



CHAPTER cxvi.

An Act to incorporate a Company for making Works and supplying Water within certain parishes and townships in the Valley of the Dearne; and for other purposes.

A.D. 1880.

[2nd August 1880.]

WHEREAS the parishes, townships, and places of Hoyland-Nether, Adwick-upon-Deerne, Bolton-upon-Deerne, Goldthorpe, Darfield, Wombwell, Wath-upon-Deerne, and Brampton-Bierlow, in the west riding of the county of York, are imperfectly supplied with water:

And whereas the persons herein-after in that behalf named, with others, are willing to provide a better supply of water to those places if incorporated into a company with necessary powers for that purpose, and it is expedient that they should be incorporated accordingly:

And whereas a plan and section of the reservoir, tanks, and other works showing the lines and levels thereof respectively, and also a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the west riding of the county of York, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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

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

1. This Act may be cited as the Dearne Valley Waterworks Act, 1880. Short title.

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Incorporation of
general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 98.

2. The Companies Clauses Consolidation Act, 1845, Parts I. and III. of the Companies Clauses Act, 1863, relating respectively to cancellation and surrender of shares and to debenture stock, the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Waterworks Clauses Act, 1847, and the Waterworks Clauses Act, 1863, shall, except where expressly varied by this Act, be incorporated with and form part of this Act, and the Acts and parts of Acts so incorporated are in this Act referred to as the incorporated Acts.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings ;

In the incorporated Acts, for the purposes of this Act, and in this Act, the expression "superior courts" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used was a simple contract debt, and not a debt or demand created by statute ;

unless in any of the before-mentioned cases there is something in the subject or context repugnant to such construction.

Limits of Act.

4. The limits of this Act for the supply of water shall comprise and include the parishes and townships of Hoyland-Nether, Adwick-upon-Deerne, Bolton-upon-Deerne, Goldthorpe, Darfield, Wombwell, Wath-upon-Deerne, and Brampton-Bierlow, all in the west riding of the county of York ; but nothing in this Act contained shall authorise the supply of water by the Company within the district of Worsborough (in the parish of Darfield) without their first having obtained the consent of the local board of health of such district.

Incorporation of Company.

5. John Oldroyd Greaves, William Francis Allen, Walter John Sykes, William Henry Gill, and John Masterman, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the works by this Act authorised, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Dearne Valley Waterworks Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take,

hold, and dispose of lands and other property for the purposes of this Act. A.D. 1880.

6. The Company shall be established for the purpose of making and maintaining and from time to time renewing the wells, pumping stations, reservoir, and works by this Act authorised to be made or which may be vested in the Company, and for supplying water, by measure or otherwise, within the limits of this Act, and for other the purposes of this Act. General purposes of the Company.

7. Nothing in this Act contained shall authorise or empower the Company to supply water, either directly or indirectly, within the limits of supply of the Mexbrough District Water Company as defined by the Mexbrough District Water Order, 1879. Company may not supply water within certain limits. 42 & 43 Vict. c. clix.

8. Nothing in this Act contained shall authorise or empower the Company to supply water, either directly or indirectly, within the district of the local board of Wombwell, except with the consent of the said local board in writing under their common seal, or within the townships of Wath-upon-Dearne and Brampton-Bierlow, except with the consent in writing of the West Melton Waterworks Company, Limited, in writing under their common seal, and in each case subject to such conditions and restrictions as the said local board, so far as relates to the said district, and the West Melton Waterworks Company, Limited, so far as relates to the said townships, shall approve of; but nothing in this section contained shall prevent the Company from laying down pipes through the said district and townships respectively for the purpose of supplying water beyond the same. Company not to supply water within certain places without consent.

9. Nothing in this Act contained shall authorise or empower the Company to supply water within the limits of the Burnt Wood Hall and Hargate Hill estates or any other estates in the township of Great Houghton, in the parish of Darfield, of which Thomas Dymond is the owner or reputed owner, without his consent in writing; but nothing in this section contained shall prevent the Company from laying down pipes within such limits for the supply of water elsewhere. Company not to supply water to certain estates in Great Houghton.

10. The capital of the Company shall be thirty thousand pounds, in three thousand shares of ten pounds each. Capital.

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

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Calls.

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

Receipt in
case of
persons not
sui juris.

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

Representa-
tion of the
Company in
bankruptcy,
&c.

