



CHAPTER lxii.

An Act for empowering the Local Board for the District of East Stonehouse in the County of Devon to improve their existing Water Supply and for other purposes. A.D. 1893.

[9th June 1893.]

WHEREAS by an Act passed in the thirty-fifth year of the reign of Her Majesty Queen Elizabeth intituled "An Act for bringing fresh Water to the Town of Stonehouse in the County of Devon" a supply of water was provided for the inhabitants of such town but the Act contained no powers to construct works or lay pipes or levy rates or borrow money for any of such purposes :

And whereas by the East Stonehouse Waterworks Act 1851 (herein-after called "the Act of 1851") certain commissioners were appointed and authorised to construct works for the supply of water to the parish and township of East Stonehouse and the liberties and precincts thereof :

And whereas by a Provisional Order of the Local Government Board dated the fourth day of June one thousand eight hundred and seventy-four confirmed by the Local Government Board's Provisional Orders Confirmation Act 1874 (No. 4) certain sections of the last-mentioned Act were repealed and the same was amended by substituting in all places in that Act as amended the term "East Stonehouse Local Board" in the place and stead of the term "the commissioners" and otherwise as therein expressed :

And whereas the sources of water supply available by means of the existing waterworks of the East Stonehouse Local Board herein-after referred to as the Local Board are inadequate to meet the existing and growing demands of the inhabitants of the district :

And whereas it is expedient that the Local Board be empowered to obtain a further supply of water and that the agreement entered into for this purpose between the mayor aldermen and burgesses of

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the borough of Plymouth and the Local Board set forth in the schedule to this Act should be confirmed :

And whereas it is expedient that such further powers be conferred upon the Local Board and such further provisions made with respect to the Local Board and their water undertaking as are in this Act contained :

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

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the thirteenth day of December one thousand eight hundred and ninety-two after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Western Morning News" a local newspaper published and circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the Bill for this Act be promoted and that the Local Board incur the requisite expense in relation thereto :

And whereas such resolution was published twice in the said newspaper and in respect of matters under the respective jurisdictions of the Local Government Board and the Secretary of State have received the approval of such Board and one of Her Majesty's Secretaries of State respectively :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board at a further special meeting held in pursuance of a similar notice on the tenth day of January one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district by resolution passed in the manner prescribed by the Third Schedule of the Public Health Act 1875 have consented to the promotion of the Bill for this Act :

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

Short title.

1. This Act may be cited as the East Stonehouse Water Act 1893.

Incorporation of general Acts.

2. The Waterworks Clauses Act 1847 as altered by section 57 of the Public Health Act 1875 and except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and the

Waterworks Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

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3. In this Act the following words and expressions have the meanings hereby assigned to them respectively unless the context otherwise requires (that is to say) :—

Interpretation of terms.

“The Local Board” means the East Stonehouse Local Board;

“Water undertaking” means the waterworks undertaking of the Local Board;

“The district” means the urban sanitary district of the Local Board;

“The district fund” and “the general district rate” mean respectively the district fund and general district rate of the district:

The several words and expressions to which meanings are assigned in the Public Health Act 1875 have in this Act (unless the context otherwise requires) the same respective meanings provided that 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 they are respectively used were a simple contract debt and not a debt or demand created by statute.

4. This Act shall apply exclusively to the district and shall be put in execution by the Local Board with the powers duties and indemnities and according to the provisions of the Public Health Act 1875 and any Acts amending the same.

Limits and execution of Act.

5. The scheduled agreement is hereby confirmed and made binding upon the mayor aldermen and burgesses of the borough of Plymouth and upon the Local Board.

Confirmation of scheduled agreement.

6. The Local Board may from time to time for any of the purposes of their water undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised to take by compulsion but the Local Board shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to take lands by agreement.

7. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Local Board may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit subject to the same being offered in the first instance to the adjoining owner

Power to sell &c. surplus lands.

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and in case of sale either in consideration of the execution of works or of the payment of a gross sum any lands or reservoirs or any interest in any lands or reservoirs acquired by them under the powers of this Act or the Act of 1851 and not required for the purposes of those Acts respectively and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Before the Local Board sell or otherwise deal with the site of their present reservoirs and the approaches thereto in the tything of Pennycross and that part of the old leat of the Local Board which passes through the lands of Chappell William Hodge the owner or reputed owner of the mansion house and estate known as Pounds in the said tything they shall offer the same to the said Chappell William Hodge his heirs or assigns in manner prescribed by sections 128 to 132 both inclusive of the Lands Clauses Consolidation Act 1845.

