

ANNO DECIMO

VICTORIÆ REGINÆ.

***

Interpretations in this Act:

And with respect to the Construction of this Act and any Act incorporated therewith, be it enacted as follows:

"special Act:"

II. The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the Construction of Waterworks, and with which this Act shall

"prescribed:"

be incorporated; and the Word "prescribed" used in this Act in reference to any Matter herein stated shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word occurs shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the special Act," had been used;

"the Lands and Streams:"

and the Expression "the Lands and Streams" shall mean the Lands and Streams of Water which shall by the special Act be authorized to be taken or used for the Purposes thereof; and the Expression

"the Undertaking:"

"the Undertaking" shall mean the Waterworks, and the Works connected therewith, by the special Act authorized to be con-

"the Undertakers."

structed; and the Expression "the Undertakers" shall mean the Persons by the special Act authorized to construct the Waterworks.

Interpretations in this and the special Act:

III. The following Words and Expressions, in both this and the special Act, and any Act incorporated therewith, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Gender:

Words importing the Masculine Gender shall include Females:

"Person:"

The Word "Person" shall include a Corporation, whether aggregate or sole:

"Lands:"

The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments, or Heritages of any Tenure:

"Streams:"

The Word "Streams" shall include Springs, Brooks, Rivers, and other running Waters:

"Street:"

The Word "Street" shall include any Square, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of the special Act:

"the Waterworks:"

The Expression "the Waterworks" shall mean the Waterworks, and the Works connected therewith, by the special Act authorized to be constructed:

"Water Rate:"

The Expression "Water Rate" shall include any Rent, Reward, or Payment to be made to the Undertakers for a Supply of Water:

"Month:"

The Word "Month" shall mean Calendar Month:

"Superior Courts:"

The Expression "Superior Courts," where the Matter submitted to the Cognizance of the Court arises in *England* or *Ireland*, shall mean Her Majesty's Superior Courts of Record at *Westminster* or *Dublin*, as the Case may require, and shall include the Court of Common Pleas of the County Palatine of *Lancaster* and the Court of Pleas of the County of *Durham*, and where such Matter arises in *Scotland* it shall mean the Court of Session:

"Oath:"

The Word "Oath" shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Persons allowed by Law to make a Declaration instead of taking an Oath:

The Word "County" shall include Riding or other Division of a County having a separate Commission of the Peace, and in *Scotland* Stewartry, and any Ward or other Division of a County or Stewartry having a separate Sheriff, and it shall also include County of a City or County of a Town: "County:"

The Word "Justice" shall mean Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises; and if such Matter arise in respect of Lands or Streams situated not wholly in One Jurisdiction, shall mean a Justice acting for the County or Place where any Part of such Lands or Streams shall be situated; and where any Matter is authorized or required to be done by Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices met and acting together: "Justice:" "Two Justices:"

The Word "Sheriff" shall mean the Sheriff Depute of the County or Ward of a County in *Scotland* and the Steward Depute of the Stewartry in *Scotland* in which the Matter submitted to the Cognizance of the Sheriff arises, and shall include the Substitutes of such Sheriff Depute and Steward Depute respectively: "Sheriff:"

The Expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act, and if such Expression be not there defined it shall mean the Court of General or Quarter Sessions of the Peace which shall be held at the Place nearest to the Waterworks, or the principal Office thereof, for the County or Place in which the Waterworks, or the principal Office thereof, is situate, or for some Division of such County having a separate Commission of the Peace: "Quarter Sessions:"

The Expression "the Town Commissioners" shall mean the Parties defined under that Title in the special Act, and where no such Parties shall be there defined shall mean the Commissioners, Trustees, or other Parties having the Control or Management of the Streets under any Act for paving or improving the Town or District to be supplied with Water under the special Act: "the Town Commissioners:"

The Word "Inspector" shall mean an Officer appointed under any local Act relating to the Town or District supplied with Water under the special Act, for the Purpose of inspecting or superintending Works connected with the Paving, Drainage, or Supply of Water of such Town or District, or an Officer appointed under any general Act for executing the like Duties with respect to such Town or District together with other Towns or Districts. "Inspector."

Citing the Act.

And with respect to citing this Act, or any Part thereof, be it enacted as follows:

Short Title of this Act.

IV. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be enough to use the Expression "the Waterworks Clauses Act, 1847."

Form in which Portions of this Act may be incorporated in other Acts.

V. For the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act with the Exception of the Clauses

Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates.

Construction of Waterworks.

And with respect to the Construction of the Waterworks, be it enacted as follows:

Contruction of Waterworks to be subject to the Provisions of this Act and the Lands Clauses Consolidation Acts, 1845.

VI. Where by the special Act the Undertakers shall be empowered, for the Purpose of constructing or supplying Waterworks, to take or use any Lands or Streams otherwise than with the Consent of the Owners and Occupiers thereof, they shall, in exercising the Power so given to them be subject to the Provisions and Restrictions contained in this Act, and if the Waterworks be situated in *England* or *Ireland*, to the Provisions and Restrictions contained in the Lands Clauses Consolidation Act, 1845, and if the Waterworks be situated in *Scotland*, the Provisions and Restrictions contained in the Lands Clauses Consolidation, *Scotland*, Act, 1845; and shall make to the Owners and Occupiers of and all other Parties interested in any Lands or Streams taken or used for the Purposes of the special Act, or injuriously affected by the Construction or Maintenance of the Works thereby authorized, or otherwise by the Execution of the Powers thereby conferred, full Compensation for the Value of the Lands and Streams so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Persons, by reason of the Exercise, as to such Lands and Streams, of the Powers vested in the Undertakers by this or the special Act, or any Act incorporated therewith; and except where otherwise provided by this or the special Act, the Amount of such Compensation shall be determined in the Manner provided by the said Lands Clauses Consolidation Acts respectively for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof, and all the Provisions of the said last-mentioned Acts respectively shall be applicable to determine the Amount of any such Compensation, and to enforce Payment or other Satisfaction thereof.

Errors and Omissions in Plans, &c. may be corrected by Justices, &c., who shall certify the same.

VII. If any Omission, Mis-statement, or wrong Description shall have been made of any Lands or Streams, or of the Owners, Lessees, or Occupiers of any Lands or Streams, described on the Plans or Books of Reference deposited in compliance with the Standing Orders of either House of Parliament, or in the Schedule to the special Act, the Undertakers, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands and Streams affected by such proposed Correction, may apply, in *England* or *Ireland*, to Two Justices, and in *Scotland* to the Sheriff, for the Correction thereof; and if it appear to such Justices or Sheriff that such Omission, Mis-statement, or wrong Description arose from Mistake, they or he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate, with the other Documents to which it relates, shall be deposited, in *England* or *Ireland*, with the Clerk of the Peace, and in *Scotland* with the Sheriff Clerk of the several Counties

Certificate, &c. to be deposited.

Counties in which the Lands or Streams affected thereby are situated, or, where any such Lands or Streams are situated in a Royal Burgh in *Scotland*, with the Town Clerk of such Burgh; and such Certificate shall be kept by such Clerks of the Peace, Sheriff Clerks, or Town Clerks respectively with the other Documents to which they relate; and thereupon such Plan, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate; and the Undertakers may make the Works in accordance with such Certificate, as if such Omission, Mis-statement, or wrong Description had not been made.

Construction of Waterworks.

Works not to be proceeded with until Plans of all Alterations authorized by Parliament have been deposited.

VIII. The Undertakers shall not begin to execute the Waterworks unless they shall have previously deposited with the Clerk of the Peace in *England* or *Ireland*, and the Sheriff Clerk in *Scotland*, of every County, and the Town Clerk of every Royal Burgh in *Scotland*, in which the Waterworks shall be situated, a Plan and Section of all such Alterations from the original Plan and Section (if any) as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Waterworks, and shall also have deposited with the Parish Clerks of the several Parishes in *England*, and the Clerks of the Unions of the several Parishes in *Ireland*, and the Schoolmasters of the several Parishes in *Scotland*, in which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively.

