



CHAP. XV.

An Act for better supplying with water Sutton, Cheam, and other places in the county of Surrey. [25th May 1871.] A.D. 1871.

WHEREAS under "The Companies Act, 1862," and by a memorandum of association and articles of association dated respectively the fifteenth day of June one thousand eight hundred and sixty-three, the Sutton and Cheam Water Company (Limited) (herein-after referred to as "the Limited Company") was established and incorporated for the purpose of supplying with water the parishes of Sutton and Cheam, and such other parishes adjoining or near to those parishes, in the county of Surrey, as might thereafter be determined on for the purpose of such supply, to purchase or take on lease land, water, and easements over land and water, to purchase or otherwise acquire and construct or lay down buildings, engines, pumps, and other machinery, works, pipes, and apparatus that might be necessary or convenient for raising, collecting, using, and distributing water, and the doing of all such other things as were incidental or conducive to the attainment of such objects: 25 & 26 Vict.
c. 89. (Pub.)

And whereas the original capital of the Limited Company was eight thousand pounds, divided into three hundred and twenty shares of twenty-five pounds each, the whole of which capital was subscribed and paid, and the capital of the Limited Company was afterwards increased by the allotment and issue of additional shares, and the share capital of the Limited Company now consists of and is represented by eight hundred shares of twenty-five pounds each, the whole amount of which has been called up:

And whereas the Limited Company have no mortgage or debenture debt:

And whereas the Limited Company in order to extend their undertaking require power to construct the waterworks shown on the plan and sections next herein-after referred to, and to enter upon, take, and use the lands mentioned and described in the book

A.D. 1871. of reference to such plan, and it would be of public and local advantage if such power and other the powers herein-after mentioned were conferred upon the Company herein-after mentioned :

And whereas plans and sections of the reservoir, aqueducts, and other works made and proposed to be made, showing the line and levels thereof, with a book of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands through and upon which the waterworks are proposed to be maintained and constructed, have been deposited at the office of the clerk of the peace for the county of Surrey, and are herein referred to as the deposited plans, deposited sections, and deposited book of reference :

And whereas it is expedient that the Limited Company should be dissolved and reconstituted, and that a company (herein-after referred to as "the Company") should be incorporated for the purpose of supplying with water the parishes after mentioned :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

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

Short title.

1. This Act may be cited for all purposes as "The Sutton District Waterworks Act, 1871."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I., relating to cancellation and surrender of shares, and Part II., relating to additional capital, and Part III., relating to debenture stock, of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Lands Clauses Consolidation Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," and also such parts of "The Railways Clauses Consolidation Act, 1845," as relates to the temporary occupation of lands, are (except where expressly varied by this Act) incorporated with this Act.

Temporary occupation of lands.

3. The provisions with respect to the temporary occupation of lands incorporated with this Act shall apply only to the reservoirs authorised by this Act and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if the said reservoirs and works were therein mentioned instead of the railway, and the boundaries of the reservoirs and works instead of the centre of the railway.

4. In this Act the words "the undertaking" or "the waterworks" mean the waterworks, reservoirs, conduits, mains, pipes, pumping stations, works, and conveniences connected therewith by this Act authorised to be maintained and constructed; and the expression "the town commissioners" in "The Waterworks Clauses Act, 1847," as incorporated with this Act, shall include the highway board for the district of Croydon; and the expression "superior courts" or "court of competent jurisdiction," or other like expression in this Act or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

A.D. 1871.

Interpretation of terms.

5. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall have in this Act the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction.

Same meanings to words, &c. in incorporated Acts as in this Act.

6. The limits of this Act for the supply of water by the Company shall comprise the town and parish of Sutton, and the parishes and places of Cheam, Carshalton, Wallington, Beddington, Morden, Banstead, Woodmansterne, Ewell, and Cuddington, all in the county of Surrey.

Limits of Act.

7. From and after the passing of this Act the Limited Company shall be dissolved, and the present members of or shareholders in that Company, and all other persons who have already subscribed or shall hereafter subscribe to the undertaking, their executors, administrators, and assigns respectively, shall be united into a company for supplying water within the limits of this Act, and for doing all things necessary for that purpose, and shall be incorporated by the name of "The Sutton District Water Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, hold, and dispose of lands and other property for the purposes of this Act.

