of sections 176 to 183 of the Act of 1869 (relating to the breaking up of streets) the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets sewers gas or water pipes electric lines wires and apparatus.

(2) Provided that the Corporation shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the *Telegraph Act 1878*.

Supply of water in bulk outside water limits.

**36.**—(1) The Corporation may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the water limits to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon.

(2) Provided that—

(a) such supply shall not be given except with the consent of any company or person supplying



water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits; A.D. 1915.

- (b) nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

#### PROTECTIVE PROVISIONS.

**37.**—(1) If at any time after the completion of the Ivetsey pumping station the pumping by the Corporation at that station shall cause a diminution or cesser of the supply of water from any well or spring which is situate within a radius of two miles from the said pumping station and which is used at the passing of this Act as a source of supply the Corporation shall upon the written request of the owner of such well or spring afford to him a supply of water equal to the amount of such diminution or the supply which shall have ceased (as proved) at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same after as before the construction of the said pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided. For protec-  
tion of exist-  
ing sources  
of supply.

(2) Provided that—

- (a) Such diminution shall be deemed to have been caused by the pumping by the Corporation if it first takes place after the Corporation have begun to abstract water from their wells unless it be shown that it was not so caused:
- (b) The Corporation shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any well or spring the water from which is so polluted as to be or to be likely to be injurious or dangerous to health:
- (c) The Corporation shall not be obliged to afford a supply to any owner in respect of any well or spring if such owner shall have failed to afford to the Corporation and their officers servants and other

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representatives at all reasonable times after the passing of this Act all such access and facilities as it is within his power to afford for the purpose of ascertaining particulars of such well or spring and the level of the water therein :

(d) The Corporation shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(3) All mains pipes meters and fittings required for the purpose of supplying water to any owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Corporation and the owner shall afford to the Corporation all reasonable or necessary facilities for those purposes but all such fittings which shall be placed or fixed upon the land or premises of any owner shall be repaired maintained and (when necessary) renewed and made good by such owner to the satisfaction of the Corporation.

(4) For the purpose of affording a supply of water under this section the Corporation may supply water beyond their limits of supply and carry out all such works within or beyond such limits as may be necessary for that purpose.

(5) The provisions of sections 160 to 170 of the Act of 1869 as amended by this Act and the regulations made in pursuance of those provisions shall so far as they are applicable apply mutatis mutandis to the supply of water in pursuance of this section.

(6) If the Corporation do not afford a supply equal to the diminution or the supply which shall have ceased as aforesaid they shall make compensation in money to any such owner for such diminution or cesser of supply and they shall also make like compensation for any injury caused to such owner by the diminution or cesser of the supply in such well or spring prior to the Corporation having made good such diminution or cesser or paid compensation therefor the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(7) Any question which may arise between the Corporation and any owner as to the quantity time place or manner of

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the supply to be afforded by the Corporation in pursuance of this section and any other question dispute or difference which may arise between the Corporation and any owner or any other person under the foregoing provisions of this section shall be referred to the arbitration of a single arbitrator appointed unless otherwise agreed by the Local Government Board and the provisions of the Arbitration Act 1889 shall apply to any such arbitration. A.D. 1915.

(8) The Corporation and any of the owners may enter into and fulfil agreements with reference to the supply of water by the Corporation to such owner or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section so far as they relate to such owner.

(9) In this section the expression "owner" shall include any lessee or occupier and also any person who shall be entitled to the use of the water in or flowing from any well or spring situate within the said radius or of any stream into which such water shall flow.

**38.** Except so far as may be otherwise agreed in writing between the Corporation and the Cannock Rural District Council (in this section called "the council") under their respective common seals the following provisions shall apply and have effect (that is to say):— As to supply  
in Cannock  
Rural  
District.

(1) The Corporation shall lay down pipes for the supply of water to the villages of Brewood Wheaton Aston and Lapley in the situations and of the dimensions indicated on the map signed in triplicate by the Most Noble Arthur Charles Wellesley Duke of Wellington the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one of which maps has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office:

(2) The Corporation shall perform the obligations of subsection (1) of this section without receiving the requisition or the agreement referred to in section 139 (Corporation to lay pipes &c. on requisition) of the Act of 1869:

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- (3) The pipe from the existing main of the Corporation in Stafford Road shown on the map referred to in subsection (1) of this section which is for the purpose of supplying the village of Brewood with water from the Corporation's existing works shall be laid down within six months after the date of the passing of this Act or after the date on which the Corporation are able to obtain the consent of the Treasury to the borrowing of money for laying down the pipe (whichever shall be the later):
- (4) Copies of the map referred to in subsection (1) of this section and deposited with the town clerk or extracts therefrom certified by him to be correct copies or extracts shall be received in all courts of justice and elsewhere as *prima facie* evidence of the correctness thereof:
- (5) From and after the completion of the Ivetsey pumping station the supply to be afforded within the new water limits shall be a constant supply at such pressure as will reach the roof of the highest house now in existence within those limits unless the Corporation are prevented by frost unusual drought or other unavoidable cause or accident:
- (6) From and after the completion of the Ivetsey pumping station the Corporation shall not supply water therefrom to any person within their existing limits for the supply of water if and so long as such supply of water would interfere with the supply by the Corporation of water within the new water limits in accordance with the provisions of the recited Acts and of this Act:
- (7) The Corporation shall not charge a higher price rent or rate for the supply of water for any purpose in the new water limits than is charged by them in similar circumstances in the borough:
- (8) The foregoing provisions of this section shall not apply to isolated cottages where a considerable length of main is necessary:
- (9) The council shall take all such steps as they are for the time being empowered to take to require that