Clerks of the Peace, &c. to receive Plans of Alterations, &c., and allow Inspection.

IX. The said Clerks of the Peace, Sheriff Clerks, and Town Clerks, Parish Clerks, Clerks of Unions, and Schoolmasters, shall receive the said Plans and Sections of Alterations, and Copies and Extracts thereof respectively, and shall keep the same, as well as the said original Plans and Sections, and shall allow all Persons interested to inspect any of the Documents aforesaid, and to make Copies and Extracts of and from the same, in the like Manner and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of the original Plans and Sections by an Act passed in the First Year of the Reign of Her Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Copies of Plans and Alterations, &c. to be Evidence.

X. Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, Sheriff Clerk, or Town Clerk, which Certificate such Clerk shall give to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Not to deviate beyond Limits defined upon Plans, &c.

XI. The Undertakers in constructing the Waterworks shall not deviate from the Line of the Works laid down in the said Plan more than the prescribed Number of Yards, and where no Number of Yards is prescribed not more than Ten Yards, nor in any Case to any greater Extent than the Line of lateral Deviation described in the said Plans with respect to such Works, nor take nor use, for the Purpose of such Deviation, the Lands of any Person not mentioned in the

Construction of Waterworks.

Books of Reference, without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission happened from Mistake shall have been certified in manner herein-before provided.

Undertakers, subject to Provisions of this and the special Act, may execute the Works herein named.

XII. Subject to the Provisions and Restrictions in this and the special Act, and any Act incorporated therewith, the Undertakers may execute any of the following Works for constructing the Waterworks; (that is to say,)

They may enter upon any Lands and other Places described on the said Plans and in the said Books of Reference, and take Levels of the same, and set out such Parts thereof as they shall think necessary, and dig and break up the Soil of such Lands, and trench and sough the same, and remove or use all Earth, Stone, Mines, Minerals, Trees, or other Things dug or gotten out of the same:

They may from Time to Time sink such Wells or Shafts, and make, maintain, alter, or discontinue such Reservoirs, Waterworks, Cisterns, Tanks, Aqueducts, Drains, Cuts, Sluices, Pipes, Culverts, Engines, and other Works, and erect such Buildings, upon the Lands and Streams authorized to be taken by them, as they shall think proper, for supplying the Inhabitants of the Town or District within the prescribed Limits with Water:

They may from Time to Time divert and impound the Water from the Streams mentioned for that Purpose in the special Act, or the said Plans or Books of Reference, and alter the Course of any such Streams, not being navigable, and also take such Waters as may be found in and under or on the Lands to be taken for constructing the Works:

Undertakers to make Compensation for Damages.

Provided always, that in the Exercise of the said Powers the Undertakers shall do as little Damage as can be, and in all Cases where it can be done shall provide other Watering Places, Drains, and Channels for the Use of adjoining Lands, in place of any such as shall be taken away or interrupted by them, and shall make full Compensation to all Parties interested for all Damage sustained by them through the Exercise of such Powers.

Penalty for obstructing Construction of Works.

XIII. Every Person who shall wilfully obstruct any Person acting under the Authority of the Undertakers in setting out the Line of the Works, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out the Line of such Works, or deface or destroy any Works made for the same Purpose, shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Penalty for illegally diverting Water.

XIV. After the Streams or Supplies of Water hereby or by the special Act authorized to be taken by the Undertakers shall have been so taken, every Person who shall illegally divert or take the Waters supplying or flowing into the Streams so taken, or any Part thereof, or who shall do any unlawful Act whereby the said Streams or Supplies of Water may be drawn off or diminished in Quantity, and who shall not immediately repair the Injury done by him, on being required so to do by the Undertakers, so as to restore the said Waters to the State in which they were before such Act, shall forfeit to the Undertakers any Sum which shall be awarded, in *England* or *Ireland*, by

Construction of Waterworks.

Two Justices, and in *Scotland* by the Sheriff, not exceeding Five Pounds for every Day during which the said Supply of Water shall be diverted or diminished by reason of any Act done by or by the Authority of such Person, and any Sum so forfeited shall be in addition to the Sum which he may be lawfully adjudged liable to pay to the Undertakers for any Damage which they may sustain by reason of their Supply of Water being diminished; and the Payment of the Sum so forfeited shall not bar or affect the Right of the Undertakers to bring or raise an Action at Law against such Person for the Damage so committed.

Reservation of existing Rights.

XV. Provided always, That nothing herein contained shall prevent the Owners and Occupiers for the Time being of Lands through or by which such Streams shall flow from using the Waters thereof in such Manner and to such Extent as they might have done before the passing of the special Act, unless they shall have received Compensation in respect of their Right of so using such Water.

Accommodation Works.

And with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, be it enacted as follows:

Differences as to the Construction of Accommodation Works to be settled by Justices.

XVI. Where by the special Act the Undertakers shall be required to erect any Works for making good the Interruption caused to any Lands adjoining or near the Waterworks, or otherwise, for the Accommodation of such Lands, then if any Difference shall arise respecting the Construction of any such Accommodation Works, or the Kind or Size or Sufficiency thereof, or respecting the Maintenance thereof, the same shall be determined in *England* or *Ireland* by Two Justices, and in *Scotland* by the Sheriff, and such Justices or Sheriff shall also appoint the Time within which such Accommodation Works shall be begun and finished by the Undertakers.

If Undertakers fail to execute such Works, Persons aggrieved may perform the same, and charge the Expence to the Undertakers.

XVII. If the Undertakers shall for Fourteen Days next after the Time appointed by such Justices or Sheriff for the Beginning of any such Accommodation Works fail to begin such Works, or, having begun such Works, fail diligently to execute the same in a sufficient Manner, the Person aggrieved by such Failure may execute such Works or Repairs; and the reasonable Expences thereof shall, on Demand, be repaid by the Undertakers to the Person by whom the same shall so have been executed; and if there be any Dispute about the Amount or Nature of such Expences, the same shall be settled in *England* or *Ireland* by Two Justices, and in *Scotland* by the Sheriff.

Mines.

And with respect to Mines, be it enacted as follows:

Undertakers not entitled to Mines unless previously purchased.

XVIII. The Undertakers shall not be entitled to any Mines of Coal, Ironstone, Slate, or other Minerals under any Land purchased by them, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Waterworks, unless the same shall have been expressly purchased, and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein and conveyed thereby.

XIX. The

Map and Plan of underground Works of Undertakers to be made.

XIX. The Undertakers shall from Time to Time, within Six Months from the Time at which any Pipes, Conduits, or underground Works shall have been laid down or formed by them, cause a Survey and Map to be made of the District within which any such Pipes or underground Works shall be laid, on a Scale not less than One Foot to a Mile, and shall cause to be marked thereon the Course and Situation of all existing Pipes or Conduits for the Collection, Passage, or Distribution of Water and underground Works belonging to them, in order to show all such underground Works within the said District, and shall, within Six Months from the making of any Alterations or Additions, cause the said Map to be from Time to Time corrected, and such Additions made thereto as may show the Line and Situation of all such Pipes, Conduits, and underground Works as may be laid down or formed by them from Time to Time after the passing of the special Act, and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when the same shall have been so corrected as aforesaid, shall be kept in the Office of the Undertakers, and shall be open to the Inspection of all Persons interested in the same within the said District.

Copies of such Map or Plan to be deposited with Clerk of the Peace, &c.