Reservation
of water
rights &c.
on sale.

8. The Local Board on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions provisions with respect to 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.

Application
of moneys
derived
from sale &c.
of surplus
lands.

9. The Local Board shall apply all moneys from time to time received by them in respect of any sale exchange or disposition of any surplus lands of the Local Board under the powers of this Act or by way of fine or premium on lease or any other moneys received by the Local Board under this Act on capital account other than borrowed moneys in or towards the extinguishment of any loan borrowed by the Local Board under the powers or for the purposes of this Act and such application shall be in addition to and not in substitution for any other mode of repayment by this Act provided.

General
powers.

10. The Local Board shall have and may exercise all or any of the powers rights privileges and authorities following (that is to say) :—

Power to lay
pipes in
streets not

(A.) The Local Board may on the application of the owner or occupier of any premises abutting on or being erected in any

street or road laid out but not dedicated to public use supply such premises with water and may lay in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to and for the purposes of this section :

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dedicated to public use.

(B.) The Local Board may supply any person with water for hydraulic or other purposes not being domestic purposes for such rent or other remuneration as may be agreed between them and the person supplied but the powers of this sub-section shall not be exercised so as to interfere with their giving an efficient supply for domestic purposes :

Supply of water for hydraulic and other purposes.

(C.) The Local Board may agree with any person desirous of having a supply of water that the rent or remuneration for such supply shall be determined by the quantity of water consumed to be ascertained by a meter to be provided by the Local Board and may agree on the amount of the rent or remuneration to be paid for such supply :

Rent for water may be ascertained by meter.

(D.) The Local Board may from time to time purchase and sell or let to any person supplied by them with water meters pipes fittings and apparatus suitable for the purposes of such supply ;

Power to sell or let meters &c.

Any such letting for hire may be for such remuneration in money and on such terms with respect to the repair of articles and fittings let and for securing the safety and return to the Local Board of such articles and fittings and otherwise as may be agreed between the hirer and the Local Board :

(E.) All fittings connected with any service pipe to communicate with the mains and pipes of the Local Board which shall be provided by any person shall be placed and removed under the superintendence of the Local Board and at the expense of such person :

Service pipes.

(F.) The Local Board after twenty-four hours notice in writing under the hand of the clerk or some other officer of the Local Board to the occupier or if there is no occupier then to the owner or lessee or the agent of the owner or lessee of any building or lands in which any water-pipe meter or fitting belonging to the Local Board is laid and fixed and through or in which the supply of water is from any cause other than the default of the Local Board discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and six in the afternoon or at any other time with the authority in writing

Power to remove meters and fittings.

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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 :

As to water meters.

(g.) In cases in which the Local Board supply water by meter the following provisions shall have effect :—

- (1.) Before any person connects or disconnects any meter through which any of the water of the Local Board is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Local Board 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 ;
- (2.) Every consumer of water of the Local Board shall at all times at his own expense keep all meters belonging to him whereby any water of the Local Board is registered in proper order for correctly registering such water in default whereof the Local Board may cease to supply water through such meters and the Local Board 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 Local Board if the meter be found in proper order but otherwise at the expense of the consumer ;
- (3.) The register of any meter shall be *primâ facie* evidence of the quantity of water consumed by any customer of the Local Board in respect of which any water-rate or rent is charged or sought to be recovered by the Local Board ;
- (4.) If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any meter or fitting belonging to the Local Board 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 Local Board or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Local Board may in addition thereto recover the amount of any damages sustained by them ;
- (5.) 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 :

(H.) The Local Board shall not be bound to supply more than one house by means of the same pipe and they may if they think fit require that a separate pipe be laid up to each house supplied by them with water :

Local Board
not bound to
supply
several
houses by
one pipe.
Bye-laws
preventing
waste &c.
of water.

(I.) For preventing waste misuse undue consumption or contamination of the water of the Local Board the following provisions shall have effect namely :—

(1.) The Local Board may from time to time make such bye-laws as they think expedient for the objects aforesaid to be observed by persons supplied with water ;

(2.) The Local Board may by any such byelaws direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connexion disconnection alteration and repair of pipes valves meters cocks tanks cisterns baths soil-pans waterclosets and other apparatus or receptacles necessary for conveying delivering receiving and measuring water and may interdict any arrangement and the use of any pipe valve meter cock tank cistern bath soil-pan watercloset or other apparatus or receptacle likely to occasion waste misuse undue consumption erroneous measurement or contamination of water ;