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every occupied dwelling-house within their district and within the new water limits which either is without an available supply of water or has been supplied with water the consumption of which is or is likely to be injurious to health and which is within a reasonable distance from any main or pipe of the Corporation shall be supplied with water by the Corporation. A.D. 1915.

**39.** The following provisions for the protection of the county council of Stafford (in this section referred to as "the county council") shall unless otherwise agreed in writing between the county council and the Corporation apply and have effect as regards all works carried out by the Corporation within the new water limits:—

For protection of Stafford County Council.

(1) The Corporation shall not without the previous consent in writing of the county council under the hand of their clerk raise lower or divert any main road vested in and repairable by the county council nor shall the Corporation without such consent as aforesaid interfere with the structure of any county or hundred bridge or approach repairable by or under the control of the county council:

(2) All mains pipes or other works to be laid or constructed in along or across or in any way affecting any such road bridge or approach shall be constructed and laid under the superintendence (if the same be given) and to the reasonable satisfaction of the surveyor of the county council (in this section referred to as "the county surveyor") and in accordance with plans and sections to be reasonably approved by him in writing before the commencement of the work and the Corporation shall in executing any such work conform to all reasonable requirements of the county surveyor;

All such plans and sections shall except in cases of emergency be delivered to the county surveyor not less than fourteen days before the Corporation commence the works in respect of which they are delivered;

The plans shall as respects any bridge be on a scale of not less than four feet to an inch and as

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respects a main road on a scale of not less than  $\frac{1}{2500}$  and the sections shall be to suitable scales to clearly show the proposed works;

Provided that if the county surveyor shall not within fourteen days after the same shall have been submitted express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and the Corporation may forthwith proceed to execute the works specified without his superintendence and further that if he shall express his disapproval thereof the matters in difference shall be settled by arbitration as hereinafter provided:

- (3) All mains pipes or other works shall where practicable be constructed and laid at the side or where necessary under the metalled portion of the road;

Provided that for the purpose of carrying any mains or pipes over any county or main road bridge the Corporation shall either carry their mains or pipes over the bridge in outer pipes or water-tight channels drained clear of the bridge structure or shall take such mains or pipes on the outside of the bridge in such manner as may be reasonably approved by the county surveyor;

If it is necessary that any such bridge should be strengthened for the purpose of carrying or supporting such pipes the Corporation shall pay the reasonable expenses incurred by the county council in relation to such strengthening:

- (4) All works shall be executed so as not to stop nor more than is reasonably necessary for the purpose to impede or interfere with the traffic over or along any such road bridge or approach and the Corporation shall not without the consent of the county surveyor (which shall not be unreasonably withheld) open or break up at any one time a greater consecutive length of any such road than one hundred yards nor shall such openings or breakings up be carried out without leaving a clear space of a quarter of a mile between consecutive openings or breakings up unless with the

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like consent and all such works shall be proceeded with and completed with all reasonable despatch: A.D. 1915.

- (5) The Corporation shall during the progress of the works take all necessary steps at their own expense for protecting the public using any such road bridge or approach from injury and shall be liable for and indemnify the county council against all damages and costs that may be incurred consequent upon their neglect or omission to provide such protection:
- (6) The Corporation shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any such road including the roadway over any such bridge and approach upon or in which any mains pipes or other works are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the said mains pipes or other works on any part or parts thereof:
- (7) The county council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works laid or constructed by the Corporation in any such road under the powers of this Act through the reasonable and proper use by the county council of any steam roller scarifier or other similar appliance of reasonable weight and construction:
- (8) Nothing herein contained shall in any way limit or affect the powers of the county council to divert improve raise drain widen or reconstruct any such road or to remove alter widen raise or rebuild any such bridge or approach in upon across or alongside or near to which such mains pipes or other works are laid in the same manner as they might have diverted improved raised drained removed altered widened reconstructed or rebuilt any such road bridge or approach if the Acts of the Corporation had not been passed without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of the exercise

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A.D. 1915.

by the county council of such powers and in the event of any such road bridge or approach in alongside or near to which the mains pipes or other works are laid being diverted improved raised drained removed altered widened reconstructed or rebuilt as aforesaid the Corporation shall within a reasonable time alter the position of such mains pipes or other works and replace the same to the reasonable satisfaction of the county surveyor and the expense thereby incurred shall be borne by the Corporation;