XX. The Undertakers shall, from Time to Time, within Three Months from the Time at which any such Map or Plan, or any such Correction thereof or Addition thereto, shall have been made as aforesaid, deposit with the Clerks of the Peace in *England* or *Ireland*, and with the Sheriff Clerks in *Scotland*, of every County, and the Town Clerk of every Burgh in *Scotland*, in which such District or any Part thereof may be situate, and also with the Parish Clerks of the several Parishes in *England*, and Clerks of the Union of the several Parishes in *Ireland*, and the Schoolmaster of the several Parishes in *Scotland*, in which such underground Works shall be situate, Copies of the said Map or Plan, with all such Particulars, and all such Corrections and Additions as aforesaid, so far as relates to such Counties, Burghs, and Parishes respectively.

Clerks of the Peace, &c. to receive and keep Copies of the Map, &c., and allow Inspection.

XXI. The said Clerks of the Peace, Sheriff Clerks, and Town Clerks, Parish Clerks, Clerks of the Union, and Schoolmasters shall receive the said Copies of the said Map and Plan respectively, and shall keep the same, and shall allow all Persons interested to inspect the same, and take Copies or Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of Maps and Plans deposited under an Act passed in the First Year of the Reign of Her Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Mines lying near the Works not to be worked until Owners give Notice to Undertakers of their Intentions.

XXII. Except where otherwise provided for by Agreement between the Undertakers and other Parties, if the Owner, Lessee, or Occupier of any Mines or Minerals lying under the Reservoirs or Buildings belonging to the Undertakers, or under any of their Pipes or Works which shall be under Ground, and shall be described in the Map or Plan which shall be so kept and deposited as herein-before mentioned, or within the prescribed Distance, if any, and if no Distance

Mines.

Distance be prescribed within Forty Yards therefrom, be desirous of working the same, such Owner, Lessee, or Occupier shall give the Undertakers Notice in Writing of his Intention so to do Thirty Days before the Commencement of working; and upon the Receipt of such Notice it shall be lawful for the Undertakers to cause such Mines to be inspected by any Person appointed by them for the Purpose, and if it appear to the Undertakers that the working of such Mines or Minerals is likely to damage the said Works, and if they be willing to make Compensation for such Mines to such Owner, Lessee, or Occupier thereof, then he shall not work the same; and if the Undertakers and such Owner do not agree as to the Amount of such Compensation the same shall be settled as in other Cases of disputed Compensation.

Upon Receipt of Notice, Undertakers may take the Mines, making Compensation to the Owners.

XXIII. If before the Expiration of such Thirty Days the Undertakers do not state their Willingness to treat with such Owner, Lessee, or Occupier for the Payment of such Compensation, it shall be lawful for him to work the said Mines, and to drain the same, by means of Engines or otherwise, as if this Act and the special Act had not been passed, so that no wilful Damage be done to the said Works, and so that the said Mines be not worked in an unusual Manner; and if any Damage or Obstruction be occasioned to the Works of the Undertakers by the working of such Mines in an unusual Manner the same shall be forthwith repaired or removed (as the Case may require), and such Damage made good, by the Owner, Lessee, or Occupier of such Mines or Minerals, and at his own Expence, and if such Repair or Removal be not forthwith done, or if the Undertakers shall so think fit, without waiting for the same to be done by such Owner, Lessee, or Occupier, it shall be lawful for the Undertakers to execute the same, and recover from such Owner, Lessee, or Occupier the Expence occasioned thereby by Action in any of the Superior Courts.

If Company unwilling to treat for Payment of Compensation, Owner may work the Mines.

Owners to make good Damage occasioned by working the Mines in an unusual Manner.

XXIV. If the working of any such Mines under the said Works of the Undertakers or within the above-mentioned Distance therefrom be prevented as aforesaid by reason of apprehended Injury to such Works, it shall be lawful for the respective Owners, Lessees, and Occupiers of such Mines to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work any Mines or Minerals on each or either Side thereof, but no such Airway, Headway, Gateway, or Water Level shall be of greater Dimensions or Sections than the prescribed Dimensions or Sections, and where no Dimensions are prescribed Eight Feet wide and Eight Feet high, nor shall the same be cut or made upon any Part of the said Works so as to injure the same.

Mining Communications.

XXV. Except where otherwise provided for by Agreement the Undertakers shall from Time to Time pay to the Owner, Lessee, or Occupier of any Mines of Coal, Ironstone, and other Minerals extending so as to lie on both Sides of any Reservoirs, Buildings, Pipes, Conduits, or other Works, all such additional Expences and Losses

Company to make Compensation to Owner, Lessee, or Occupier of Mines for Expences

incurred by reason of Mines being worked.

Losses as shall be incurred by such Owner, Lessee, or Occupier by reason of the Severance of the Lands over such Mines or Minerals by such Reservoirs or other Works, or of the continuous working of such Mines or Minerals being interrupted as aforesaid, or by reason of the same being worked under the Restrictions contained in this or the special Act; and for any Mines or Minerals not purchased by the Undertakers which cannot be obtained by reason of making and maintaining the said Works, or by reason of such apprehended Injury from the working thereof as aforesaid; and if any Dispute or Question shall arise between the Undertakers and such Owner, Lessee, or Occupier as aforesaid touching the Price of such Minerals, the same shall be settled by Arbitration in such Manner as is provided by the Lands Clauses Consolidation Act if the Undertaking shall be situate in *England* or *Ireland*, and by the Lands Clauses Consolidation (*Scotland*) Act if the Undertaking shall be situate in *Scotland*.

Disputes to be settled by Arbitration.

Power to Company to enter and inspect the working of Mines, after giving Notice of the same.

XXVI. For better ascertaining whether any such Mines are being worked or have been worked so as to damage the said Works it shall be lawful for the Undertakers, after giving Twenty-four Hours Notice in Writing, to enter upon any Lands through or near which the said Works are situate, and wherein any such Mines are being worked or are supposed so to be, and to enter into and return from any such Mines or the Works connected therewith, and for that Purpose it shall be lawful for them to make use of any Apparatus or Machinery belonging to the Owner, Lessee, or Occupier of such Mines, and to use all necessary Means for discovering the Distance from the said Works to the Parts of such Mines which are being worked or about to be worked.

Nothing to prevent Undertakers from being liable to Actions for Injury done to Mines.

XXVII. Nothing in this or the special Act shall prevent the Undertakers from being liable to any Action or other legal Proceeding to which they would have been liable for any Damage or Injury done or occasioned to any Mines by means or in consequence of the Waterworks, in case the same had not been constructed or maintained by virtue of this Act or the special Act.

Laying of Pipes.

And with respect to the breaking up of Streets for the Purpose of laying Pipes, be it enacted as follows:

Power to break up Streets, &c., under Superintendence, and to open Drains.

XXVIII. The Undertakers, under such Superintendence as is herein-after specified, may open and break up the Soil and Pavement of the several Streets and Bridges within the Limits of the special Act, and may open and break up any Sewers, Drains, or Tunnels within or under such Streets and Bridges, and lay down and place within the same Limits Pipes, Conduits, Service Pipes, and other Works and Engines, and from Time to Time repair, alter, or remove the same, and for the Purposes aforesaid remove and use all Earth and Materials in and under such Streets and Bridges, and do all other Acts which the Undertakers shall from Time to Time deem necessary for supplying Water to the Inhabitants of the District included within the said Limits, doing as little Damage as can be in the Execution of the Powers hereby or by the special Act granted, and making Compensation

pensation for any Damage which may be done in the Execution of such Powers. *Laying of Pipes.*

XXIX. Provided always, that nothing herein contained shall authorize or empower the Undertakers to lay down or place any Pipe, Conduit, Service Pipe, or other Work in any Land not dedicated to public Use without the Consent of the Owners and Occupiers thereof, except that the Undertakers at any Time may enter upon and lay or place any new Pipe in the Place of an existing Pipe in any Land wherein any Pipe hath been already lawfully laid down or placed in pursuance of this or the special Act, or any other Act of Parliament, and may repair or alter any Pipe so laid down. Not to enter on private Land without Consent.

