



CHAPTER CXV.

An Act for incorporating and conferring powers on the A.D. 1895.
 Bridlington Water Company. [6th July 1895.]

WHEREAS in the year 1865 certain persons formed themselves into a company under the name of the Bridlington and Quay Water Company Limited for supplying the towns of Bridlington and Bridlington Quay and the adjoining parishes and district all in the east riding of the county of York with pure spring water and generally for doing all such things as were incidental or conducive to the attainments of the objects for which such company was established and the said company was duly registered under the Companies Act 1862 as a company limited by shares :

And whereas the present share capital of the said company consists of twenty thousand pounds divided into four thousand shares of five pounds each the whole of which shares has been subscribed and the sum of seventeen thousand five hundred and four pounds has been paid up thereon and the said company has borrowed four hundred pounds on debentures or mortgage bonds :

And whereas the said company purchased land and sunk wells and bores and constructed waterworks thereon and from time to time improved the same with the capital raised by them and are now supplying water within the said towns and adjacent places :

And whereas the demand for water in the district supplied by the said company has increased and is increasing and it is expedient that the works and mains of the said company should be from time to time improved and extended and that further capital should be provided for such improvement and extension :

And whereas it is expedient that the said company should be dissolved and re-incorporated with further powers :

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

A.D. 1895. — 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 Bridlington Water Act 1895.

Incorporation of general Acts. 2. The Companies Clauses Consolidation Act 1845 and Part I. (Cancellation and Surrender of Shares) Part II. (Additional Capital) and Part III. (Debenture Stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and the Waterworks Clauses Acts 1847 and 1863 (except the words in section forty-four of the former of those Acts "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner") are subject to the provisions of this Act and so far as applicable to the purposes of this Act incorporated with and form part of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "the limited company" means the Bridlington and Quay Water Company Limited dissolved by this Act :

The expression "the Company" means the Company incorporated by this Act :

The expression "the memorandum and articles of association" means the memorandum and articles of association of the limited company as altered or amended by any special resolution of the limited company :

The expression "the works" "the waterworks" and "the undertaking" respectively mean and include the waterworks and works connected therewith by this Act vested in or authorised to be made or maintained by the Company and any improvement or extension thereof which they may construct under the powers of this Act and the lands buildings estate right title property powers rights privileges and effects and the undertaking of the Company and every part thereof respectively :

In the Acts wholly or partly incorporated with this Act and for the purposes of 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 were

a simple contract debt and not a debt or demand created by statute. A.D. 1895.

4. The limits of this Act shall be the township and urban district of Bridlington in the east riding of the county of York. Limits of Act.

5. From and after the passing of this Act the limited company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and they are hereby united into a company for the purposes herein-after mentioned and shall be incorporated by the name of "the Bridlington Water Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Dissolution and re-incorporation of Company.

6. The Company shall be established for the purpose of supplying water for domestic manufacturing and other purposes within the limits of this Act and of carrying on the business of a water company and otherwise for carrying the purposes of this Act into execution and may supply and sell water accordingly subject to the provisions of this Act. General purposes of Company.

7. Subject to the provisions of this Act all the lands waterworks wells pumping-stations pumping and other engines windmills reservoirs tanks water-towers stand-pipes aqueducts valves drains cuts culverts sluices springs waters erections buildings property rights and easements which immediately before the passing of this Act were vested in the limited company or any person in trust for them or to which the limited company were in anywise entitled and all mains pipes conduits meters fittings plant apparatus stock effects matters and things which have been by them purchased provided laid down erected or placed in any street place or house within the limits of this Act or which immediately before the passing of this Act were the property of the limited company and all books papers plans deeds and documents and all moneys securities credits choses in action effects and other property whatsoever which immediately before the passing of this Act belonged to the limited company or to any trustees on their behalf and the benefit of all contracts and engagements entered into by or on behalf of that company and immediately before the passing of this Act in force shall be and the same are hereby 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. Present property of limited company vested in the Company.

A.D. 1895: or any trustees on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered and discontinued recovered dealt with and disposed of by the Company as they think fit.

Memorandum and articles of association to be void without prejudice to remedies for antecedent breaches thereof.