14. In proceedings under any bankruptcy or deed of composition or arrangement, or liquidation by arrangement or composition, with creditors, the secretary of the Company, or any person appointed in his behalf by writing under his hand, may represent the Company, and shall be competent to act for the Company, and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Power to
borrow on
mortgage.

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

Conversion
of borrowed
money into
capital.

16. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act,

unless in either case all dividends upon the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

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17. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Appointment
of receiver.

18. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture
stock.

19. All moneys raised on mortgage by the Company under this Act, and the interest due thereon, and the interest due on debenture stock created and issued under this Act, shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act; but this priority shall not affect any claim against the Company in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or *pari passu* with the interest or dividends on the mortgages and debenture stock, nor shall anything herein-before contained affect any claim for land taken, used, or occupied by the Company for the purposes of their works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Priority of
mortgages
and debenture
stock
over other
debts, &c.

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

Application
of moneys.

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

First
ordinary
meeting.

22. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be never less than three.

Number of
directors.

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Qualification
of directors.
Quorum.

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

24. The quorum of a meeting of directors, so long as the number of directors be four or more, shall be three, but if the number of directors be reduced below four the quorum shall be two.

First
directors.Election of
directors.

25. John Oldroyd Greaves, William Francis Allen, Walter John Sykes, William Henry Gill, and John Masterman shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may, subject to the power of reducing the number of directors herein contained, either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to fill up the number of directors or to supply the place of those not continued in office, the directors appointed by this Act being (if qualified) re-eligible; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall, subject to the said power of reducing the number of directors, elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Contracts
not to
disqualify
for office of
director.

26. Any contract to be made under this Act with any local board or public body shall not disqualify any of the members of such local board or public body for the office of director of the Company, and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of money to the Company, but no director of the Company being a member of any such local board or public body shall vote upon any question with reference to any contract with such local board, corporation, or public body.

Power to
make water-
works.

27. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the following works; (that is to say,)

A pumping station (in this Act called "The Broomhill Pumping Station"), with a tank or tanks and all other necessary works in connexion therewith, to be situate in the township of

Wombwell, in the parish of Darfield, near Gorse Pits Bridge and the Manchester, Sheffield, and Lincolnshire Railway; A.D. 1880.

A tank or service reservoir to be situate in the township of Hoyland-Nether, in the parish of Wath-upon-Dearne, in or near a certain field called Low Close, near Kirkbalk;

A line of pipes from the pumping station of the intended Company, in the township of Wombwell and parish of Darfield, to the said intended tank or service reservoir;

together with all proper roads, approaches, chains, engines, machinery, valves, works, and conveniences connected therewith or incident thereto respectively, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

28. Subject to the provisions of this Act, the Company, in constructing the waterworks by this Act authorised, may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked or described in writing thereon, and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards: Provided always, that the Company shall not, in the exercise of the power of lateral deviation hereby given, construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with respect to the corresponding embankment or wall, and three feet in addition.

Limits of deviation.

29. Nothing in this Act contained shall empower the Company to break up or interfere with the roads or lay down mains in the township of Adwick-upon-Dearne or in the township of Bolton-upon-Dearne without the consent of the rural sanitary authority first had and obtained.

Certain roads not to be broken up without consent of local authority.

30. The Company may, for the purposes of their undertaking, purchase, take, and hold (by agreement, but not otherwise), in addition to the lands delineated on the deposited plans and described in the deposited book of reference, any lands and hereditaments, not exceeding in the whole six acres, which the Company may from time to time require for the purposes of their works and undertaking; but the Company shall not erect any buildings upon such lands other than offices, residences for persons in their employ, or such buildings and works as may be incident to or connected with their undertaking.

Power to purchase lands by agreement.

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Power to
take ease-
ments, &c.
by agree-
ment.

31. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege in, over, or affecting any lands (not being an easement, right, or privilege of water) required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the first-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Period for
compulsory
purchase of
lands.

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

Period for
completion
of works.

33. If the waterworks authorised by this Act and shown on the deposited plans are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing herein contained shall restrict the Company, subject to the provisions of this Act, from renewing, extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes from time to time as occasion requires for supplying water within the limits of this Act.

Constant
pressure, &c.

34. Water supplied under this Act need not be constantly laid on under pressure, but the Local Government Board may at any time or times hereafter order that the water to be supplied under this Act within the whole or any part of the Company's water limits shall be constantly laid on under pressure, and the Company shall be bound by such order as if the same were herein enacted.