XXX. Before the Undertakers open or break up any Street, Bridge, Sewer, Drain, or Tunnel, they shall give to the Persons under whose Control or Management the same may be, or to their Clerk, Surveyor, or other Officer, Notice in Writing of their Intention to open or break up the same, not less than Three clear Days before beginning such Work, except in Cases of Emergency arising from Defects in any of the Pipes or other Works, and then so soon as is possible after the Beginning of the Work, or the Necessity for the same shall have arisen. Notice to be served on Persons having Control, &c. before breaking up Streets or opening Drains.

XXXI. No such Street, Bridge, Sewer, Drain, or Tunnel shall, except in the Cases of Emergency aforesaid, be opened or broken up, except under the Superintendence of the Persons having the Control or Management thereof, or of their Officer, and according to such Plan as shall be approved of by such Persons or their Officer, or in case of any Difference respecting such Plan, then according to such Plan as shall be determined by Two Justices; and such Justices may, on the Application of the Persons having the Control or Management of any such Sewer or Drain, or their Officer, require the Undertakers to make such temporary or other Works as they may think necessary for guarding against any Interruption of the Drainage during the Execution of any Works which interfere with any such Sewer or Drain: Provided always, that if the Persons having such Control or Management as aforesaid, and their Officer, fail to attend at the Time fixed for the opening of any such Street, Bridge, Sewer, Drain, or Tunnel, after having had such Notice of the Intention of the Undertakers as aforesaid, or shall not propose any Plan for breaking up or opening the same, or shall refuse or neglect to superintend the Operation, the Undertakers may perform the Work specified in such Notice without the Superintendence of such Persons, or their Officer. Streets or Drains not to be broken up except under Superintendence of Persons having Control of the same. If Persons having the Control, &c. fail to superintend, Undertakers may perform the Work without them.

XXXII. When the Undertakers open or break up the Road or Pavement of any Street or Bridge, or any Sewer, Drain, or Tunnel, they shall with all convenient Speed complete the Work for which the same shall be broken up, and fill in the Ground, and reinstate and make good the Road or Pavement, or the Sewer, Drain, or Tunnel, so opened or broken up, and carry away the Rubbish occasioned thereby, and shall at all Times whilst any such Road or Pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall cause a Light sufficient for the warning of Passengers to be set up Streets, &c. broken up to be reinstated without Delay.

Laying of Pipes.

up and kept thereagainst, every Night during which such Road or Pavement shall be continued open or broken up, and shall, after replacing and making good the Road or Pavement which shall have been so broken up, keep the same in good Repair for Three Months thereafter, and such further Time, if any, not being more than Twelve Months in the whole, as the Soil so broken up shall continue to subside.

Penalty for Delay in reinstating Streets, &c.

XXXIII. If the Undertakers open or break up any Street or Bridge, or any Sewer, Drain, or Tunnel, without giving such Notice as aforesaid, or in a Manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other Works as aforesaid, when so required, except in the Cases in which the Undertakers are authorized to perform such Works without any Superintendence or Notice, or if the Undertakers make any unnecessary Delay in completing any such Work, or in filling in the Ground, or reinstating and making good the Road or Pavement, or the Sewer, Drain, or Tunnel, so opened or broken up, or in carrying away the Rubbish occasioned thereby, or if they neglect to cause the Place where such Road or Pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the Road or Pavement in repair for the Space of Six Months next after the same is made good, or such further Time as aforesaid, they shall forfeit to the Persons having the Control or Management of the Street, Bridge, Sewer, Drain, or Tunnel in respect of which such Default is made a Sum not exceeding Five Pounds for every such Offence, and an additional Sum of Five Pounds for each Day during which any such Delay as aforesaid shall continue after they shall have received Notice thereof.

In case of Delay, other Parties may reinstate and recover the Expences.

XXXIV. If any such Delay or Omission as aforesaid shall take place the Persons having the Control or Management of the Street, Bridge, Sewer, Drain, or Tunnel in respect of which such Delay or Omission shall take place may cause the Work so delayed or omitted to be executed, and the Expence of executing the same shall be repaid to such Persons by the Undertakers, and such Expences may be recovered in the same Way as Damages are recoverable under this and the special Act.

Supply of Water.

And with respect to the Supply of Water to be furnished by the Undertakers, be it enacted as follows:

A Constant Supply of Water to be kept for domestic Purposes at high Pressure.

XXXV. The Undertakers shall provide and keep in the Pipes to be laid down by them a Supply of pure and wholesome Water, sufficient for the domestic Use of all the Inhabitants of the Town or District within the Limits of the special Act, who, as herein-after provided, shall be entitled to demand a Supply, and shall be willing to pay Water Rate for the same; and such Supply shall be constantly laid on at such a Pressure as will make the Water reach the top Story of the highest Houses within the said Limits, unless it be provided by the special Act that the Water to be supplied by the Undertakers need not be constantly laid on under Pressure; and the Undertakers shall cause Pipes to be laid down and Water to be brought to every Part of the Town or District within the Limits of

Supply of Water.

the special Act whereunto they shall be required by so many Owners or Occupiers of Houses in that Part of the Town or District, as that the aggregate Amount of Water Rate payable by them annually at the Rates specified in the special Act shall be not less than One Tenth Part of the Expence of providing and laying down such Pipes; provided that no such Requisition shall be binding on the Undertakers unless such Owners or Occupiers shall severally execute an Agreement binding themselves to take such Supply of Water for Three successive Years at least.

Penalty for Neglect to lay Pipes for Supply of Water for domestic Use.

XXXVI. If for Twenty-eight Days after Demand in Writing made to the Undertakers, and Tender made of an Agreement, signed by such Number of Owners or Occupiers as aforesaid, to take and pay for a Supply of Water for Three Years or more, the Undertakers shall refuse or neglect to lay down Pipes in the Manner herein-before directed, and to provide such Supply of Water as aforesaid or as provided by the special Act, they shall forfeit to each of such Owners and Occupiers the Amount of Rate which he would be liable to pay under such Agreement, and also the further Sum of Forty Shillings for every Day during which they shall refuse or neglect to lay down such Pipes, or to provide such Supply of Water: Provided always, that the Undertakers shall not be liable to any Penalty for not supplying Water if the Want of such Supply shall arise from Frost, unusual Drought, or other unavoidable Cause or Accident.

Proviso.

Supply of Water to be kept for cleansing Sewers, Drains, &c. and for other public Purposes.

XXXVII. In all the Pipes to which any Fire-plug shall be fixed the Undertakers shall provide and keep constantly laid on, unless prevented by Frost, unusual Drought, or other unavoidable Accident, or during necessary Repairs, a sufficient Supply of Water for the following Purposes; (that is to say,) for cleansing the Sewers and Drains, for cleansing and watering the Streets, and for supplying any public Pumps, Baths, or Wash-houses that may be established for the free Use of the Inhabitants, or paid for out of any Poor Rates or Borough Rates levied within the Limits of the special Act; and such Supply shall be provided at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon by the Town Commissioners and the Undertakers, or, in case of Disagreement, as shall be settled in *England* or *Ireland* by Two Justices, and in *Scotland* by the Sheriff, until in either Case an Inspector shall have been appointed, and after the Appointment of such Inspector, by the Inspector so appointed.

Fire-plugs.

Undertakers to affix public Fire-plugs in Mains.

XXXVIII. The Undertakers, at the Request of the Town Commissioners, shall fix proper Fire-plugs in the Main and other Pipes belonging to them, at such convenient Distances, not being more than the prescribed Distance, or, if no Distance be prescribed, not more than One hundred Yards from each other, and at such Places as may be most proper and convenient for the Supply of Water for extinguishing any Fire which may break out within the Limits of the special Act; and in case of any Difference of Opinion as to the proper Position or Number of such Fire-plugs, it shall be settled by such Inspector as aforesaid, when appointed, and in the meantime by Two Justices in *England* or *Ireland*, and by the Sheriff in *Scotland*.

 XXXIX. The

Undertakers to repair Fire-plugs and deposit Keys thereof at Engine Houses, &c.