Provided that before such diversion improvement removal alteration widening reconstruction or rebuilding of any such road bridge or approach shall be commenced the county council shall (except in cases of emergency) give one month's notice in writing to the Corporation of their intention to carry out such works and shall afford all reasonable facilities for temporarily carrying the mains pipes or other works along such road or across or under the stream so as not to interrupt the continuous supply of water:

- (9) If any road repairable by the county council is broken up by the Corporation for the purposes of their undertaking or any bridge under their jurisdiction or repairable by them or any culvert drain pipe or other property of the county council is damaged by the Corporation the Corporation shall repair such road bridge culvert drain pipe or other property to the reasonable satisfaction of the county surveyor and if the same is not so repaired the county surveyor may cause the necessary repairs to be done and may charge the cost against the Corporation and the same shall be a debt due from the Corporation to the county council:
- (10) The Corporation shall to the reasonable satisfaction of the county surveyor keep the portion of all roads repairable by the county council which shall be broken up by the Corporation for the purpose of constructing laying renewing or repairing any works by this Act authorised in good repair for six months after replacing and making good the same and if at any time during the said period the Corporation shall neglect to keep



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any such portion of road in good repair the county surveyor on giving seven days' previous notice in writing to the Corporation may carry out any repairs and the county council shall be entitled to recover the costs thereof from the Corporation: A.D. 1915.

- (11) The Corporation shall at the expense of the county council provide and fix in such places on any main road as aforesaid along or across which any service mains or pipes are hereafter laid suitable appliances to enable the county council to abstract water therefrom for the purpose of watering or repairing any main road and the county council shall pay to the Corporation for water taken from any main of the Corporation at the current rates and charges within the district;

Such appliances shall be maintained by the Corporation at the expense of the county council and the Corporation shall prescribe the method to be adopted for measuring the quantity or quantities of water taken:

- (12) If any difference shall arise between the county council and the Corporation touching anything to be done or not to be done under the provisions of this section or as to any requirements of the county surveyor thereunder such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference and any difference between the Corporation and the county council under section 180 (Streets &c. not to be broken up except under superintendence of persons having control) of the Act of 1869 shall be determined by arbitration under this subsection instead of in the manner provided by that section;

The provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

40. The following provisions for the protection and benefit of the Seisdon Rural District Council (in this section called "the council") shall except so far as may be otherwise agreed in writing between the Corporation and the council apply and have effect (that is to say):—

For protection of Seisdon Rural District Council.

- (1) Whenever in the exercise of the powers of this Act it may be necessary to intercept or interfere with any

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A.D. 1915.

sewer or work connected therewith of the council the Corporation shall before intercepting or interfering with such sewer or work construct according to a plan to be reasonably approved of by the council another sewer or work in lieu of and of equal capacity with the sewer or work so proposed to be intercepted or interfered with and such substituted sewer or work shall be connected by the council at the reasonable expense of the Corporation with any existing sewer or work which may be intercepted or interfered with and in such manner as shall be reasonably approved by the council:

(2) The council may at any time by six months' notice in writing require the Corporation to supply the council with such a supply of water in bulk as the council may require for the parishes of Pattingham and Patshull or either of such parishes or any part or parts thereof and the Corporation shall thereupon (unless prevented by frost unusual drought or other unavoidable cause or accident) give and continue to give such supply at such points or point on the Corporation's aqueduct or main as the council may reasonably direct and the council shall pay to the Corporation for the water so supplied a price per one thousand gallons to be fixed failing agreement by arbitration Provided that—

(a) The cost of connecting and of providing and maintaining any meter or meters shall be paid by the council; and

(b) Unless otherwise agreed between the Corporation and the council the quantity of water to be supplied in any one day under this section shall not exceed one hundred thousand gallons:

(3) The provisions contained in the section of this Act whereof the marginal note is "For protection of Stafford County Council" shall apply for the protection of the council as if those provisions were repeated in this section with the necessary modifications and in particular with the substitution of "the council" for "the county council" of "road" for "main road"

of "bridge" for "county or hundred bridge" and of "surveyor" for "county surveyor": A.D. 1915.

- (4) If any difference arises at any time between the council and the Corporation affecting this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the council and the Corporation and failing agreement to be appointed by the Board of Trade on the application of either party.

41. The following provisions for the protection and benefit of the Tettenhall Urban District Council (in this section called "the council") shall except so far as may be otherwise agreed in writing between the Corporation and the council apply and have effect (that is to say):—

For protec-  
tion of  
Tettenhall  
Urban  
District  
Council.