8. Subject to the provisions of this Act and as from the date of the passing hereof the memorandum and articles of association of the limited company shall as to any future or prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all provisions restrictions and requirements of any Act which applied to the limited company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the memorandum and articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the limited company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the limited company or the members thereof as such shall be as valid as if the Company had not been incorporated and the memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and everything so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the limited company and the members thereof as such and the property of the limited company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

10. Except as by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds securities contracts bonds and agreements entered into or made before the passing of this Act by to or with the limited company or any trustees or persons acting on behalf of that company or by to or with any person to whose rights and liabilities they have succeeded and now in force

shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and as effectually as if the Company had been a party thereto instead of the limited company or the trustees or persons acting on behalf of the limited company.

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11. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding in any court of justice which was pending by or against the limited company or any member thereof in relation to the affairs of the limited company or to which the limited company or any members thereof in relation to such affairs were parties immediately before the passing of this Act but every 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 or continued by or in favour of or against the limited company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the limited company and its members respectively.

Actions &c.
not to abate.

12. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the limited company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Trustees
of limited
company
to be in-
demnified.

13. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the passing of this Act were subject and shall indemnify the shareholders directors officers and servants of the limited company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Company
to satisfy
liabilities
of limited
company.

14. All water rents meter rents and sums of money which immediately before the passing of this Act were due or accruing to the limited company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

Recovery
of water
rents and
money due.

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As to pay-
ment of
debts owing
before pass-
ing of Act.

15. All persons who immediately before the passing of this Act owed any money to the limited company shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the limited company or for the payment of which the limited company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates
and transfers
to remain
in force.

16. Notwithstanding the avoidance of the memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under the memorandum and articles of association for and with respect to any shares in the limited company shall remain in full force and continue and be available in all respects as if the memorandum and articles of association had not been avoided.

Books and
writings
continued
evidence.

17. All documents books and writings which if the said dissolution and avoidance had not been made would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere notwithstanding such dissolution and avoidance.

Officers to
continue
until re-
moved.

18. All officers and servants of the limited company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company 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 whatsoever as if they had been appointed under this Act and the Company may from time to time appoint suspend and remove such officers and servants as they think necessary at such salaries and allowances and upon such terms and conditions as the Company think fit.

Present
register of
members to
be continued.

19. The books kept by the limited company for entering the names and designations of the members thereof with the number of their shares and the proper distinguishing numbers of such shares shall and may continue to be kept for the same purpose by the Company and shall until some other register of shareholders shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

20. The capital of the Company shall be forty thousand pounds divided into four thousand shares of ten pounds each (except as

herein-after provided with respect to half shares) whereof twenty thousand pounds is in this Act called "old capital" and the shares therein "old shares" and the remainder or twenty thousand pounds is in this Act called "new capital" and the shares therein "new shares" and the new capital shall be raised in manner herein-after mentioned and the Company may from time to time convert into stock the whole or any part of their old or new capital when fully paid up. A.D. 1895.

21.—(1) If at the time of the passing of this Act a single old share is held separately or an odd old share would remain after appropriating to any member of the limited company one whole share of ten pounds for every two old shares held by such member there shall be created such a number of ordinary shares in the old capital to be called "half shares" as shall be necessary in order to appropriate in respect of every such single or odd old share one such half share as aforesaid. Creation of half shares for certain purposes.

(2) Every two such half shares shall be deemed to represent and be in lieu of one ordinary share of ten pounds.

(3) Such half shares shall be numbered in arithmetical progression beginning with number one and every half share shall be distinguished by its appropriate number and entered in the register of shareholders. The directors shall cause an entry to be made in the said register of the division of any old shares into half shares and after the consolidation as herein-after mentioned of any half shares into entire shares the last-mentioned shares shall be numbered in arithmetical progression next after the then existing old shares and shall thenceforth be distinguished in the register of shareholders by their appropriate numbers. Half shares to be numbered.

22. In construing in connection with this Act the clauses of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with this Act and in construing this Act unless there be something in the subject or context repugnant to such construction the word "share" shall include "half share" provided that no such half share shall confer a right of voting at meetings of the Company. As to the word "share" in incorporated Acts and this Act.

23.—(1) The old shares shall be vested in the several persons and corporations who immediately before the passing of this Act were the registered members of the limited company one share of ten pounds being substituted for two shares of five pounds each of the limited company and one half share being substituted for a single or odd share of the limited company. Vesting of old shares in present shareholders.