XXXIX. The Undertakers shall from Time to Time renew and keep in effective Order every such Fire-plug; and as soon as any such Fire-plug is completed they shall deposit a Key thereof at each Place within the Limits of the special Act where any public Fire Engine is kept, and in such other Places as may be appointed by the Town Commissioners, and shall put up a public Notice in some conspicuous Place in each Street in which such Fire-plug is situated showing its Situation, which Notice the Undertakers may put up on any House or Building in such Street.

Expence of Fire Plugs, &c., how to be borne.

XL. The Cost of such Fire-plugs, and the Expence of fixing, placing, and maintaining the same in repair, and of providing such Keys as aforesaid, shall be defrayed by the Town Commissioners.

Fire-plugs to be placed near Manufactories at Request, &c. of Owners.

XLI. The Undertakers shall, at the Request and Expence of the Owner or Occupier of any Work or Manufactory situated in any Street in which there shall be a Pipe of the Undertakers, place and maintain in effective Order a Fire-plug (to be used only for extinguishing Fires) as near as conveniently may be to such Work or Manufactory.

Pipes to be kept charged, and Water taken to extinguish Fires without Charge.

XLII. The Undertakers shall at all Times keep charged with Water, under such Pressure as aforesaid, all their Pipes to which Fire-plugs shall be fixed, unless prevented by Frost, unusual Drought, or other unavoidable Cause or Accident, or during necessary Repairs, and shall allow all Persons at all Times to take and use such Water for extinguishing Fire, without making Compensation for the same.

Penalty for Refusal to fix, &c. Fire Plugs, or occasional Failure of Supply of Water.

XLIII. If, except when prevented as aforesaid, the Undertakers neglect or refuse to fix, maintain, or repair such Fire-plugs, or to furnish to the Town Commissioners a sufficient Supply of Water for the public Purposes aforesaid, upon such Terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, they neglect to keep their Pipes charged under such Pressure as aforesaid, or neglect or refuse to furnish to any Owner or Occupier entitled under this or the special Act to receive a Supply of Water during any Part of the Time for which the Rates for such Supply have been paid or tendered, they shall be liable to a Penalty of Ten Pounds, and shall also forfeit to the Town Commissioners, and to every Person having paid or tendered the Rate, the Sum of Forty Shillings for every Day during which such Refusal or Neglect shall continue after Notice in Writing shall have been given to the Undertakers of the Want of Supply.

Pipes to be laid by the Undertakers.

And with respect to the Communication Pipes to be laid by the Undertakers, be it enacted as follows:

Undertakers to lay down Communication Pipes on Request of Occupier and with Consent of Owners in

XLIV. The Undertakers shall, upon the Request of the Owner of any Dwelling House in any Street in which Pipes shall have been laid down by them, the annual Value of which House shall not exceed Ten Pounds, or upon Request of the Occupier, with the Consent in Writing of the Owner or reputed Owner of any such House, or of the Agent of such Owner, and upon Payment or Tender of the Proportion of Water Rate in respect of such House by this or the special

Act made payable in advance, lay down Communication Pipes and other necessary Works for the Supply of such House with Water for domestic or other Purposes, and shall keep the same in repair, and thereupon the Occupier of such House shall be entitled to have a sufficient Supply of Water for his domestic Purposes from the Undertakers; and the Undertakers may charge for such Pipes and Works, in addition to the Water Rate, such reasonable annual Rent as shall be agreed upon, or, in case of Dispute, as shall be settled by such Inspector as aforesaid, when appointed, and in the meantime as shall in *England* or *Ireland* be settled by Two Justices, and in *Scotland* by the Sheriff; and such Rent shall be chargeable on and recoverable from the Occupier, or, in his Default, from the Owner of such House, at the same Times and in the same Manner as Water Rates; and such Pipes and other Works shall not be subject to Distress or to the Landlord's Hypothec for Rent, nor to be taken in Execution under any Process of a Court of Law or Equity, or under any Fiat or Sequestration in Bankruptcy, against such Occupier or against such Owner, unless he shall have become the Proprietor of the said Pipes and Works under the Provisions herein-after contained.

Houses of limited Value.

XLV. If, upon such Request and Consent, and upon Tender or Payment of such Proportion of Rate as aforesaid, the Undertakers for Seven Days neglect or refuse to lay down such Communication Pipes or other Works, they shall be liable to forfeit to the Person so making such Request the Sum of Five Pounds, and a further Sum of Forty Shillings for every Day during which such Refusal or Neglect shall continue after Seven Days from the making of such Request and Tender as aforesaid.

Penalty on Undertakers for Refusal to lay Communication Pipes.

XLVI. If the Occupier for the Time being of the House in which any such Communication Pipes or other Works and Engines shall have been laid down by the Undertakers refuse to pay for a Supply of Water, or if such House be unoccupied for Twelve Months, the Undertakers may demand from the Owner thereof Payment of the Amount of the Principal Money invested by them in providing and laying down such Communication Pipes and other Works and Engines; and if such Owner, after Ten Days Notice given to him by the Undertakers, neglect or refuse to pay such Principal Money, the Undertakers may enter the House and remove such Pipes and other Works; and the Balance of such Principal Money, after deducting the Value of such Pipes and other Works, with all Arrear of Rent for such Pipes and Works, shall, in default of Payment, be recovered, with the Costs incurred, from the Owner or from the Occupier for the Time being in the same Manner as Water Rates are directed by this or the special Act to be recovered: Provided always, that no greater Sum shall be recovered from any such Occupier than the Amount of Rent for the Time being owing by him unless he refuse to discover the Amount of Rent owing by him; and that every such Occupier shall be entitled to deduct from the Amount of Rent payable by him the Sum so recovered from him, or which he shall have paid on Demand.

Undertakers to be at liberty to remove Pipes, and recover Expences of Owners or Occupiers.

No greater Sum to be recovered from Occupiers than Amount of Rent due.

XLVII. The Owner or reputed Owner of any House where any such Communication Pipes or other Works shall have been laid down by

Owner to be at liberty to purchase the Pipes.

Pipes to be laid by the Undertakers.

by the Undertakers may at any Time pay off the Amount then due to the Undertakers in respect of the Costs of providing and laying down such Pipes and Works, and all Rent at that Time due in respect thereof, and thereupon such Pipes and Works shall become the Property of such Owner, and all further Rent in respect thereof shall cease to accrue to the Undertakers.

Pipes to be laid by the Inhabitants.

And with respect to the Communication Pipes to be laid by the Inhabitants, be it enacted as follows:

Power to Inhabitants to lay Service Pipes, giving the Undertakers Notice of the same.

XLVIII. Any Owner or Occupier of any Dwelling House or Part of a Dwelling House within the Limits of the special Act who shall wish to have Water from the Waterworks of the Undertakers brought into his Premises, and who shall have paid or tendered to the Undertakers the Portion of Water Rate in respect of such Premises by this or the special Act directed to be paid in advance, may open the Ground between the Pipes of the Undertakers and his Premises, having first obtained the Consent of the Owners and Occupiers of such Ground, and lay any Leaden or other Pipes from such Premises, to communicate with the Pipes of the Undertakers, such Pipes to be of a Strength and Material to be approved of by the Undertakers, or, in case of Dispute, to be settled in *England* or *Ireland* by Two Justices, and in *Scotland* by the Sheriff, or in either Case by the Inspector to be appointed as aforesaid: Provided always, that every such Owner or Occupier shall, before he begins to lay any such Pipe, give to the Undertakers Fourteen Days Notice of his Intention to do so.

Communication with the Pipes of the Undertakers to be made under the Superintendence of their Surveyor. As to the Settling of Disputes.