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

35. The Company shall, at the request of the owner or occupier of any 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, is entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic use at a rate not exceeding six pounds per centum per annum upon the annual rackrent, or, if not let at an annual rackrent, upon the gross rateable value of the dwelling-house supplied, and so in proportion for any longer or shorter period than a year: Provided that the Company shall not be obliged to furnish any such supply for less than twopence per week.

36. In addition to the rates for the supply of water for domestic purposes the Company may demand and receive for every water-closet beyond one in any house of not more than twenty pounds annual rackrent, or (if not let at rackrent) annual value, any yearly sum not exceeding five shillings, and in any other house any yearly sum not exceeding ten shillings for the first or only one, seven shillings and sixpence for the second, and five shillings for every additional one, and for every private fixed bath in any house any yearly sum not exceeding ten shillings.

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Rates for
waterclosets
and baths.

37. Provided always, that the Company shall not be compelled to supply with water any watercloset or any private fixed 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 and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company, nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Prevention
of fouling
water.

38. The Company shall, at the request of any consumer of water for purposes other than the purposes for or in respect of which the rates or charges are herein-before provided or limited, afford a supply of water by meter, and may charge for such supply not exceeding the following rates per one thousand gallons; that is to say,

Supply of
water by
meter.

When the quarterly consumption of water shall not exceed fifty thousand gallons, one shilling;

When exceeding fifty thousand gallons, one shilling for the first fifty thousand gallons, and tenpence halfpenny for any further quantity of fifty thousand gallons consumed, or any fractional part of such quantity.

39. The Company may from time to time make regulations for the purpose of preventing the waste or misuse or contamination of water, and, amongst other things, may prescribe (with or without reference to models, patterns, or samples) the size, nature, materials, workmanship, and strength of the pipes, cocks, ferrules, valves, soil-pans, waterclosets, baths, cisterns, and other apparatus or receptacles whatsoever to be used, and may forbid any arrangements, and the use of the several things before mentioned, or any or either of them, which may lead to such waste or misuse or contamination.

Regulations
for prevent-
ing waste of
water.

40. No such regulation shall be of any force or effect except within the district which the Company is bound to supply with water under constant pressure, and unless and until the same shall have been submitted to and confirmed by the Local Government.

Confirmation
of regula-
tions.

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Board, which Board is hereby empowered to confirm the same; and no such regulation shall be confirmed until after the expiration of ten days after notice in writing of the intention to submit the same for confirmation, together with a copy of the proposed regulation, shall have been given by or on behalf of the Company to the local authorities within the limits of supply, who may within the said period of ten days make such representation with reference thereto to the Local Government Board as such authorities shall think expedient: Provided that if the said Board do not confirm the regulations so submitted within three calendar months after submission, such regulations shall be deemed to have been confirmed.

Publication
of regula-
tions.

41. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company; all persons may at all reasonable times inspect such copy without payment, and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

Evidence of
regulations.

42. A printed copy of any such regulations as aforesaid, dated and purporting to be made as aforesaid, and to have been confirmed by the Local Government Board, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, publication, and existence of such regulations without further or other proof.

Regulations
how to be
enforced.

43. In the event of any such regulations not being complied with by any person being or about to become a customer of the Company, they may refuse to supply water, or (as the case may be) may cut off the water supplied by them to him (notwithstanding any contract or otherwise), until the regulations are complied with: Provided that, except in cases of accident, emergency, or necessary repairs, the Company shall not under this provision cut off the water supplied to any customer of the Company until after he has had twenty-four hours notice in writing from the secretary or other officer of the Company of the intention of the Company to cut off the same.

Disputes to
be deter-
mined by
justices.

44. In the event of any dispute between the Company and any customer or intending customer as to the fact or extent of any alleged non-compliance with any such regulations, such dispute shall be referred to the determination of two justices, whose decision thereon, and the amount of costs (if any) of or incident to such

dispute, and the determination thereof, and by whom such costs are to be paid, shall be final and conclusive. A.D. 1880.

45. Subject to the provisions of this Act, the Company may from time to time enter into and carry into effect such contracts and arrangements with any local board or other local authority having power to lay down pipes and supply water within their respective districts, and whose districts are wholly or partly within or border upon the limits of this Act, with respect to supplying water in bulk to such local boards or other local authorities, upon such terms and conditions as may be agreed upon between the Company and such local boards and other local authorities respectively, and the parties thereto may from time to time by agreement vary, suspend, or rescind any such contracts or arrangements, and make others in lieu thereof or in addition thereto. Power to Company to supply water in bulk to local authorities, &c.