Company incorporated.

8. Subject to the provisions of this Act, all the lands, waterworks, erections, buildings, rights, and easements which immediately before the passing of this Act were vested in the Limited Company, or to which that Company was in anywise entitled, either at law or in equity, and all mains and pipes, plant, plugs, gauges, meters, syphons, apparatus, stock, effects, matters, and things which have been by them purchased or provided, laid down, erected, or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of or belonged to that Company, and all moneys, securities, credits, and

Property vested in Company incorporated by this Act.

A.D. 1871.

effects, and other property whatsoever belonging to that Company, and the benefit of all contracts and engagements entered into with and on behalf of that Company, and immediately before the passing of this Act in force, shall be and the same are hereby transferred to and vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company, and may according to the provisions of this Act be held and enjoyed, sued for and recovered, maintained, altered, discontinued, sold, let, or removed by the Company as they think fit.

Memorandum and articles to be void as to future operation.

9. Subject to the provisions of this Act, the memorandum of association and the articles of association of the Limited Company shall, as to any future or prospective operation thereof, respectively from and after the passing of this Act be wholly void and of non-effect, and the several persons who have executed the same, and their heirs, executors, administrators, and assigns, shall immediately from and after the passing of this Act stand and be by virtue of this Act released and discharged from any future obligation to perform, abide by, fulfil, or conform to such memorandum and articles, or either of them.

Previous rights and liabilities not to be affected.

10. Excepting as by this Act expressly provided, everything before the passing of this Act done or suffered by or with reference to the Limited Company, or the shareholders therein respectively in that capacity, shall be as valid as if this Act had not been passed; and except as aforesaid the provisions of this Act shall accordingly be subject and without prejudice to anything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if this Act were not passed would be incidental to or consequent on any and every thing so done and suffered; and with respect to all such rights, liabilities, claims, and demands the Company shall to all intents and purposes represent the Limited Company and the shareholders therein respectively in their capacity as shareholders: Provided always, that the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to the passing of this Act to be binding.

11. Except as by this Act otherwise specially provided, all purchases, sales, grants, conveyances, deeds, contracts, bonds, debentures, and agreements entered into or made before the passing of this Act by, to, or with the Limited Company, and now in force, shall be binding and of as full force and effect against or in favour of the Company, and may be enforced as fully and effectually, as if instead of the Limited Company the Company had been a party thereto.

12. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the Limited Company, or any member or shareholder thereof in relation to the affairs of that Company, or to which that Company or any member or shareholder thereof, in relation to such affairs, were parties immediately before the passing of this Act; but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company, as the case may be, in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, and continued by or in favour of or against the Limited Company, as the case may be, or any member or shareholder thereof, if this Act had not been passed, the Company being in reference to the matter aforesaid in all respects substituted for the Limited Company, as the case may be.

A.D. 1871.
Actions, &c.
not to abate.

13. If any judgment, decree, or order be at any time after the commencement of this Act obtained against the Company in respect of any debt or liability owing or incurred, or in respect of any contract made or tort committed, by the Limited Company before the commencement of this Act, and be not fully satisfied out of the property of the Company, then and in every such case the judgment, decree, or order may be enforced and execution thereon issued against the property and effects of any person who was a member of the Limited Company immediately before the commencement of this Act, or at the time when the contract was made or the tort was committed in respect of which such debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability, to the same extent as if this Act had not been passed.

Judgment in
respect of
existing
liabilities
may be
enforced
against in-
dividual
shareholders.

14. Every person against whom or against whose property or effects any such judgment, decree, or order is enforced shall be entitled to recover against the Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have been issued, and the contribution may be recovered in like manner as contribution in ordinary cases of copartnership.

Reimburse-
ment of
shareholders
in such case.

15. All entries in the books of the Limited Company, as the case may be, for evidencing the ownership of any share of the capital of that Company, and showing who immediately before the passing of this Act were the shareholders of that Company, shall be primâ facie evidence to show who immediately before the passing of this Act were the shareholders of the Limited Company, and all entries,

Books to be
evidence.