XLIX. Before any Pipe is made to communicate with the Pipes of the Undertakers, the Person intending to lay such Pipe shall give Two Days Notice to the Undertakers of the Day and Hour when such Pipe is intended to be made to communicate with the Pipes of the Undertakers; and every such Pipe shall be so made to communicate under the Superintendence and according to the Directions of the Surveyor or other Officer appointed for that Purpose by the Undertakers, unless such Surveyor or Officer fail to attend at the Time mentioned in the said Notice; and in case of any Dispute as to the Manner in which such Pipe shall be so made to communicate, it shall in *England* or *Ireland* be settled by Two Justices, and in *Scotland* by the Sheriff, or in either Case by the Inspector to be appointed as aforesaid.

Bore of Service Pipes.

L. The Bore of any such Pipe as last aforesaid shall not exceed the prescribed Limits, and where no Limit shall be prescribed it shall not exceed Half an Inch, except with the Consent of the Undertakers.

Service Pipes may be removed after giving Notice of the same.

LI. Any Person who shall have laid down any Pipe or other Works, or who shall have become the Proprietor thereof, may remove the same, after having first given Six Days Notice in Writing to the Undertakers of his Intention so to do, and of the Time of such proposed Removal, and every such Person shall make Compensation to the Undertakers for any Injury or Damage to their Pipes or Works which may be caused by such Removal; and every

Penalty on removing

Person who shall remove any such Pipe or other Works without giving

giving such Notice as aforesaid shall forfeit to the Undertakers a Sum not exceeding Five Pounds, over and above the Damage which he may be found liable to pay in any Action at Law, at the Suit of the Undertakers, for the Damage done to their Pipes or Works. Pipes without Notice.

LII. Any such Owner or Occupier may open or break up so much of the Pavement of any Street as shall be between the Pipe of the Undertakers and his House, Building, or Premises, and any Sewer or Drain therein, for any such Purpose as aforesaid, doing as little Damage as may be, and making Compensation for any Damage done in the Execution of any such Work: Provided always, that every such Owner or Occupier desiring to break up the Pavement of any Street, or any Sewer or Drain therein, shall be subject to the same Necessity of giving previous Notice, and shall be subject to the same Control, Restriction, and Obligations in and during the Time of breaking up the same, and also reinstating the same, and to the same Penalties for any Delay in regard thereto, as the Undertakers are subject to by virtue of this or the special Act. Power to Inhabitants to break up Pavements, giving Notice of the same.

LIII. Every Owner and Occupier of any Dwelling House, or Part of a Dwelling House within the Limits of the special Act shall, when he has laid such Communication Pipes as aforesaid, and paid or tendered the Water Rate payable in respect thereof, according to the Provisions of this and the special Act, be entitled to demand and receive from the Undertakers a sufficient Supply of Water for his domestic Purposes. Owners or Occupiers entitled to demand a Supply of Water for domestic Purposes.

Protection of Water.

And with respect to Waste or Misuse of the Water supplied by the Undertakers, be it enacted as follows:

LIV. If by the special Act it be provided that the Water to be supplied by the Undertakers need not be constantly laid on under Pressure, every Person supplied with Water shall, when required by the Undertakers, provide a proper Cistern to hold the Water with which he shall be so supplied with a Ball and Stop Cock in the Pipe bringing the Water from the Works of the Undertakers to such Cistern, and shall keep such Cistern, Ball and Stop Cock in good Repair, so as effectually to prevent the Water from running to waste; and in case any such Person shall, when required by the Undertakers, neglect to provide such Cistern, Ball or Stop Cock, or to keep the same in good Repair, the Undertakers may cut off the Pipe or turn off the Water from the Premises of such Person until such Cistern and Ball and Stop Cock shall be provided or repaired, as the Case may require. Persons using the Water to provide Cisterns and Cocks. Penalty for Neglect.

LV. Every Person supplied with Water by the Undertakers who shall suffer any such Cistern, Pipe, Ball or Stop Cock to be out of repair, so that the Water supplied to him by the Undertakers shall be wasted, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Five Pounds. Penalty for suffering Cistern, &c. to be out of repair.

LVI. The Undertakers may repair any such Cistern, Pipe, Ball or Stop Cock, so as to prevent any such Waste of Water, and the Undertakers may repair Cisterns, &c.

and recover the Expences. Expences of such Repair shall be repaid to them by the Person so allowing the same to be out of repair, and may be received as Damages.

Power to Surveyor employed by Undertakers to enter Houses to inspect, &c. LVII. The Surveyor, or any other Person acting under the Authority of the Undertakers, may, between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, enter into any House or Premises supplied with Water by virtue of this or the special Act in order to examine if there be any Waste or Misuse of such Water; and if such Surveyor or other Person at any such Time be refused Admittance into such Dwelling House or Premises for the Purpose aforesaid, or be prevented from making such Examination as aforesaid, the Undertakers may turn off the Water supplied by them from such House or other Premises.

Penalty for allowing Persons to use the Undertakers Water. LVIII. Every Owner or Occupier of any Tenement supplied with Water under this or the special Act who shall supply to any other Person or wilfully permit him to take any such Water from any Cistern or Pipe in such Tenement, unless for the Purpose of extinguishing any Fire, or unless he be a Person supplied with Water by the Undertakers, and the Pipes belonging to him be, without his Default, out of repair, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Five Pounds.

Penalty for taking the Undertakers Water without Agreement. LIX. Every Person who, not having agreed to be supplied with Water by the Undertakers, shall take any Water from any Reservoir, Watercourse, or Conduit belonging to the Undertakers, or any Pipe leading to any such Reservoir, Watercourse, or Conduit, or from any Cistern or other like Place containing Water belonging to the Undertakers, other than such as may have been provided for the gratuitous Use of the Public, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Ten Pounds.

Penalty for destroying Valves, &c. LX. Every Person who shall wilfully or carelessly break, injure, or open any Lock, Cock, Valve, Pipe, Work, or Engine belonging to the Undertakers, or shall flush or draw off the Water from the Reservoirs or other Works of the Undertakers, or shall do any other wilful Act whereby such Water shall be wasted, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Five Pounds.

Fouling the Water.

And with respect to the Provision for guarding against fouling the Water of the Undertakers, be it enacted as follows:

Penalties for causing the Water of the Undertakers to be fouled, &c. LXI. Every Person who shall commit any of the Offences next herein-after enumerated shall for every such Offence forfeit to the Undertakers a Sum not exceeding Five Pounds; (that is to say,)

Every Person who shall bathe in any Stream, Reservoir, Aqueduct, or other Waterworks belonging to the Undertakers, or wash, throw, or cause to enter therein any Dog or other Animal:

Every Person who shall throw any Rubbish, Dirt, Filth, or other noisome Thing into any such Stream, Reservoir, Aqueduct, or other Waterworks as aforesaid, or wash or cleanse therein any Cloth, Wool, Leather, or Skin of any Animal, or any Clothes or other Thing:

Every

Fouling the Water.

Every Person who shall cause the Water of any Sink, Sewer, or Drain, Steam Engine, Boiler, or other filthy Water belonging to him or under his Control, to run or be brought into any Stream, Reservoir, Aqueduct, or other Waterworks belonging to the Undertakers, or shall do any other Act whereby the Water of the Undertakers shall be fouled:

And every such Person shall forfeit a further Sum of Twenty Shillings for each Day (if more than One) that such last-mentioned Offence shall be continued.

Penalty for permitting Substances produced in making Gas to flow into the Undertakers Works.

LXII. Every Person making or supplying Gas within the Limits of the special Act who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, or Waterworks belonging to the Undertakers, or into any Drain communicating therewith, any Washing or other Substance which shall be produced in making or supplying Gas, or who shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks shall be fouled, shall forfeit to the Undertakers for every such Offence the Sum of Two hundred Pounds; and such Penalty shall be recovered, with full Costs of Suit, in any of the Superior Courts; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it has ceased.

Penalty to be sued for within Six Months.

Daily Penalty during the Continuance of the Offence.