- (1) Whenever in the exercise of the powers of this Act it may be necessary to intercept or interfere with any sewer or work connected therewith of the council the Corporation shall before intercepting or interfering with such sewer or work construct according to a plan to be reasonably approved of by the council another sewer or work in lieu of and of equal capacity with the sewer or work so proposed to be intercepted or interfered with and such substituted sewer or work shall be connected by the council at the reasonable expense of the Corporation with any existing sewer or work which may be intercepted or interfered with and in such manner as shall be reasonably approved by the council:
- (2) The provisions contained in the section of this Act whereof the marginal note is "For protection of Stafford County Council" shall apply for the protection of the council as if those provisions were repeated in this section with the necessary modifications and in particular with the substitution of "the council" for "the county council" of "road" for "main road" of "bridge" for "county or hundred bridge" and of "surveyor" for "county surveyor":
- (3) If any difference arises at any time between the council and the Corporation affecting this section or anything

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to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the council and the Corporation and failing agreement to be appointed by the Board of Trade on the application of either party.

For protection of Wolverhampton Gas Company.

42. The following provisions for the protection of the Wolverhampton Gas Company (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

- (1) Before commencing any of the works by this Act authorised in or under any street or road in or under which any mains pipes or other works (hereinafter called "apparatus") of the company are situate the Corporation shall deliver to the company plans sections and descriptions of all works so proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to the company at least twenty-one days before the commencement of any such work;

If it should appear to the company that such works will interfere with or endanger any of their apparatus or impede the supply of gas by means of such apparatus the company may give notice to the Corporation to lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution or laying or placing cement concrete or other like substance (hereinafter called "protective works") shall be settled as hereinafter provided. All such protective works shall save as hereinafter provided be done and executed by and at the expense of the Corporation but to the satisfaction and under the superintendence of the engineer of the company and

the reasonable costs charges and expenses of such superintendence shall be paid by the Corporation If the company by notice in writing to the Corporation within fourteen days after the receipt by them of notice of the intended commencement by the Corporation of any such works of the Corporation so require the company may by their own engineer or workmen do and execute protective works so far as they affect the apparatus of the company and the Corporation shall on the completion thereof pay to the company the reasonable expenses incurred by them in the execution of such protective works: A.D. 1915.

- (2) In the event of the plans sections and descriptions so delivered to the company as aforesaid not being objected to within fourteen days from such delivery the works shown and described thereon shall be executed in strict accordance therewith:
- (3) The company may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any of their apparatus will be interfered with or affected during the construction repair or renewal of such works and the reasonable wages of such watchmen or inspectors shall be borne by the Corporation and be paid by them to the company:
- (4) If any interruption in the supply of gas by means of any apparatus shall without the written authority of the company be in any way occasioned either by reason of the exercise of the statutory powers conferred upon the Corporation or by the act or default of the Corporation or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Corporation shall forfeit and pay to the company for their use and benefit a sum not exceeding ten pounds for every day during which such interruption shall continue:
- (5) The expense of all repairs or renewals of any apparatus of the company or any works in connection therewith which may be rendered necessary either by reason of the exercise of the statutory powers conferred upon the Corporation or by the acts or defaults of the

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A.D. 1915.

Corporation their contractors agents workmen or servants or any person in the employ of them or any or either of them or rendered necessary by reason of any subsidence resulting from the works of the Corporation whether during the construction of such works or within twelve months of the completion thereof shall be borne and paid by the Corporation :

(6) It shall be lawful for the company and the engineers workmen and others in their employ at all times when it may be necessary to enter upon the lands works and premises of the Corporation at any point or place where the apparatus of the company exists and to do all such works in and upon such lands and premises as may be necessary for repairing maintaining or removing or replacing or extending such apparatus under or over the same lands and premises Provided always that in so doing the company their engineers or workmen or others in their employ shall not interrupt the user of any of the works of the Corporation by this Act authorised Provided also that the company shall make good and reimburse to the Corporation all damage to such works occasioned by the exercise of the powers by this section reserved to the company :

(7) If any difference shall arise with respect to any matter under this section between the Corporation and the company or their engineer or concerning any plans sections or descriptions to be delivered to the company under the foregoing provisions of this section the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and in settling any question under this section an arbitrator shall have regard to any duties or obligations which the company may be under in respect of their apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which such apparatus is used.

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43. The agreement dated the fourteenth day of April nineteen hundred and fifteen and made between the Corporation of the one part and the Shifnal Rural District Council of the other part set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto.

A.D. 1915.  
Confirmation  
of agreement  
with Shifnal  
Rural Dis-  
trict Council.

44. For the protection of the Shropshire Union Railways and Canal Company (in this section called "the company") the following provisions shall unless otherwise agreed upon between the Corporation and the company apply and have effect (that is to say):—

For protec-  
tion of Shrop-  
shire Union  
Railways  
and Canal  
Company.