A.D. 1871. books, writings, and documents which that Company was authorised or required to keep or make, and receivable in evidence before or at the time of the passing of this Act, shall be admitted in evidence in all courts of law and equity and elsewhere accordingly.

Rents, &c. to be recovered. **16.** All water rents and sums of money which immediately before the passing of this Act were due and payable or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as the water rents under this Act.

As to payment of debts owing before the passing of this Act. **17.** All persons who immediately before the passing of this Act owed any money to the Limited Company, or to any person on their behalf, shall pay the same, with all interest (if any) due and payable or accruing upon the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or owing or recoverable from the Limited Company, or for the payment of which that Company was or but for this Act would be liable, shall be paid, with all interest (if any) due or payable or accruing upon the same, by or be recoverable from the Company.

Shareholders to pay calls. **18.** Notwithstanding the passing of this Act, the several persons who immediately before the passing of this Act were shareholders in the Limited Company, their heirs, executors, administrators, and assigns respectively, shall pay the amount subscribed by them respectively, or so much thereof as at the time of the passing of this Act had not been paid, with all interest (if any) due or to accrue due thereon, to the Company, when and as the same shall be called up or otherwise demanded by the Company.

Officers to continue until removed. **19.** All the officers and servants of the Limited Company who were in office at the time of or immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereto annexed, until they resign the same or be removed therefrom by the Company, and shall have the like powers and authorities for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations, in all respects whatever as if they had been appointed by this Act.

Capital. **20.** The original capital of the Company shall be twenty thousand pounds, divided into eight hundred shares of twenty-five pounds each, but the Company may raise an additional capital of forty thousand pounds by the issue of ordinary shares or of ordinary

stock, or of preference shares or of preference stock, or by any one or more of those modes. A.D. 1871.

21. The Company shall not issue any share created after the passing and under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such shares shall have been paid in respect thereof. Shares not to issue till one fifth paid up.

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

23. All persons and corporations being immediately before the passing of this Act the holders of shares in the capital of the Limited Company shall be entitled in substitution for such shares to a like number of shares in the original capital of the Company, and such last-mentioned shares shall by virtue of this Act be vested in and belong to such persons and corporations respectively, but subject to the same liability in respect of calls unpaid as such original shares were subject to immediately before the passing of this Act. Appropriation of shares in Company in lieu of shares in Limited Company.

24. All persons or corporations in whom any such shares shall be vested shall stand and be possessed thereof upon and for the same trusts, intents, and purposes, and subject to the same powers, provisions, declarations and agreements, charges and incumbrances, as the trusts, intents, and purposes, powers, provisions, declarations and agreements, charges and incumbrances upon, for, or to which the shares in respect of which such substituted shares shall be issued were subject and liable immediately before the passing of this Act, and so as to give effect to and not to revoke any testamentary disposition of or affecting such existing share. Substituted shares to be subject to existing trusts.

25. All certificates of shares in the Limited Company (until cancelled under the powers of this Act), and all sales, transfers, and dispositions heretofore made or executed of or relating to such shares, shall remain in full force and continue to be available in all respects as if this Act had not been passed. Certificates, &c. to remain in force.

26. The Company shall call in and cancel the certificates of the shares of the Limited Company, and issue in lieu thereof certificates of shares to be issued under the authority of this Act, but the holders of such certificates of shares of the Limited Company shall not be entitled to any certificates of shares issued under this Act until they shall have delivered up to the Company, to be cancelled, Company to call in and cancel existing share certificates and issue new ones.

A.D. 1871. — their certificates of shares of the Limited Company, or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof.

Power to borrow on mortgage.