LXIII. In addition to the said Penalty of Two hundred Pounds, and whether such Penalty have been recovered or not, the Person making or supplying Gas as aforesaid shall forfeit to the Undertakers the Sum of Twenty Pounds, to be recovered in like Manner for each Day during which such Washing or Substance shall be brought or shall flow as aforesaid, or during which the Act shall continue by which such Water is fouled, after the Expiration in either Case of Twenty-four Hours from the Time when Notice of the Offence has been served on such Person by the Undertakers.

Penalty on Gas Makers causing Water to be fouled.

LXIV. Whenever the Water supplied by the Undertakers shall be fouled by the Gas of any Person making or supplying Gas within the Limits of the special Act, such Person shall forfeit to the Undertakers for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for each Day during which the Offence shall continue after the Expiration of Twenty-four Hours from the Service of Notice of such Offence.

Power to examine Gas Pipes, to ascertain Cause of Water being fouled.

LXV. For the Purpose of ascertaining whether the Water of the Undertakers be fouled by the Gas of any Person making or supplying Gas within the Limits of the special Act, the Undertakers may dig up the Ground, and examine the Pipes, Conduits, and Works of the Persons making or supplying Gas; provided that before proceeding so to dig and examine the Undertakers shall give Twenty-four Hours Notice in Writing to the Person so making or supplying Gas of the Time at which such digging and Examination is intended to take place, and they shall give the like Notice to the Persons having the Control or Management of the Pavements or Place where such digging shall take place, and they shall be subject to the like Obligation

Fouling the Water.

Obligation of reinstating the Road and Pavement, and to the same Penalties for Delay, or any Nonfeasance or Misfeasance therein, as herein-before provided with respect to Roads and Pavements broken up by them for laying their Pipes.

The Expences to abide the Result of the Examination.

LXVI. If upon such Examination it appear that such Water has been fouled by any Gas belonging to such Person, the Expences of the digging, Examination, and Repair of the Street or Place disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it appear that the Water has not been fouled by the Gas of such Person, then the Undertakers shall pay all the Expences of the Examination and Repair, and also make good to the said Person any Injury which may be occasioned to his Works by such Examination.

How Expence to be ascertained.

LXVII. The Amount of the Expences of every such Examination and Repair, and any Injury done to the Undertakers, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as Damages for the ascertaining and Recovery whereof no special Provision is made are directed to be ascertained and recovered.

Water Rates.

And with respect to the Payment and Recovery of the Water Rates, be it enacted as follows:

Rates to be payable according to the annual Value of the Premises.

LXVIII. The Water Rates, except as herein-after and in the special Act mentioned, shall be paid by and be recoverable from the Person requiring, receiving, or using the Supply of Water, and shall be payable according to the annual Value of the Tenement supplied with Water, and if any Dispute arise as to such Value the same shall be determined by Two Justices.

Where several Houses supplied by One Pipe, each to pay.

LXIX. When several Houses or Parts of Houses in the separate Occupation of several Persons are supplied by one common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses 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 Houses had been supplied with Water from the Works of the Undertakers by a separate Pipe.

Rates to be paid quarterly.

LXX. The Rates shall be paid in advance by equal quarterly payments, in *England* or *Ireland*, at *Christmas Day*, *Lady Day*, *Midsummer Day*, and *Michaelmas Day*, and in *Scotland* at *Martinmas*, *Candlemas*, *Whitsuntide*, and *Lammas*, and the first Payment shall be made at the Time when the Pipe by which the Water is supplied is made to communicate with the Pipes of the Undertakers, or at the Time when the Agreement to take Water from the Undertakers is made.

Parties giving Notice to discontinue Use of

LXXI. 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

by the Undertakers, or who shall remove from his Dwelling between any Two quarterly Days of Payment, shall pay the Water Rate in respect of such Dwelling House or Part of a Dwelling House for the Quarter ending on the quarterly Day of Payment next after his quitting the same or giving such Notice.

Water, or removing, to pay to the next Quarter Day.

LXXII. The Owners of all Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements, the annual Value of which Houses or Tenements shall not exceed the Sum of Ten Pounds, shall be liable to the Payment of the Rates instead of the Occupiers thereof; and the Powers and Provisions herein or in the special Act contained for the Recovery of Rates from Occupiers shall be construed to apply to the Owners of such Houses and Tenements; and the Person receiving the Rents of any such House or Tenement as aforesaid from the Occupier thereof, on his own Account, or as Agent or Receiver for any Person interested therein, shall be deemed the Owner of such House or Tenement.

Owners of Houses not exceeding 10*l.* Rent to be liable to Water Rates.

LXXIII. Provided always, That when any Owner shall pay any such Rate in respect of any such Dwelling House or Part of a Dwelling House which shall be in the Occupation of any Tenant under any Lease or Agreement made prior to the passing of the special Act, such Tenant shall repay to the Owner all Sums which shall be so by him paid during the Continuance of such Lease, unless it have been agreed that the Owner shall pay the Water Rates in respect of such Dwelling House or Part of a Dwelling House; and every such Sum of Money payable by the Tenant to the Owner, under the Provision herein-before contained, may be recovered, if the same be not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

Tenants under existing Leases to repay the Owner.

LXXIV. If any Person supplied with Water by the Undertakers, or liable as herein or in the special Act provided to pay the Water Rate, neglect to pay such Water Rate at any of the said Times of Payment thereof, the Undertakers may stop the Water from flowing into the Premises in respect of which such Rate is payable, by cutting off the Pipe to such Premises, or by such Means as the Undertakers shall think fit, and may recover the Rate due from such Person, if less than Twenty Pounds, with the Expences of cutting off the Water, and Costs of recovering the Rate, in the same Manner as any Damages for the Recovery of which no special Provision is made are recoverable by this or the special Act; or if the Rate so due amount to Twenty Pounds or upwards, the Undertakers may recover the same, with the Expences of cutting off the Water, by Action in any Court of competent Jurisdiction.

Rates how to be recovered.

And with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, be it enacted as follows:

Profits of the Undertakers.

LXXV. The Profits of the Undertaking to be divided among the Undertakers in any Year shall not exceed the prescribed Rate, or where no Rate is prescribed they shall not exceed the Rate of Ten

Profits of the Company to be limited.

Profits of the Undertakers.

Pounds in the Hundred by the Year on the paid-up Capital in the Undertaking, which in such Case shall be deemed the prescribed Rate, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate.

If Profits exceed the Amount limited, Excess to be invested and form a reserved Fund.

LXXVI. If the clear Profits of the Undertaking in any Year amount to a larger Sum than is sufficient, after making up the Deficiency in the Dividends of any previous Year as aforesaid, to make a Dividend at the prescribed Rate, the Excess beyond the Sum necessary for such Purpose shall from Time to Time be invested in Government or other Securities, and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest until the Fund so formed amounts to the prescribed Sum, or if no Sum be prescribed to a Sum equal to One Tenth Part of the nominal Capital of the Undertakers, which Sum shall form a reserved Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits, or to meet any extraordinary Claim or Demand which may at any Time arise against the Undertakers; and if such Fund be at any Time reduced it may thereafter be again restored to the said Sum, and so from Time to Time as often as such Reduction shall happen.

Reserved Fund not to be resorted to unless to meet an extraordinary Claim.

LXXVII. Provided always, That no Sum of Money shall be taken from the said Fund for the Purpose of meeting any extraordinary Claim, unless it be first certified, in *England* or *Ireland*, by Two Justices, and in *Scotland* by the Sheriff, that the Sum so proposed to be taken is required for the Purpose of meeting an extraordinary Claim within the Meaning of this or the special Act.

When Fund amounts to prescribed Sum Interest to be applied to Purposes of the Undertaking.

LXXVIII. When such Fund shall, by Accumulation or otherwise, amount to the prescribed Sum, or One Tenth Part of the nominal Capital, as the Case may be, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the Undertaking to which the Profits thereof are applicable.