- (1) Any well or borehole constructed by the Corporation in connection with or ancillary to the pumping station (Work No. 1) authorised by this Act where the same shall be situate between the surface of the ground and the level of three hundred feet below such surface shall be lined and at all times thereafter be kept lined with steel or iron tubes to the reasonable satisfaction of the company so as to prevent the infiltration of water into the said well or borehole from any part of the company's canal situate within a radius of two miles from the said pumping station or from any existing reservoir or feeder situate within that radius and used at the time of the passing of this Act for supplying the canal with water:
- (2) The Corporation shall give not less than three days' notice to the company of their intention to execute the work of lining any well or borehole in pursuance of this section and the company shall be entitled by their engineer or agent to inspect the execution of such work at the time named in the notice and from time to time on giving reasonable notice to inspect the lining of the said well and the Corporation shall afford him all reasonable facilities for so doing:
- (3) If notwithstanding the lining of the well or borehole of the Corporation in pursuance of this section the supply of water to the company's canal within a radius of two miles from the said pumping station or to any existing reservoir or feeder situate within that radius shall be in any way diminished or injuriously affected or water shall be abstracted

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therefrom by or in consequence of the construction existence maintenance or user of the said pumping station or other works authorised by this Act the Corporation shall pay to the company adequate compensation for all damage losses and expenses which the company may suffer sustain or incur by through or in consequence of any such diminution or injurious affection of the supply of water to the said canal reservoir or feeder or the abstraction of water therefrom as aforesaid ;

Provided that the company shall at the request of the Corporation afford the Corporation and their officers servants and other representatives at all reasonable times after the passing of this Act access to the said canal reservoir and feeders for the purpose of inspecting the same and of ascertaining particulars thereof and the level of water therein and the flow of water thereto and the Corporation shall not be subject to the obligations of this subsection if the company omit or fail to afford such access within a reasonable time after being requested so to do by the Corporation :

- (4) Any questions arising under this section shall be referred to and determined by arbitration in manner provided by the Arbitration Act 1889 or any statutory modification thereof for the time being in force.

For protection of owners &c. of Wheaton Aston Hall and Chillington Estates.

45. Notwithstanding anything in this Act contained the following provisions instead of the provisions contained in the section of this Act whereof the marginal note is "For protection of existing sources of supply" shall unless otherwise agreed in writing have effect for the protection of George Thompson Hartley his heirs and successors in estate and assigns for the time being entitled in possession whether for life or any greater estate to the property known as the Wheaton Aston Hall Estate for the protection of Walter Thomas Courtenay Giffard his heirs successors in estate and assigns for the time being entitled in possession whether for life or any greater estate to the property known as the Chillington Estate and also for the protection of any lessee or occupier of any well spring or stream on the said Wheaton Aston Hall Estate and the said Chillington Estate



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(all of whom are hereinafter in this section included in the expression "the owner") (that is to say):— A.D. 1915.

- (1) If any diminution or cesser shall take place in the supply of water from any well spring or stream which exists as an effective source of supply at the date when the pumping by the Corporation commences at the Ivetsey pumping station such source of supply being in the area (in this section called "the protected area") which is situate within a radius of two miles from that station the Corporation shall upon the written request of the owner afford to the owner a supply of water to the extent of such diminution or cesser at the rate of fourpence per one thousand gallons and for the purpose of such supply the Corporation shall at their own expense lay the necessary mains and service pipes in such positions and in such manner as the water engineer of the Corporation may determine and the water to be supplied shall subject as hereinafter mentioned be laid on to such houses or other places within the protected area as have been proved to the reasonable satisfaction of the Corporation to have previously obtained their supply of water from any such well spring or stream so affected as aforesaid :

Provided that—

(a) such diminution or cesser shall be deemed to have been caused by the pumping of the Corporation if it first takes place after the Corporation have begun to abstract water from their wells at the said Ivetsey pumping station unless it be shown that it was not so caused;

(b) the Corporation shall not be subject to the obligations of this section in regard to any well or spring the water from which is so polluted as to be or be likely to be injurious or dangerous to health but this subsection shall not apply to any well or spring solely used for the watering of cattle;

(c) the Corporation shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence

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of frost unusual drought or other unavoidable cause or accident;

(d) the Corporation shall not be subject to any obligation under this section or by reason of any other circumstance in respect of the diminution or cesser of any such source of supply as aforesaid which is not now existing or apparent and the Corporation shall be liable to lay on a supply of water to such houses only as at the present time exist and are dependent for their water from such source of supply;

(e) the Corporation shall not under this section be liable to supply water to so much of the said Chillington Estate as is situate within the protected area beyond the aggregate maximum quantity of thirty thousand gallons per day or to supply water to so much of the said Wheaton Aston Hall Estate as is situate within the protected area beyond the aggregate maximum quantity of twenty thousand gallons per day;

(f) the owner shall after any necessary service pipes have been laid at all times thereafter properly and efficiently repair and maintain the same to the satisfaction of the water engineer of the Corporation:

- (2) The Corporation may if they think fit in lieu of making good the diminution of such supply deepen any affected well or make such borings or headings therefrom as will increase the supply so as to make good the said diminution and the owner shall without making any charge therefor give the Corporation access and every facility for carrying out such deepenings borings or headings and in the event of any such deepenings borings or headings increasing the cost of obtaining or continuing to obtain such supply the Corporation shall pay to the owner the amount of such increase:
- (3) If the Corporation do not afford such supply as aforesaid they shall make compensation in money to the owner for such diminution or cesser the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided:

(4) The owner shall furnish the Corporation with full particulars of each effective source of supply within three months of the date of the passing of this Act and shall afford the officers and servants or other representatives of the Corporation at all reasonable times after the passing of this Act access to such source of supply for the purpose of ascertaining particulars thereof and the level of the water therein : A.D. 1915.