27. The Company may from time to time borrow on mortgage any sum not exceeding in the whole five thousand pounds, being one fourth of the said original capital of twenty thousand pounds, and may also from time to time borrow on mortgage any further sum not exceeding in the whole ten thousand pounds, at the time or times after mentioned, (that is to say,) when ten thousand pounds of the additional capital shall have been subscribed for, issued, and accepted, and one half thereof shall have been paid up and certified as herein-after mentioned, two thousand five hundred pounds, and a sum not exceeding two thousand five hundred pounds when and as each additional ten thousand pounds of share capital shall have been subscribed for, issued, and accepted, and one half thereof shall have been paid up and certified as herein-after mentioned, but no part of the said respective sums of two thousand five hundred pounds shall be borrowed until the Company have from time to time proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," that the required amount of capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of each separate share or portion of stock has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers and their assigns, and that such subscribers or their assigns are legally liable for so much thereof as shall remain unpaid; and upon production from time to time to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Arrears of interest and principal may be enforced by appointment of a receiver.

28. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise such appointment the amount owing to the mortgagees by whom such appointment shall be made shall not be less than two thousand pounds in the whole.

Debenture stock.

29. The Company may create and issue debenture stock.

Application of moneys.

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

General meetings.

31. The first ordinary general meeting of the Company shall be held within six months from the passing of this Act, and the future

ordinary meetings of the Company shall be held half-yearly in the months of February and August in every year, or in such other months as the Company by the resolution of an extraordinary general meeting shall from time to time determine. A.D. 1871.

32. The quorum to constitute a general meeting, whether ordinary or extraordinary, of the Company shall be five shareholders, holding in the aggregate not less than one thousand pounds nominal value in the capital of the Company. Quorum of meetings.

33. The number of shareholders who may require an extraordinary meeting to be convened shall not be less than ten, holding in the aggregate not less than two thousand pounds in the capital of the Company. Extraordinary meeting convened by shareholders.

34. The number of directors shall be seven, but the Company may from time to time reduce the number, provided that the number be not less than five. Number of directors.

35. The qualification of a director shall be the possession in his own right of not less than two hundred and fifty pounds in the capital of the Company. Qualification of directors.

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

37. William Blaber, Allen Sarle, George Moore, George Deacon, Otho William Travers, Henry Browning, and James Easton shall be the first directors of the Company, and they shall continue in office until the first general meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the said directors or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the first-mentioned directors being, if qualified, eligible for re-election; and at the first general meeting to be held in every year after the first general meeting the shareholders present in person or by proxy shall, subject to the power herein-before contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at such meeting, being neither removed nor disqualified nor having resigned, shall continue to act as directors until others are elected in their stead in manner provided in the same Act. First directors.

38. The auditors need not hold shares in the Company. Auditors need not hold shares.

39. The remuneration of the directors and auditors shall from time to time be fixed at one of the annual general meetings of the Company, and shall be paid out of the sums receivable under this Act. Remuneration of directors and auditors.

A.D. 1871.

Power to
maintain ex-
isting works.

40. Subject to the provisions in this and in the incorporated Acts contained, the Company may maintain and from time to time renew their existing reservoirs, and the mains, pipes, and works connected therewith; and they may also construct and maintain the new works as shown upon the deposited plans, and according to the levels defined on the deposited sections; and they may enter upon, take, purchase, and use such of the lands mentioned on the said plans and in the deposited book of reference as they may require for the purposes of this Act: Provided always, that the Company shall not purchase the property in the parish of Banstead numbered 9 upon the deposited plans, or any part of such property, except with the previous consent in writing of the owner thereof for the time being.

Power to
make and
maintain
new works.

41. The Company may also construct and maintain all needful wells, cuts, and shafts, drains, engines, tunnels, works, and conveniences in connexion with all or any of the before-mentioned works, and may take, use, and appropriate all such waters as may be found in the construction and maintenance of such works.

Power to
deviate.

42. In constructing the works by this Act authorised to be made the Company may make lateral deviations from the line of such works, not exceeding the limits of deviation shown on the deposited plans, and may deviate from the levels of the reservoirs to any extent not exceeding three feet, and of other works as delineated on the deposited sections to any extent not exceeding five feet.

Powers for
compulsory
purchases
limited.

43. The powers of the Company for the compulsory purchase of lands granted by this Act shall not be exercised after the expiration of three years from the passing of this Act.

Lands for
additional
purposes.

44. The Company may purchase, by agreement, and hold any quantity of land not exceeding ten acres which they may require in addition to the lands herein-before authorised to be taken for the purposes of this Act.

Owners may
grant ease-
ments.

45. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell and convey or release lands, shall have full power to grant to the Company, subject to the provisions of those Acts respectively, in fee and in consideration of any yearly or other rent, or otherwise, any lands or any easement, right, or privilege (not being an easement, right, or privilege of water) in or over or affecting any lands by this Act authorised to be taken or held by the Company, and which the Company from time to time think requisite for any of the purposes of their undertaking.

46. For the purposes of this Act the several provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges reserved by grants and leases of easements respectively under this Act.

A.D. 1871.
Application of Lands Clauses Consolidation Acts to easements.

47. If the new works by this Act authorised shall not be completed within seven years from the passing of this Act, then on the expiration of such period the powers of the Company for making such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much as is then completed: Provided always, that, subject to the restrictions and provisions of this Act, the Company may from time to time alter, enlarge, and extend their engines, machinery, wells, mains, and pipes in such way and manner as shall be necessary for supplying water within the limits of this Act.

Period within which works are to be completed.

48. Provided always, that if the Company shall acquire, under the powers of this Act, any of the land in the parish of Sutton numbered 2 upon the deposited plans, and the effect of the user by the Company of the land so acquired shall be the lowering of the water in any well upon the adjoining land now belonging to Henry Clowser, the owner of such land for the time being shall, as respects the lowering of such water, be deemed to be injuriously affected within the meaning of the sixth section of "The Waterworks Clauses Act, 1847."

For protection of Henry Clowser.

49. Nothing in this Act contained shall take away, diminish, or prejudice any of the rights, privileges, powers, or property vested in or belonging to the London, Brighton, and South Coast Railway Company, and the Company shall not, without the consent in writing of that Company under their common seal first obtained, take, use, or in any manner interfere with any of the railways, embankments, bridges, roadways, stations, lands, or other property or works of or belonging to that Company, save that the Company may nevertheless lay their mains, pipes, syphons, plugs, and other works over the bridges, approach road, and station lands of the said London, Brighton, and South Coast Railway Company in the manner shown upon the plans deposited with the clerk of the peace for the county of Surrey in relation to the said undertaking.

For protection of London, Brighton, and South Coast Railway Company.

50. Provided that the Company shall not be authorised to lay down such mains and pipes, or in any manner to interfere with any property of the London, Brighton, and South Coast Railway Company, until they shall have submitted a plan of their proposed works

Works affecting that Company to be approved by their engineer.

A.D. 1871.

to and received the approval in writing of the engineer for the time being of that Company, and that the works when approved of shall be carried on under the superintendence and to the reasonable satisfaction of such engineer, and in all things at the expense of the Company, and so as not to cause any interruption to the traffic upon such railway; and if any injury shall be caused to any such bridges, approach road, station, lands, or other works or property, or any interruption to the traffic of that Company, the Company shall make full compensation to that Company in respect of any such injury or interruption.

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

51. The Company shall, at the request of the owner or occupier of any private dwelling-house, or part of a private dwelling-house, in any street in which any pipe of the Company shall be laid, or on the application of any person who under the provisions of this Act or any Act incorporated herewith shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier, or other persons, a sufficient supply of water for domestic purposes at a rate per centum per annum not exceeding five pounds per centum on the annual rackrent or value of such dwelling-house or part of a dwelling-house: Provided always, that the Company may charge for a supply of water which cannot be supplied by gravitation from any now existing reservoir of the Company at a rate not exceeding seven pounds ten shillings per centum per annum on the annual rackrent or value of the premises supplied.

Supply of water for domestic purposes not to include certain things.

52. The supply of water for domestic purposes shall not include a supply for any trade, or manufacture, or business whatever, or for watering gardens with gutta-percha or other tubes or pipes, or for fountains, or for any ornamental purposes.

Penalty for using water for other than domestic purposes.

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

Company not bound to supply water in certain cases.

54. No person shall be entitled to require, nor shall the Company be bound to supply any dwelling-house with water (otherwise than by meter or special agreement) where any part of such dwelling-house is used for any trade or business purpose for which water is required; and no person shall be entitled to require, nor shall the Company be bound to supply with water any dwelling-house or

other place situated more than two hundred yards from any pipe of the Company, except upon such terms as shall be agreed upon between such person and the Company. A.D. 1871.