(2) If at any time two of such half shares shall become vested in the same person or corporation such two half shares shall

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(3) Every share or half share so vested shall be subject to the same liability for calls and be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as at the time of vesting affected the shares or share for which the same is substituted and so as to give effect to and not revoke any agreement deed or other instrument or any testamentary disposition of or affecting such shares or share and every agreement deed or other instrument or testamentary disposition made before the passing of this Act and affecting shares in the limited company shall take effect with reference to the whole or a proportionate part as the case may be of the shares substituted therefor.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

24. The Company shall call in and cancel the existing certificates of shares in the limited company and issue in lieu thereof certificates both in respect of shares and half shares in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them by the limited company or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof.

Power to raise new capital.

25. The Company may from time to time raise the new capital or any part thereof by the creation and issue of new ordinary shares.

New shares not to be issued until one-fifth paid up.

26. The Company shall not issue any new share created 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 share is paid in respect thereof.

Calls.

27. 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.

Qualification of new shares.

28. The new capital from time to time raised by the Company under the powers of this Act shall form part of the ordinary capital of the Company and except as by this Act otherwise provided the new capital and the new shares therein and the holders thereof respectively shall be subject and entitled to the

same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the old capital. A.D. 1895.

29. The Company shall not in any one year make out of their profits any larger dividend on the old capital than ten pounds in respect of every one hundred pounds actually paid up of such capital and on the new capital than four pounds in respect of every one hundred pounds actually paid up of such capital. Profits of the Company limited.

30. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class. Dividends on different classes of shares to be paid proportionally.

31. If any money is payable by the Company to a shareholder stockholder mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or trustee of such minor or the committee of the estate of such idiot or lunatic shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

32. Subject to the provisions of this Act the Company may from time to time borrow on mortgage of the undertaking in respect of the old capital any sum or sums not exceeding in the whole (including the sum of four hundred pounds now owing by the limited company on debentures or mortgage bonds) five thousand pounds and they may from time to time borrow on mortgage of the undertaking in respect of the new capital any additional sum or sums not exceeding in the whole one-fourth part of the amount of the new capital at the time actually issued and paid up but no part of such last-mentioned sum shall be borrowed until 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 shares or stock in the amount of new capital in respect of which such sum is intended to be borrowed have been fully paid up 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 certificate shall be sufficient evidence thereof. Power to borrow.

33. The Company shall as soon as may be after the passing of this Act call in and cancel the existing debentures of the limited company and grant in lieu thereof to the several holders of such debentures mortgages of the undertaking under this Act of corresponding amounts to and as far as may be subject to the same terms and conditions as to repayment or otherwise as the debentures for Company to grant mortgages to holders of debentures of limited company.

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which such mortgages are respectively substituted and until such substitution the said several debentures shall be as binding upon the Company and its undertaking and of as full force and effect against or in favour of the Company as the same would have been upon against or in favour of the limited company and its undertaking if this Act had not been passed and every such mortgage shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as affect the debenture or debentures for which the same is substituted and the provisions of the Companies Clauses Consolidation Act 1845 with respect to the borrowing of money by the Company on mortgage or bond shall as far as applicable apply to the said mortgages as if the said several sums secured thereby had been authorised to be borrowed by this Act.

For appointment of receiver.

34. 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.

Debenture stock.

35. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued under this Act.

Existing debentures to have priority.

36. All debentures or other securities granted by the limited company before and subsisting at the passing of this Act and all mortgages granted by the Company in substitution for such debentures shall during the continuance of such debentures and mortgages respectively have priority over any other mortgages granted by the Company under this Act.

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

37. All moneys raised or to be 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

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to time of the Company over all other claims on account of any 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 or their property in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the limited company or to be granted or made to the limited company or 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 on their mortgages or debenture stock nor shall anything hereinafter contained affect any claim for land purchased 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 upon the Company.

38. The Company shall not within the period of two years next after the passing of this Act issue any new capital nor shall they within the same period borrow on mortgage more than three thousand pounds except for the purpose of replacing existing debentures of the limited company.

Limiting
issue of
capital.

39. All moneys raised under this Act whether by stock shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable including the costs of obtaining this Act.

Application
of moneys.

40. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act and the future ordinary meetings shall be held in the month of October in each year or in such other month as shall from time to time be appointed for that purpose by an order of a general meeting of the Company.

Ordinary
meetings.