(5) Any question or dispute arising under this section shall be referred to and determined by arbitration in manner provided by the Arbitration Act 1889 or any statutory modification thereof for the time being in force.

46. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Corporation shall not in laying any main or pipe under any powers conferred upon them by this Act interfere with the flow of the main spring or stream supplying the lake on the said Chillington Estate where such spring or stream is carried in a culvert under the Boscobel Road at Codsall Wood. For further protection of Chillington Estate.

FINANCE AND MISCELLANEOUS.

47.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely):— Power to borrow.

1	2	3
Purpose.	Amount.	Period.
(a) For and in connection with the purchase of lands for and the construction of the works authorised by this Act.	£ 80,000	Fifty years from the date or dates of borrowing.
(b) For the extension of mains and other purposes in connection with the supply of water by the Corporation.	40,000	Forty-five years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

[Ch. lxiv.] *Wolverhampton Corporation Water* [5 & 6 GEO. 5.]  
*Act, 1915.*

A.D. 1915.

(2) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act:

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(3) In order to secure the repayment of the money borrowed under this Act and the payment of interest thereon the Corporation may mortgage and charge the revenue of their water undertaking and the improvement fund and improvement rate:

Provided that the provisions of this subsection shall not limit the powers conferred upon the Corporation by section 94 (Power to include lands &c. in mortgages) or by section 95 (Power to use one form of mortgage for all purposes) of the *Wolverhampton Corporation Act 1899.*

Restriction  
on borrow-  
ing.

**48.** Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money (other than money required for paying the costs charges and expenses of this Act as hereinafter defined) during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Mode of pay-  
ment off of  
money bor-  
rowed.

**49.**—(1) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall subject to the provisions of subsection (2) of this section be made within one year or when the money is repaid by half-yearly instalments within six months of the date of borrowing.

(2) Provided that it shall not be obligatory upon the Corporation to commence the repayment of any money borrowed for the purpose (a) mentioned in the section of this Act whereof the marginal note is "Power to borrow" whether such money be raised by the issue of stock or debentures or by mortgage until the completion of the Ivetsey pumping station or until the thirty-first day of March nineteen hundred and twenty-one whichever shall be the earlier.

[5 & 6 GEO. 5.] *Wolverhampton Corporation Water* [Ch. lxiv.]  
*Act, 1915.*

50. The following provisions of the recited Acts shall extend and apply to and for the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act (namely) :—

A.D. 1915.  
Application  
of certain  
provisions  
of recited  
Acts.

*Wolverhampton Corporation Act 1899—*

Section 70 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);

Section 71 (Mode of raising money);

Section 72 (Provisions of Public Health Act as to mortgages to apply);

Section 75 (Sinking fund);

Section 76 (Protection of lender from inquiry);

Section 77 (Corporation not to regard trusts);

Section 78 (Appointment of receiver);

Section 80 (Return respecting sinking fund to Local Government Board);

Section 82 (Application of money borrowed);

Section 83 (Expenses of execution of Act);

Section 96 (Inquiries by Local Government Board):

*Wolverhampton Corporation Act 1904—*

Section 87 (Audit of accounts);

Section 92 (Application of sections 265 and 306 of Public Health Act 1875);

Section 96 (Recovery of penalties);

Section 97 (Informations &c. by whom to be laid);

Section 98 (Penalties to be paid over to treasurer);

Section 99 (Judges not disqualified):

*Wolverhampton Order 1911 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1911)—*

Article VI. (Power to re-borrow).

51. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the improvement fund and improvement rate or out of moneys to be borrowed under this Act for that purpose.

Costs of Act.

[Ch. lxiv.] *Wolverhampton Corporation Water* [5 & 6 Geo. 5.]  
Act, 1915.

A.D. 1915. The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

Wolverhampton Improvement Act 1869.

The Order relating to the borough confirmed by the Local Government Board's Provisional Order Confirmation (No. 13) Act 1888.

Wolverhampton Corporation Act 1891.

The Order relating to the borough confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1893.

Wolverhampton Corporation Act 1899.

Wolverhampton Order 1903 confirmed by the Local Government Board's Provisional Order Confirmation (No. 18) Act 1903.

Wolverhampton Corporation Act 1904.

Wolverhampton Corporation Act 1908.

Wolverhampton Order 1911 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1911.

Wolverhampton Order 1913 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 8) Act 1913.

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THE SECOND SCHEDULE.

AGREEMENT WITH SHIFNAL RURAL DISTRICT COUNCIL.