(3.) In case of the failure of any person to observe any bye-laws for the time being in force the Local Board may if they think fit after twenty-four hours' notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve meter cock tank cistern bath soil-pan watercloset or other apparatus or receptacle belonging to or used by any person supplied by them and the power of entry given by section 15 of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purposes of such repair replacement or alteration and the expense of every such replacement or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied and may be recovered from him in a summary manner ;

(4.) All byelaws made by the Local Board under this section shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates to byelaws made by a rural sanitary authority) of the Public Health Act 1875 and shall be in force only within those parts of the water limits in which the Local Board are bound to afford and do

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in fact afford or are prepared on demand to afford a constant supply :

Local Board's officer may enter buildings to inspect fittings.

(j.) Any person duly appointed for the purpose by the Local Board and exhibiting his appointment if required to do so may between the hours of nine of the clock in the forenoon and four of the clock in the afternoon enter any building or place supplied with water by the Local Board and inspect the meters pipes valves ferrules cocks cisterns soil-pans baths waterclosets taps fittings and other apparatus and receptacles for conveying delivering and receiving water and the mode of arrangement thereof and see whether they are in good repair and if such person 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 be liable to a penalty not exceeding five pounds :

Notice of discontinuance.

(k.) A notice to the Local Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the principal office for the time being of the Local Board.

Constant pressure.

11. Water supplied under this Act shall be supplied at high pressure and shall be constantly laid on in accordance with section 35 of the Waterworks Clauses Act 1847 :

Provided always that the water to be supplied by the Local Board need not be constantly laid on under pressure until the expiration of five years after the twenty-fourth day of June 1893.

Rates for supply for domestic purposes.

12. Notwithstanding anything contained in the Act of 1851 the Local Board shall levy the charges and rates authorised by that Act without any restriction as to the maximum rate or charge that may be levied under that Act.

No water rate shall be made or levied on any warehouses tenements or other premises belonging to the Great Western Railway Company unless such warehouses tenements or premises are entirely within the district of or supplied with water by the Local Board.

Rebates on water rents.

13. The Local Board may allow discounts or rebates to consumers of water in consideration of prompt payment of water rents upon such scale and subject to such conditions and regulations as may be agreed upon by the Local Board or their clerk on their behalf and such consumer Provided that any such discount or rebate shall in no case exceed fifteen per centum and shall be allowed equally to all consumers in like circumstances.

Rates for water-closets

14. In addition to the rates authorised to be charged by them the Local Board may charge in respect of every watercloset beyond

the first in any house or part of a house or appurtenance thereto an additional sum not exceeding five shillings per annum and for every bath an additional sum not exceeding seven shillings and sixpence per annum and such additional sums may be received with and as part of or recovered by the same means as the rates for the supply of water for domestic purposes Provided that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Local Board may charge an increased rate in proportion to the size of such baths.

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and private
baths.

15. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may at any time to the extent of the rent then due from the occupier to the owner be recovered from the occupier and may be deducted by him from such rent.

Rates pay-
able by
owner for
small houses.

16. The Local Board may from time to time (in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public or local Act) borrow at interest on mortgage of the revenue of the water undertaking and of the district fund and general district rate—

Power to
borrow.

Such sums as may be required for paying the costs charges and expenses of this Act as herein-after defined.

17. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain
regulations
of Public
Health Act
as to bor-
rowing not
to apply.

18. Sections 236 237 238 and 239 of the Public Health Act 1875 shall extend and apply to all mortgages made under the powers of this Act.

Provisions
as to
mortgages.

19. A person lending money to the Local Board shall not be concerned to inquire as to the observance by them of any provisions of this Act or to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Protection of
lenders from
inquiry.

20. The Local Board shall pay off all moneys borrowed by them under this Act within the period of fifteen years from the date of the borrowing of the same and such period is in this Act referred to as "the prescribed period."

Period for
payment of
money
borrowed.

21. The Local Board shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal

Mode of
payment off

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—
of money
borrowed.

yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by sinking fund and in regard to any sinking fund formed under this Act the provisions of section 15 of the Local Loans Act 1875 shall apply and is hereby incorporated with this Act But the Local Board shall not invest any sinking fund in their own securities.

Annual
return to
Local
Government
Board.

22. The clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required for the sinking fund under this Act or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Power to
reborrow.

23. If the Local Board pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may reborrow the same and so from time to time Provided that all moneys so

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reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing shall have been made and any amounts from time to time reborrowed shall be deemed to form the same loan as the moneys in lieu of which such reborrowing shall have been made and the obligations of the Local Board with respect to the repayment of such moneys shall not be in any way affected by such reborrowing.