41. The quorum of a general meeting (whether ordinary or extraordinary) of the Company shall be five shareholders present in person holding in the aggregate not less than one-tenth part (nominal value) of the capital for the time being issued by the Company.

Quorum of
general
meetings.

42. 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 one thousand pounds (nominal value) in the capital of the Company.

Extraordi-
nary meeting
convened
by share-
holders.

43. At all meetings of the Company every shareholder shall have one vote in respect of each share or of each portion of stock of the nominal value of ten pounds held by him in the capital of the Company.

Voting.

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Number of directors.

44. The number of directors shall be five but the Company may from time to time alter that number provided that the number be never more than seven nor less than four.

Qualification of directors.

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

Quorum of directors.

46. The quorum of a meeting of directors shall be three.

First directors election of directors.

47. John Christopher Archer Francis Creaser Edmund Mainprize and James Oulton Wentworth the persons who at the time of the passing of this Act are directors of the limited company shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or subject to the provisions herein-before contained for altering the number of directors may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the 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 provisions herein-before contained for altering the number of directors elect persons to supply the place 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 any such meeting being neither removed or disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditors.

48. The auditors need not be shareholders.

Interim dividend.

49. The directors may in any year declare an interim half-yearly dividend out of the then ascertained profits of the Company Provided that no such interim dividend shall exceed one half of the amount of dividend which under the powers of this Act the Company may be entitled to make in respect of each year.

Closing of transfer books previous to declaring interim dividend.

50. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which not less than seven days notice shall be given by advertisement in some newspaper published or circulating in the district within which the Company's principal place of business is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the

party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

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51. Subject to the provisions of this Act the Company may maintain and from time to time alter improve extend renew and repair or discontinue the existing waterworks vested in them by this Act upon the lands on which the same are erected and all pipes conduits service pipes and other works at the passing of this Act laid down within or under any streets bridges and other places within the limits of this Act and vested in them by this Act and they may also from time to time upon the same lands and upon any lands to be acquired by them under the powers of this Act sink such wells or shafts and make construct maintain alter improve extend renew and repair or discontinue such additional pumping engines tanks cisterns water-towers stand-pipes apparatus drains tunnels adits conduits mains pipes valves culverts and sluices approaches roads ways and other works and conveniences and erect such buildings as they may from time to time find necessary or convenient for obtaining storing and distributing water within the limits of this Act or for any other purposes of their undertaking.

Powers as to maintenance improvement &c. of waterworks.

52. The Company may by agreement take purchase and hold for the purposes of this Act any lands not exceeding in the whole ten acres in extent or any easement (not being an easement of water) in over or under any such lands Provided that the Company shall not create or permit a nuisance on any such lands or use any such lands for any building except buildings required for the undertaking of the Company.

Purchase of land by agreement.

53. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water in which others than the parties to the agreement have an interest) in over or affecting any such lands required for the purposes of this Act and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Power to take easements &c. by agreement.

54. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the

Restriction on taking houses of labouring class.

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consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

Constant
supply and
pressure.

55. The water supplied by the Company need not except as herein-after provided be constantly laid on under pressure and the Company shall not be required to supply water at a greater height than can be reached by gravitation from the works of the Company.

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

56. The Company shall on the application of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate not exceeding five per centum per annum on the rateable value for the poor rate assessment of the premises so supplied but the Company shall not be bound to furnish a supply of water to any dwelling-house or part of a dwelling-house for a less sum than six shillings per annum nor for a less period than one year. In addition to the rates computed as above specified the Company may charge for a supply of water to one watercloset the sum of ten shillings per annum and to every watercloset beyond the first the sum of five shillings per annum and to every bath which shall be capable of containing not more than fifty gallons when filled the sum of five shillings per annum.

Rates to be
paid half-
yearly.

57. The water rates shall be paid in advance by half-yearly instalments on the twelfth day of March and the twelfth day of September in each year and the first payment by any consumer commencing to take a supply from the Company shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Company and such payment if made between any two half-yearly days shall be a proportionate part of the rate payable for the current half year. The occupier of any dwelling-house or part of a dwelling-house liable to the payment of any water rate who shall give notice of his intention to discontinue the use of the water supplied by the Company or who shall remove from his dwelling between any two half-yearly days

of payment shall pay the water rate in respect of such dwelling-house or part of a dwelling-house for the half-year ending on the half-yearly day of payment next after his quitting the same or giving such notice.