THIS INDENTURE made the fourteenth day of April nineteen hundred and fifteen between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF WOLVERHAMPTON in the county of Stafford acting by the Council (hereinafter called "the Corporation") of the one part and the SHIFNAL RURAL DISTRICT COUNCIL acting for the Shifnal Rural District in the county of Salop and the rural district comprising the parishes of Blymhill and Weston-under-Lizard in the county of Stafford (hereinafter called "the council") of the other part.

WHEREAS the Corporation have recently promoted a Bill in Parliament now pending in the House of Lords entitled "A Bill to empower the Corporation (inter alia) to construct additional waterworks to extend their limits for the supply of water and to make further provision

[5 & 6 GEO. 5.] *Wolverhampton Corporation Water* [Ch. lxiv.]  
*Act, 1915.*

“ in regard to their undertaking and for other purposes ” And by A.D. 1915.  
the Bill the Corporation (inter alia) seek powers to utilise certain lands  
which they have acquired at or near Ivetsey Bank in the parish of  
Lapley in the county of Stafford adjoining the boundary of the Shifnal  
Rural District in the same county more particularly therein referred  
to for underground works and power to construct works for collecting  
impounding taking using diverting and appropriating springs streams  
and waters and to extend the limits in such Bill called “ the new water  
limits ” within which they may supply water by including in such  
limits the parishes of Tong and Boscobel in the said Shifnal Rural  
District and the rural district comprising the parishes of Blymhill and  
Weston-under-Lizard and certain other powers and provisions ancillary  
thereto :

And whereas the council on the first day of February nineteen  
hundred and fifteen duly presented a petition to the House of Lords  
against the said Bill objecting thereto as injuriously affecting the rights  
property and interests of the inhabitants of their said districts for the  
reasons therein set forth :

And whereas the Corporation have agreed with the council in  
consideration of their ceasing their opposition to the said Bill becoming  
an Act of Parliament from and after the passing of the said Bill and  
the completion of the works therein described to grant a supply of  
water to the council in bulk upon the terms and conditions hereinafter  
mentioned and to amend the said Bill in manner hereinafter contained :

Now this indenture witnesseth that in pursuance of the aforesaid  
agreement and in consideration of the premises the Corporation for  
themselves their successors and assigns and the council for themselves  
their successors and assigns hereby mutually covenant and agree as  
follows :—

The Corporation do hereby covenant and agree with the council—

1. That the Corporation shall if and when required by the council  
so to do and subject to the said Bill becoming an Act of Parliament  
unless prevented by frost unusual drought or other unavoidable cause  
or accident supply water of a good quality in bulk to the council  
from their proposed well at Ivetsey Bank aforesaid for ordinary trade  
domestic and public sanitary use within the district of Shifnal and the  
district comprising the parishes of Blymhill and Weston-under-Lizard at  
the price and upon the terms and conditions hereinafter contained  
(namely) :—

(a) The supply shall commence on such a date as the council may  
after the completion of the works of the Corporation and  
the commencement of the supply by the Corporation to the  
borough by one month's notice in writing to the Corporation  
require :

[Ch. lxiv.] *Wolverhampton Corporation Water* [5 & 6 GEO. 5.]  
*Act, 1915.*

A.D. 1915.

- (b) The supply shall be delivered from the supply main of the Corporation at a point where the proposed water main of the Corporation crosses the boundary of the parish of Blymhill at Watling Street in the Shifnal Rural District and also at the point where the Corporation's supply main passing along the road leading from Ivetsey Bank to Boscobel crosses the road leading to Tong or as near to such point or points as may be fixed by the water engineer of the Corporation and the engineer for the time being of the council and in the event of disagreement as to the point or points of supply as may be fixed by an arbitrator to be appointed in manner hereinafter provided and such disagreement shall be deemed to be a dispute within the meaning thereof:
- (c) The Corporation shall supply to the council a maximum daily supply of not exceeding one hundred thousand gallons at a price of fourpence per one thousand gallons:
- (d) The Corporation shall make a junction in their said service main at the points agreed to so as to enable the council to couple up their supply main thereto:
- (e) The water delivered by the Corporation shall be measured at the point or points of supply by two duplicate meters to be provided and maintained by the Corporation and such meters shall be fixed in a suitable chamber or chambers to be provided and maintained by the Corporation. Provided nevertheless that the Corporation shall permit the council at all reasonable times by their duly authorised officers or agent to inspect the meters and meter chambers and to require the accuracy of such meters to be tested and all necessary repairs done all reasonable expenses of and incidental to testing to be paid by the council:
- (f) The Corporation shall connect the mains of the council at the point or points of supply the expense of such connection to be jointly borne by the parties hereto in equal shares.

2. That from and after the completion of the proposed well and waterworks at or near Ivetsey Bank aforesaid the Corporation will in no case pump therefrom a greater quantity of water than three million gallons during any day of twenty-four hours.

3. That they the Corporation will line any well or borehole they may sink in connection with the proposed works at or near Ivetsey Bank with steel or iron tubes carefully and securely cemented in to a depth of three hundred feet to prevent the infiltration of water from the surface wells springs or ponds of the council's district in the vicinity of the works as aforesaid.