24. The Local Board shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Local Board shall from time to time be a sufficient discharge to the Local Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Local Board have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Local Board shall not be bound to see to the application of the money paid in any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Local Board
not to regard
trusts.

25. All moneys borrowed by the Local Board under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Application
of borrowed
moneys.

26. All expenses incurred by the Local Board in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Expenses of
execution of
Act.

27. The Local Board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

Power to
borrow
under Local
Loans Act
1875.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge on and shall be paid out of the revenue fund and rate on the security of which they were borrowed and such revenue fund and rate shall be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such sum shall be discharged within the prescribed period.

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Separate
accounts to
be kept as to
water.

Application
of revenue of
water under-
taking.

28. The Local Board shall keep the accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from revenue and such accounts shall be subject to the same provisions as to audit as other accounts of the Local Board.

29. The Local Board shall apply all money from time to time received by them on account of revenue arising from their water undertaking—

- (1.) In payment of the expenses of and incidental to the collection and recovery of rates and of the working and establishment expenses and cost of maintenance of such undertaking ;
- (2.) In payment of the interest on any moneys borrowed by the Local Board for the purposes of such undertaking ;
- (3.) In providing the requisite instalments or sinking fund or otherwise making provision for repayment or payment off of any moneys borrowed by the Local Board under the powers of this Act ;
- (4.) In repayment or recoupment to the district fund or general district rate of any money expended out of that fund for the purposes of such undertaking ;
- (5.) In providing a reserve fund if the Local Board think fit by setting aside such sums as they from time to time think reasonable and investing the same and the resulting income thereof in securities in which sinking funds under this Act may be invested and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the revenue of the Local Board from such undertaking or to meet any extraordinary claim or demand at any time arising against the Local Board in respect of the said undertaking and so that if the said fund is at any time reduced it may be again restored to the amount aforesaid and so from time to time as often as such reduction happens, Provided that if and so long as such reserve fund shall amount to the full maximum sum the interest thereof shall be applied by the Local Board in the manner in which the revenue of the said undertaking is by this Act authorised to be applied ;
- (6.) So much of any balance remaining in any year as may in the opinion of the Local Board not be required for carrying on the undertaking and paying the current expenses connected therewith interest on moneys borrowed and instalments contributions to the sinking fund appropriations and annual repayments may be applied by the Local Board in the repayment of any moneys

borrowed by the Local Board for the purchase of the said undertaking and any balance shall be carried to the credit of the district fund or general district rate. A.D. 1893.

30.—(1.) Any instrument or document other than contracts conveyances mortgages and other securities of the Local Board but including any notice order resolution declaration requisition consent approval disapproval demand or other document made given delivered or served by the Local Board under this or any other Act or under any byelaw may be in writing and shall be sufficiently authenticated by the signature of the clerk or other duly authorised officer of the Local Board being affixed thereto on behalf of the Local Board. Form and service of notices by Local Board.

(2.) Where any such instrument is required to be given to or served on the owner or occupier of any property it shall be sufficient to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it shall be given or served without further name or description and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively and when so addressed may be served on more owners or occupiers than one so that separate copies be served on the respective owners and occupiers of the several properties concerned.

(3.) Any such instrument may be served on any owner occupier or other person either personally or on his known agent or by sending the same through the post in a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or in case of an occupier of such property (being a building) to any inmate of such building or if the property is unoccupied or the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such property.

Provided always that in the case of any company any such instrument or document shall be delivered or sent by post addressed to the secretary or manager of the company at their principal office or place of business.

31. All information under or for the breach of any of the provisions of this Act may be laid by any officer of the Local Board duly authorised in that behalf. Information by whom to be laid.

32. Except where otherwise expressed to the contrary any notice to or demand on the Local Board under this Act may be served on the Local Board by being delivered to the clerk or by being sent through the post in a registered letter directed to the clerk. Service of notice on Local Board.

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Penalty on
occupiers
refusing
execution of
Act.

33.—(1.) In case the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect in respect thereof any notice given by the Local Board under this Act or under any byelaw then after notice of this provision shall have been given by the owner to the occupier any two justices upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the first-mentioned notice to be done.

(2.) If after the expiration of seven days from the notice of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding twenty shillings and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(3.) If the occupier of any premises when requested by or on behalf of the Local Board to state the name of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully misstates the same he shall (unless he shows a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

Prosecution
of offences
and recovery
of penalties
and ex-
penses.