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58. The Company shall not be compelled to supply water in the following cases :—

Certain provisions as to supply.

To any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company ;

To any bath which shall be capable of containing when filled for use more than fifty gallons of water ;

To any dwelling-house otherwise than by meter or special agreement where any part of such dwelling-house is used for any trade manufacture or business for which water is required ;

To any workhouse hospital or other large public institution otherwise than by meter upon such terms as may be from time to time agreed between the Company and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

59. Where the rateable value for the poor rate assessment of a dwelling-house supplied with water does not exceed ten pounds or the house 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 be recovered in the first instance from the occupier and may be deducted by him from the next and if necessary from any subsequent rent due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Rate payable by owner for small houses &c.

60. 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 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 forty shillings.

Penalty for using water for other than domestic purposes.

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Rates at which water is to be supplied for watering streets.

61. The Company may charge for all water supplied to the urban district council of Bridlington for cleansing and watering the public streets for cleansing public sewers and drains and for supplying public drinking fountains at the rate of sixpence for every one thousand gallons.

Power to Company to supply water for other than domestic purposes.

62. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure and the provisions of section seventy-four of the Waterworks Clauses Act 1847 shall be applicable for the recovery of any rates or charges for water supplied by the Company for other than domestic purposes. Provided always that no supply for other than domestic purposes shall at any time interfere with the supply of water for domestic purposes within the limits of this Act.

Penalty on persons other than authorised servants of the Company tapping mains.

63. No person other than a servant of the Company authorised by them in that behalf shall at any time drill tap or make any communication with any main or other pipe of the Company without the previous consent in writing of the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Company not bound to supply several houses by one pipe.

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

Where several houses supplied by one pipe each to pay.

65. When several houses or parts of a house in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of a house shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of a house had been separately supplied with water from the works of the Company by a distinct pipe. Provided that the owner of such premises shall be primarily liable for the water rate.

Incoming tenant not liable for arrears.

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

Notice of discontinuance of supply.

67. 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 and be left at the office for the time being of the

Company or be sent in a registered letter to the secretary of the Company. A.D. 1895.

68. The Company may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such rent and on such terms and conditions with respect to the protection of such meter and fittings and for securing safe access to and the safety and return to the Company of such meter and fittings as the Company may prescribe or as may from time to time be agreed upon between the hirer and the Company and the rent of meters let for hire by the Company shall be paid and be recoverable in the same manner as water rates rents or charges due to the Company are recoverable. Power to sell or let meters.

69. The Company shall at all times at their own expense keep all meters let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Company shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times. Company to keep meters in repair.

70. No meters shall be used except of the kind and size from time to time approved by the Company and the position and manner of fixing and protecting meters shall in each case be directed by the Company. 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 all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of an officer or other person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds. Notice to Company of putting up &c. meters.

71. Where water is supplied by measure the register of the meter shall be *primâ facie* evidence of the quantity of water consumed. Provided that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. Register of meter to be *primâ facie* evidence.

72. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging Fraudulently injuring meters &c.

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to the Company or fraudulently alters the index of any meter or prevents any such meter from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses any water of the Company 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 forfeit and pay to the Company a sum not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter or fitting belonging to the Company or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter or fitting.

Repair of meters belonging to consumers.

73. Every consumer of water of the Company 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 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 inspection 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.

Power to remove meters and fittings.

74. 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 building 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.

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Power to
Company to
supply
materials &c.

75. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil pans and watercloset apparatus receptacles fittings and appliances as are required or permitted by their byelaws in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Company
may require
persons
supplied
with water
to repair
pipes &c.

76. The Company may by notice in writing under the hand of their secretary or other authorised officer require any person supplied by them with water who shall have permitted any pipe ball or stopcock or other cock cistern or other receptacle or apparatus connected with the water supply to become out of repair to put the same forthwith into proper repair and if such person shall not within forty-eight hours after the service of such notice so repair such pipe cock cistern or other receptacle or apparatus as to prevent any waste of water therefrom the Company may repair the same and for such purpose may enter upon the premises where the same may be and the expenses of such repair if they shall not be repaid to the Company on demand shall be recoverable by them as damages.

Byelaws for
preventing
waste or con-
tamination
of water.