55. The Company shall not be compelled to supply with water any watercloset or private bath, or the apparatus or pipes connected therewith respectively, unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company and the return of foul air or noisome or impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company, nor if such private bath shall be capable of containing when filled for use more than fifty gallons of water. For preventing fouling water.

56. Water supplied by the Company need not be laid on under a pressure greater than that to be afforded from the pipes communicating with the existing reservoir of the Company in the parish of Banstead. Pressure.

57. The Company may supply water by measure, provided that no water meter nor any index thereto, whether supplied by the Company or the consumer, shall at any time or times be altered or repaired, connected or disconnected, except under the direction or with the consent of the Company or their manager, and every person offending against this enactment shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds. As to supply of water by measure.

58. The Company may supply any person with water for other than domestic purposes on such terms as he and the Company agree on. Notwithstanding any such agreement no person shall be entitled to such a supply whenever and as long as the Company are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Act. Every such agreement may be by virtue of this Act determined by the Company on one month's notice in writing. Water for other than domestic purposes.

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

60. The Company after forty-eight hours notice in writing under the hand of the secretary, or some other officer of the Company, to the occupier, or if there be no occupier then to the owner or lessee of any building or lands in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of water is from any cause other than the default of the Company discontinued, may enter such buildings or lands between Power to remove pipes and fittings.

A.D. 1871. the hours of nine in the morning and four in the afternoon, or at any other time with the authority in writing of a justice, for the purpose of removing, and may remove, every such pipe, meter, and fitting, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last-known place of abode or business in England, or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Company's officers to enter buildings.

61. The Company's manager, or other officer duly appointed for the purpose by the Company, may, between the hours of nine of the clock in the forenoon and five of the clock in the afternoon, enter any building or place supplied with water by the Company and inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, and see whether they are in good repair, and if such manager or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Power to Company to make regulations for preventing waste of water.

62. Subject to the provisions of this Act, the Company may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and among other things may prescribe the size, nature, make, strength, and arrangement of the pipes, cocks, cisterns, meters, and other apparatus used for the purposes of the supply.

Power to Company to refuse supply where regulations not complied with.

63. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Company may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with.

Recovery of charges for supply of water.

64. In case any person who shall have been supplied with water by the Company, or who shall be liable to payment in respect of a supply of water under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect of such supply for the space of fourteen days after demand thereof by the Company, their agent or collector, it shall be lawful for any justice having jurisdiction where such person shall then reside, or where such water shall have been supplied, to issue his summons to such person requiring him to appear before two justices having jurisdiction as aforesaid, at a time and place named, then and there to show cause why the sum so demanded should not be paid, and if on the

appearance of such person, or in default of appearance after proof of the service of the summons either personally or at the last-known place of abode or of business of such person, no sufficient cause shall be shown to the contrary, it shall be lawful for such two justices to issue their warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justices to be due from such person, together with such costs as to such justices shall appear just and reasonable.

A.D. 1871.

65. Whenever any person neglects to pay any rent, rate, or sum due to the Company under this Act they may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the Company under this enactment shall be in addition to their other remedies for the recovery of such rent, rate, or sum.

Recovery of sums by action.

66. In case any consumer of the water of the Company shall leave the premises where such water has been supplied to him without paying to the Company the water rent due from him, the Company shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenants not liable to pay arrears of water rent, &c.

67. A justice or a judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate, rent, or charge under this Act.

Liability to water rent not to disqualify justices, &c.

68. Any summons, warrant, demand, or notice, or other such document to be issued or given for any of the purposes of this Act may be in writing or print, or partly in writing or partly in print, and if the same require authentication by the Company the signature thereof by the secretary to the Company shall be a sufficient authentication.

Authentication of notices.

69. Every penalty imposed by this Act or any Act incorporated with this Act shall (except where otherwise expressly provided, and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Application of penalties.

70. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Penalties not cumulative.

[Ch. xv.] *The Sutton District Waterworks Act, 1871.* [34 VICT.]

A.D. 1871.

Expenses of
Act.

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

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1871.