34. All offences against this Act or any byelaws made under this Act and all penalties or forfeitures which may be imposed by this Act or any such byelaw and the costs and expenses which may be incurred by the Local Board in the prosecution of any person who shall offend against this Act or any such byelaw may respectively be prosecuted and recovered in a summary manner and all penalties shall be applied as if they were penalties recovered under the Public Health Act 1875.

Right of
appeal.

35. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate consent or approval of or by the Local Board or of or by any officer or valuer of the Local Board or by any conviction or order by a court of summary jurisdiction under any provision of this Act or any byelaw thereunder may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Saving for
indictments
&c.

36. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

37. All powers given by this Act shall unless otherwise expressly stated be deemed to be in addition to and not in derogation from any other powers conferred on the Local Board by the Public Health Act 1875, and any Act amending the same. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

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—
Powers of
Act to be
cumulative.

38. The costs charges and expenses preliminary to and of and incidental to the preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Local Board out of money borrowed under the authority of this Act or out of the district fund.

Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

MEMORANDUM OF AGREEMENT made this twenty-seventh day of April 1893 Between the Mayor Aldermen and Burgesses of the Borough of Plymouth (herein-after called "the Corporation") of the one part and the Local Board for the Urban Sanitary District of East Stonehouse in the County of Devon (herein-after called "the Local Board") of the other part.

WHEREBY it is mutually agreed by and between the Corporation and the Local Board as follows (that is to say):—

1. The Corporation shall supply to the Local Board and the Local Board shall take a continuous supply of water at all times to the amount of the requirements of the district of the Local Board in quantity not exceeding one million gallons per week for the first two years from the twenty-fourth day of June one thousand eight hundred and ninety-three and not exceeding one million seven hundred and fifty thousand gallons per week for the next three years and thereafter in perpetuity not exceeding five hundred thousand gallons per diem.

2. The supply shall be given at all times from the Hartley Reservoir belonging to the Corporation in a main or mains to be provided by and laid at the expense of the Local Board and such connexion with the Hartley Reservoir shall be made as soon as possible and until it has been made the water shall be supplied by means of the existing connexions with the Pounds Reservoir belonging to the Local Board. The connexion with the Hartley Reservoir shall be made in such manner as may be agreed upon by the engineers of the Local Board and the Corporation or failing agreement as may be determined by an engineer to be appointed by the Local Government Board.

3. The price to be paid by the Local Board to the Corporation for such supply shall be twopence halfpenny per thousand gallons for a term of sixty years from the twenty-fourth day of June one thousand eight hundred and ninety-three and thereafter in perpetuity at the rate of one penny per thousand gallons and such payments shall be made quarterly on the usual quarter days.

4. The water shall be measured by a meter or meters to be provided by and at the expense of the Corporation and the Local Board shall pay to the Corporation therefor an annual rental calculated at ten pounds per cent. on the cost of purchasing and fixing such meter or meters by four equal quarterly payments. The Corporation shall at all times at their own expense keep the said meter or meters in proper order for correctly registering the supply of water and in default of their so doing the Local Board shall not be liable to pay rent for the same during such time as such default continues. The register or registers of the said meter or meters shall be primâ facie evidence of

the quantity of the water supplied and if the Corporation and the Local Board differ with respect to the quantity supplied the difference shall be referred to arbitration under the Arbitration Act 1889.

5. The Local Board shall have a right of access to the said meter or meters at all times for the purpose of inspecting and examining the same and if on any such inspection it shall appear to the Local Board or to their officials or servants that the said meter or meters is or are not accurately registering the quantity of water supplied the Corporation shall at the request in writing of the Local Board forthwith cause such meter or meters to be removed for testing purposes and the same shall thereupon be tested in the presence of such person or persons as the Local Board may nominate for the purpose and if the same shall be found to register a greater quantity of water than actually supplied the cost of removing and testing the same and refixing a fresh meter or fresh meters shall be borne by the Corporation and if the same shall be found to register accurately or a less quantity of water than actually supplied the cost of removing testing and refixing shall be borne and paid by the Local Board In witness whereof the Corporation and the Local Board have caused their common seals to be affixed hereto the day and year first before written.

The common seal of the mayor
aldermen and burgesses of the
borough of Plymouth was here-
unto affixed in the presence of

J. H. ELLIS

Town Clerk.

WM. LAW

Mayor.

Seal.

The common seal of the East Stone-
house Local Board was hereunto
affixed in the presence of

R. ROBINSON RODD Junr.

Clerk.

W. W. BLIGHT

Chairman.

Seal.

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