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

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

(2) No such byelaws shall be of any force or effect except within such part or parts of the district in which the Company for the time being are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and unless and until the same shall have been submitted to

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and confirmed by the Local Government Board who are hereby empowered to confirm the same with or without alteration :

- (3) No such byelaws shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed byelaws shall have been given by or on behalf of the Company to every sanitary authority within the limits of this Act and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient :
- (4) All such byelaws shall be subject to the provisions contained in sections one hundred and eighty-two one hundred and eighty-three and one hundred and eighty-four of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the byelaws were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority :
- (5) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy :
- (6) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof :
- (7) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person for the purposes of supply and not being in accordance with such byelaws and the expense of every such repair replacement or alteration shall be repaid to the

Company by the person on whose credit the water is supplied and may be recovered by them as water rate is recoverable :

- (8) Any person who shall offend against any such byelaws shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) for every such offence forfeit and pay to the Company a sum not exceeding five pounds and a further daily sum not exceeding forty shillings for each day on which such offence shall occur after conviction therefor and the Company may in addition thereto recover the amount of any damages sustained by them.

78. Any byelaws which the Company from time to time submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of their district to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Company shall thenceforth be bound to afford a constant supply in the part or parts of the district specified in the byelaws so confirmed.

Where byelaws confirmed Company bound to afford constant supply in parts of district specified in the byelaws.

79. In all cases where any premises which shall have been supplied with water by the Company shall have become unoccupied or where any pipe meter or fittings belonging to the Company is laid or fixed in any premises to which the supply of water is from any cause other than the default of the Company or unavoidable accident discontinued for not less than forty-eight consecutive hours the Company their agents and workmen (after giving notice as hereinafter provided) may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipe or pipes by which the water of the Company shall be conveyed to such premises and for the purpose of removing any pipe meter fittings and apparatus the property of the Company and may remove such pipe meter and fittings accordingly repairing all damage caused by such entry or removal.

Company's officers may enter building and cut off pipes after notice given.

80. The notice to be given previously to such entry shall be in writing 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 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 or 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

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... sending the same by post in a registered letter addressed to him at his usual or last known place of abode forty-eight hours at least previously to such entry ;

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

And for the purpose 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 supply water in bulk within or without limits of Act.

81. The Company may from time to time by agreement supply any county council district council parish council or other sanitary or local authority company body or person within or without the limits of this Act with water in bulk for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the Company and such council authority company body or person but notwithstanding any such agreement no such council authority company body or person shall be entitled to a supply of water under any such agreement whenever and so long as the Company are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Act and every such agreement shall by virtue of this Act be determinable by the Company on one month's notice in writing. Provided that nothing herein contained shall be construed as conferring any power on the Company in relation to the laying down or placing of any pipe or conduit or the breaking up of any road or street or the execution of any work beyond the limits of this Act or as empowering the Company to supply water within the district of any local authority or the limits of any company now authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply water beyond the limits of this Act unless with the consent in writing of such local authority or company.

Commissioner of Bridlington harbour not disqualified for acting as director.

82. No person being a commissioner under and by virtue of an Act passed in the first year of the reign of Her present Majesty chapter CX. intituled " An Act for improving the piers and harbour of Bridlington in the east riding of the county of York and for rendering the same more safe and commodious as a harbour of refuge " shall be disqualified or prevented from acting as a director of the Company by reason of any contract entered into between the commissioners constituted by that Act and the Company but no such director being a commissioner shall vote in any question as to any contract with such commissioners.

83. No shareholder of the Company shall by reason of being a shareholder be disqualified from being or acting as a harbour commissioner under and by virtue of the said Act passed in the first year of the reign of Her present Majesty or be liable to any penalty as such notwithstanding that the commissioners acting under and by virtue of such Act or any of them may enter into any contract with the Company or the directors for the time being Provided that no shareholder being such commissioner shall vote in or concerning any such contract but this prohibition may be dispensed with by the Board of Trade by writing under the hand of the secretary or one of the assistant secretaries of the Board.

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Shareholder not disqualified for acting as Commissioner of Bridlington harbour.

84. In proceedings under any bankruptcy or liquidation by agreement or deed of composition or arrangement the secretary of the Company or any person appointed on 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.

Representation of the Company in bankruptcy.

85. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of liability to the payment of any water or meter rate or rent or other charge under this Act or of being interested in any contract with the Company for a supply of water under this Act.