46. Notwithstanding anything in this Act contained, the Company shall not supply water in bulk or otherwise to any corporation, body, or person beyond the limits for the supply of water by this Act authorised, nor to any person within those limits for other than domestic purposes, if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the limits by this Act authorised. Domestic supply within limits of Act not to be interfered with by supply for other purposes.

47. In all cases in which the Company are by this Act authorised to cut off the pipe or to turn off water from any premises, the Company, their agents and workmen (after giving notice to the owner or occupier as herein-after provided), may enter into such premises between the hours of nine in the forenoon and four in the afternoon for the purpose of cutting off any pipe by which the water of the Company shall be supplied to such premises. Entry on premises to cut off supply in certain cases.

48. The notice to be given previously to such entry shall be in writing or print, or partly in writing and partly in print, and shall be served in manner following; (that is to say,) Mode of giving notice.

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

If such premises be unoccupied, and the owner thereof and his usual place of abode be in England and be known to the Company, then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours, or by sending the same by post in a registered letter addressed:

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to him at his usual place of abode and posted forty-eight hours at least previously to such entry ;

If such premises be unoccupied, and the owner thereof or his usual place of abode be not in England or be not known to the Company after due inquiry, then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry ;

and for the purposes of this section any person receiving the rents of any such premises, either on his own account or as agent for any other person, shall be deemed the owner of such premises.

Power to
remove
meters and
fittings.

49. 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 is 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 for not less than forty-eight consecutive hours, may enter such buildings or lands between 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 notice required by this section 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.

Service
pipes.

50. All fittings connected with any service pipe to communicate with the mains and pipes of the Company which shall be provided by any person shall be placed and removed under the superintendence of the Company and at the expense of such person.

Notice to be
given of
putting up
meters, &c.

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

Repair of
meters.

52. Every consumer of water of the Company supplied by meter shall at all times, at his own expense, keep all meters belonging to him, whereby any water of the Company is registered, in proper

order for correctly registering such water, in default whereof the Company may cease to supply water through such meters, and the Company shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such taking off, removal, testing, and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

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53. The register of the meter when in working order shall be *primâ facie* evidence of the quantity of water consumed by any customer of the Company in respect of which any water rate or rent is charged and sought to be recovered by the Company.

Register of
meter to be
primâ facie
evidence.

54. If any person wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipe, meter, or fitting belonging to the Company, or fraudulently alters the index to any meter, or fraudulently prevents any such index from duly registering the quantity of water supplied, he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damages sustained by them, and the Company may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damage is paid, notwithstanding any contract previously existing; and the existence of artificial means for causing such alteration or prevention when such pipe, meter, or fitting is under the custody or control of the consumer shall be *primâ facie* evidence that the same has been fraudulently caused by the consumer using such pipe, meter, or fitting.

Fraudulently
injuring
meters, &c.

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

Prevention
of frauds and
waste of
water.

56. The Company may, if requested by any person supplied or about to be supplied by them with water, furnish to him and from time to time repair or alter any such meters, pipes, valves, cocks,

Power for
Company to
supply ma-
terials, &c.

A.D. 1880. baths, soil-pans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf, and the cost of providing such materials and executing such work shall be paid by the person requiring the same.

Incoming tenant not liable for arrears.

57. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rate or rent or meter rent left unpaid by any former tenant, unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Company not bound to supply several houses by one pipe.

58. The Company shall not be bound to supply more than one house by means of the same pipe, but they may, if they think fit, require that a separate pipe be laid into each house supplied by them with water.

Recovery of sums due.

59. If any person fails to pay any rate, rent, or charge for water, water meter or fitting, damages, costs, expenses, or other sum due to or recoverable by the Company under this Act, then, if the amount thereof is not bonâ fide disputed, the same may be levied by distress (the person in default being first duly summoned), and any justice may issue his warrant accordingly, and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent, rate, damages, costs, expenses, or other sum.

Notice of discontinuance.

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

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

61. A justice or judge of any court shall not (except as in this Act expressly provided) be disqualified from acting in the execution of this Act by reason of his being a creditor of the Company, or of his being liable to the payment of any water rent, meter rent, rate, or charge under this Act.

Contents of summons, &c.

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

Costs of distress.

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

64. 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. A.D. 1880.
Penalties not
cumulative.

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