[5 & 6 GEO. 5.] *Wolverhampton Corporation Water* [Ch. lxiv.]  
*Act, 1915.*

4. That they will repair and make good all roads broken up by them in the council's district and reinstate and restore the surface thereof to the satisfaction of the surveyor to the council for the time being. A.D. 1915.

5. That they will eliminate and delete the parishes of Weston-under-Lizard Blymhill Tong and Boscobel from the area of their new water limits and from clause 25 &c. of the Bill:

And in consideration of the due performance of the covenants and agreements on the part of the Corporation hereinbefore contained the council do hereby covenant and agree with the Corporation as follows:—

1. That they will not proceed further with their petition or in anywise oppose the Corporation in the passing of their said Bill.

2. That they will pay the sum of fourpence per one thousand gallons for all water supplied to them by the Corporation under this agreement by quarterly payments on the twenty-fifth day of December the twenty-fifth day of March the twenty-fourth day of June and the thirtieth day of September within one month of the delivery of the usual demand from the Corporation of the amounts then accrued due and ascertained by the meters respectively.

3. That they will lay all supply or service mains from the point or points of supply within their own district at their own expense and will also bear or pay one equal half part of the reasonable cost of connecting up to the supply main of the Corporation.

4. That they will permit the Corporation to break up the roads of their district as shown upon the plan and book of reference where referred to in the Bill a copy whereof has been deposited with the clerk of the council the Corporation hereby undertaking to repair and make good all disturbance as aforesaid:

And it is also hereby mutually agreed by and between the parties hereto that if any dispute or difference shall arise between the Corporation and the council in respect of these presents or anything herein contained the same shall be referred to an arbitrator to be appointed in default of agreement between the parties by the President of the Institute of Civil Engineers on the application of the Corporation or of the council and such reference to arbitration shall be considered a submission within the meaning of the Arbitration Act 1889 and be subject to the provisions of the said Act relating to arbitrations and to any Act amending the same:

And it is hereby also further agreed that any notice or consent under or in connection with this agreement may be given under the hand of the town clerk of the Corporation or of the clerk to the council as the case may be and any such notice may be served by sending the

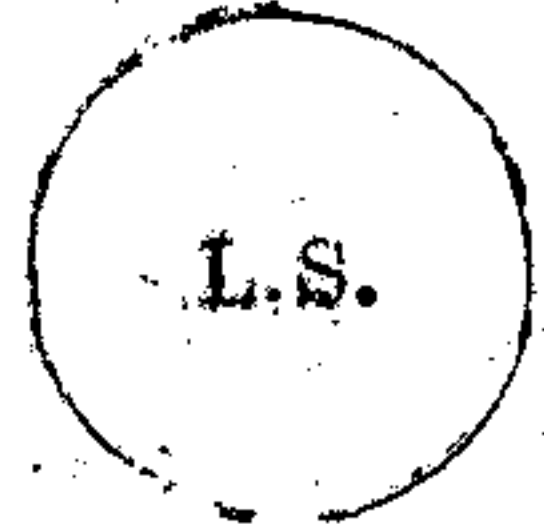
[Ch. lxiv.] *Wolverhampton Corporation Water* [5 & 6 Geo. 5.]  
*Act, 1915.*

A.D. 1915. same through the post in a prepaid letter addressed the town clerk  
Town Hall, Wolverhampton or the clerk to the Shifnal Rural District  
Council Shifnal as the case may be.

In witness whereof the Corporation have hereunto caused their  
corporate common seal to be affixed and the Shifnal Rural District  
Council have hereunto affixed their common seal the day and year first  
before written.

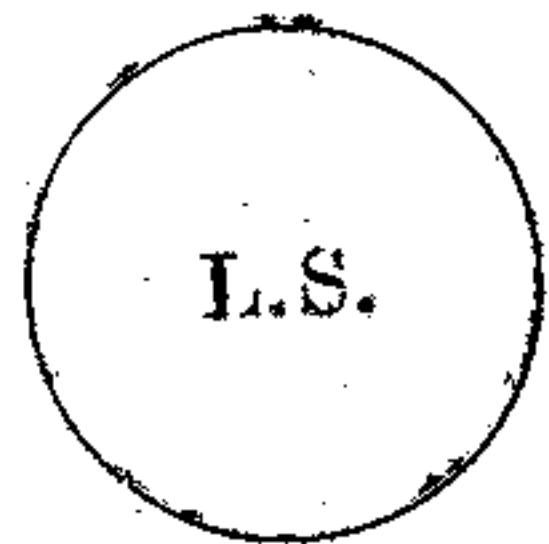
The common seal of the mayor aldermen and burgesses  
of the borough of Wolverhampton was hereunto  
affixed in the presence of

A. BALDWIN BANTOCK Mayor  
in the presence of  
HORATIO BREVITT Town Clerk.



The common seal of the Shifnal Rural District Council  
was hereunto affixed in the presence of

ALFRED J. HOOLE Chairman  
in the presence of  
H. REVELL PHILLIPS Clerk.



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