Liability to water rent not to disqualify justices &c.

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

Contents of summons &c.

87. 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.

Warrant of distress to include costs.

88. Every penalty imposed by this Act or by any byelaw made under 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.

89. Penalties imposed 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.

A.D. 1895:
 Power to
 Bridlington
 urban dis-
 trict council
 to purchase
 under-
 taking.

90. (1).---If at any time after the passing of this Act the urban district council of Bridlington (herein-after referred to as "the council") desire to purchase the undertaking of the Company and obtain the consent of the Local Government Board to such purchase and give the Company six months previous notice in writing under their common seal of their desire so to purchase the Company shall at the expiration of such six months sell and transfer by deed of conveyance duly stamped and the council may and shall purchase and acquire the undertaking property rights powers and privileges of the company subject to all then subsisting mortgages obligations and liabilities of the undertaking which shall remain a charge thereon until discharged by the council for such price and upon such terms and conditions as may be agreed on between the Company and the council or failing agreement as may be determined by arbitration in accordance with the provisions as to arbitration of the Lands Clauses Acts:

Provided always that if a notice of purchase shall be given to the Company before the expiration of five years from the passing of this Act the purchase shall be deemed compulsory and the costs of and incident to the preparing for obtaining and passing of this Act shall be added to the price and if such notice shall be given within that period such price shall not be enhanced by reason of the Company having obtained statutory powers to supply water but if a notice of purchase shall be given to the Company after the expiration of such period of five years such costs shall not be added to the price and the purchase shall not be deemed compulsory:

From and after such sale the undertaking and the property real and personal rights powers and privileges of the Company so purchased shall be vested in and held enjoyed and exercised by the council who shall undertake all the then existing contracts of the Company for the supply of water on and from the completion of the purchase:

Provided that the provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 incorporated with this Act and the provisions of this Act relating to the share and loan capital of the Company the limitation in the amount of profit and the constitution management general meetings and directors of the Company shall not apply to the council:

Provided always that within three months from the vesting of the undertaking transferred to the council the council shall produce the deed of conveyance duly stamped to the Commissioners of Inland Revenue and in default of production the ad valorem

stamp duty together with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable by the said commissioners from the council together with full costs of suit and all costs and charges attending the same. A.D. 1895.

(2) The council may borrow on mortgage on the security of the revenue of the undertaking so transferred and of their district fund and general district rate or either of those securities the moneys required to provide the price or purchase money including the costs of this Act if payable by the council under the provisions of this section and for defraying all costs of and incident to such purchase and the moneys required for repaying the mortgage debt of the Company transferred to the council and in calculating the sums the council may borrow under any other enactment or by order or sanction of any public department of State any sums they may borrow under this Act shall not be reckoned and the powers of the council as to borrowing under this Act shall not be restricted by any of the provisions of the Public Health Act 1875 : Power to council to borrow.

The provisions contained in sections two hundred and thirty-six and two hundred and thirty-nine of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of any mortgages granted by the council under this Act and for the purposes of such application the local authority shall mean the council and in construing the said section two hundred and thirty-nine for the purposes of this Act "mortgage" shall include any mortgage of the Company transferred to the council "rates" shall include the revenue of the undertaking and the amount for which a receiver may be appointed shall be five hundred pounds instead of one thousand pounds.

(3) Sub-sections (3) (4) (5) and (6) of section fourteen (Power to borrow) and section fifteen (Annual Return to Local Government Board) of the Bridlington Local Board Act 1894 shall extend and apply mutatis mutandis to and in relation to the repayment of the moneys borrowed by and the mortgage debt of the Company transferred to the council under the powers of this Act and in construing those enactments for the purposes of this Act "the local authority" shall mean the council and "prescribed periods" shall be— Repayment of borrowed moneys.

As to moneys borrowed for repaying the costs of this Act ten years from the date of the borrowing of the same ;

As to moneys borrowed for the purchase of the undertaking fifty years from the date of the borrowing of the same ;

As to the mortgage debt of the Company transferred to the council and any moneys borrowed for the repayment thereof

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fifty years from the date of the vesting of the undertaking in the council :

The first payment by instalments or to a sinking fund in respect of the said mortgage debt transferred to the council or of moneys borrowed to repay the same shall be made within one year after the date of vesting.

Costs of Act.

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

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