If Profits are less than the prescribed Rate, a Sum may be taken from reserved Fund to supply Deficiency.

LXXIX. If in any Year the Profits of the Undertaking divisible amongst the Undertakers shall not amount to the prescribed Rate, such a Sum may be taken from the reserved Fund as, with the actual divisible Profits of such Year, will enable the Undertakers to make a Dividend of the Amount aforesaid, and so from Time to Time as often as the Occasion shall require.

If Profits are more than the Amount prescribed a rateable Reduction to be made in the Price of Water.

LXXX. In *England* or *Ireland* the Court of Quarter Sessions, and in *Scotland* the Sheriff of such County, may, on the Petition of any Two Water-rate Payers within the Limits of the special Act, appoint some Accountant or other competent Person, not being a Proprietor of any Waterworks, to examine and ascertain, at the Expence of the Undertakers, the actual State and Condition of the Concerns of the Undertakers, and make report thereof to the said Court at the then present or some following Sessions, or to the Sheriff, (the Amount

of such Expence to be determined by the said Court or Sheriff,) and the said Court or Sheriff may examine any Witnesses upon Oath touching the Truth of the said Accounts, and the Matters therein referred to; and if it thereupon appear to the said Court or Sheriff that the Profits of the Undertakers for the preceding Year have exceeded the prescribed Rate, the Undertakers shall, in case the whole of the said reserved Fund has been and then remains invested as aforesaid, and in case Dividends to the Amount herein-before limited have been paid, make such a rateable Reduction in the Rates for Water to be furnished by them as in the Judgment of the said Court or Sheriff shall be proper, but so as such Rates, when reduced, shall insure to the Undertakers, regard being had to the Amount of Profit before received, a Profit as near as may be to the prescribed Rate.

Profits of the Undertakers.

LXXXI. Provided always, That if, in the Case of any Petition so presented, it appear to the said Court or Sheriff that there was no sufficient Ground for presenting the same, the said Court or Sheriff may, if they or he think fit, order the Petitioner to pay the whole or any Part of the Costs of or incident to such Petition (the Amount thereof to be determined by the said Court or Sheriff), and the Costs so ordered to be paid shall be recoverable in the same Way as Damages are recoverable under this or the special Act.

Court may order Petitioner to pay the Costs of groundless Petition.

LXXXII. If the Undertakers shall, for Seven Days after being required to produce to the said Court or Sheriff, or to the said Accountant or other Person as aforesaid, any Books of Account, or other Books, Bills, Receipts, Vouchers, or Papers relating to their pecuniary Affairs, refuse or neglect to produce such Books, Bills, Receipts, Vouchers, or Papers, they shall forfeit the Sum of One hundred Pounds for every such Refusal or wilful Neglect, and the further Sum of Ten Pounds for every Day during which such Refusal or wilful Neglect shall continue after the Expiration of the said Seven Days; such respective Penalties to be recovered by any Person who will sue for the same, with full Costs of Suit, in any of the Superior Courts.

Penalty on Undertakers refusing to produce Books, Vouchers, &c.

LXXXIII. And with respect to the yearly Receipt and Expenditure of the Undertakers, be it enacted, That the Undertakers shall, in each Year after they have begun to supply Water under this or the special Act, cause an Account in abstract to be prepared of the whole Receipt and Expenditure of all Rates or other Monies levied under the Powers of this or the special Act for the Year preceding, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Chairman of the Undertakers, and also by the Auditors thereof, if any; and a Copy of such annual Account shall be sent, free of Charge, to the Clerk of the Peace for the County in which the Waterworks are situated, if the Waterworks are situated in *England* or *Ireland*, and if the Waterworks are situated in *Scotland*, to the Sheriff Clerk of such County, on or before the Thirty-first Day of *January* in each Year, under a Penalty of Twenty Pounds for each Default; and the Copy of such Account so sent to the said

Annual Account to be made up by Undertakers, and sent to the Clerk of the Peace in England or Ireland, or to the Sheriff Clerk in Scotland, and to be open to Inspection.

Profits of the Undertakers.

said Clerk shall be kept by him, and shall be open to Inspection by all Persons, at all seasonable Hours, on Payment of One Shilling for each Inspection.

Tender of Amends.

LXXXIV. And with respect to Tender of Amends, be it enacted, That if any Person shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Person make Tender of sufficient Amends to the Person injured, such last-mentioned Person shall not recover in any such Action; and if no such Tender have been made the Defendant may, by Leave of the Court where such Action is pending, at any Time before Issue joined, pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff, be it enacted as follows:

Railways Clauses Consolidation Acts, 1845, as to Damages, &c., to be incorporated with this and the special Act.

LXXXV. If the Waterworks be in *England* or *Ireland*, the Clauses of the Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated with this and the special Act, and if the Waterworks be in *Scotland*, the Clauses of the Railways Clauses Consolidation Act (*Scotland*), 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff or to Justices, shall be incorporated with this and the special Act, and such Clauses shall apply to the Waterworks and to the Undertakers respectively, and shall be construed as if the Word "Undertakers" had been inserted therein instead of the Word "Company."

In Ireland, Part of Penalties to be paid to Guardians of Unions.

LXXXVI. Provided always, That in *Ireland*, in the Case of any Penalty imposed by Justices, where the Application is not otherwise provided for, such Justices may award not more than One Half of such Penalty to the Informer, and shall award the Remainder to the Guardians of the Poor of the Union within which the Offence shall have been committed, to be applied in aid of the Poor Rates of such Union.

All Things required to be done by Two Justices in England and Ireland may, in certain Cases, be done by One, and in Scotland by the Sheriff, &c.

LXXXVII. All Things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by Two Justices, may and shall be done, in *England* and *Ireland*, by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices, and in *Scotland* by the Sheriff or Steward of any County, Stewartry, or Ward, or his Substitute.

LXXXVIII. Every

LXXXVIII. Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis;* and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms, as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined, and such Witnesses shall be entitled to the same Allowance of Expences, as they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

Penalties, &c. imposed in respect of Offences committed within the Metropolitan Police District, to be paid to the Receiver, and applied under 2 & 3 Vict. c. 71.

LXXXIX. Every Person who upon any Examination upon Oath under the Provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Persons giving false Evidence liable to Penalties of Perjury.

And with respect to Access to the special Act, be it enacted as follows:

Access to special Act.

XC. The Undertakers shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them, and shall also within the Space of such Six Months deposit in the Office of the Clerk of the Peace in *England* or *Ireland*, and of the Sheriff Clerk in *Scotland*, of the County in which the Undertaking is situated, a Copy of such special Act, so printed as aforesaid; and the said Clerk of the Peace and Sheriff Clerk shall receive, and they and the Undertakers respectively shall keep, the said Copies of the special Act, and shall allow all Persons interested therein to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

Copies of special Act to be kept by Undertakers in their Office, and deposited with the Clerks of the Peace, &c., and be open to Inspection.

7 W. 4. & 1 Vict. c. 83.

XCI. If the Undertakers fail to keep or deposit any of the said Copies of the special Act, as herein-before mentioned, they shall forfeit

Penalty on Undertakers failing to

keep or deposit such Copies.

forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Undertakers not exempt from the Provisions of 57G.3.c.xxix. or from the Laws regulatingSewers.

XCII. And be it enacted, That nothing in this Act contained shall be deemed to exempt the Undertakers from the Provisions of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein*, or from the Laws of Sewers for the Time being in force within Ten Miles from the *Royal Exchange* in the City of *London*.

Undertakers not exempt from Provisions of any future general Act.

XCIII. And be it enacted, That nothing herein or in the special Act contained shall be deemed to exempt the Undertakers from any general Act relating to Waterworks, or any Act for improving the sanitary Condition of Towns and populous Districts, which may be passed in the same Session of Parliament in which the special Act is passed, or any future Session of Parliament.

Act may be amended,&c.

XCIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1847.