



### CHAPTER ix.

An Act to confer further powers on the Felixstowe and Walton Waterworks Company and for other purposes. A.D. 1911.  
[2nd June 1911.]

**W**HEREAS by the Felixstowe and Walton Waterworks Act 1895 (hereinafter referred to as "the Act of 1895") the Felixstowe and Walton Waterworks Company (hereinafter called "the Company") were incorporated and by that Act the Felixstowe and Walton Waterworks Company (Limited) were dissolved and the undertaking of the said Limited Company was vested in the Company : 58 Vict. c. xiii.

And whereas by the Act of 1895 the limits for the supply of water by the Company are defined to include the parishes of Felixstowe and Walton and certain parts of the parishes of Trimley St. Mary and Trimley St. Martin in the county of Suffolk :

And whereas the demand for water within the limits of supply of the Company has increased and continues to increase and it is expedient that the Company should be empowered to make works and to take water as in this Act provided :

And whereas for the purpose of fulfilling their statutory obligations with respect to the supply of water the Company have constructed certain works hereinafter described and it is expedient that the construction thereof should be sanctioned and confirmed :

And whereas under the provisions of the Act of 1895 the original capital of the Company was fixed at the sum of £26,590 divided in 2,659 shares of £10 each which shares were vested by the said Act in the persons who immediately prior to the

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A.D. 1911. passing of the said Act were shareholders in the said Limited Company :

And whereas by the same Act the Company were authorised to raise additional capital not exceeding in the whole £23,410 by the creation and issue (subject to the provisions of the said Act with respect to the sale thereof by auction) of 2,341 shares of £10 each :

And whereas of the said shares the Company have created and issued 1,250 as ordinary shares of the Company and have received in respect of such shares including the premiums paid thereon the sum of £12,720 . 13s. 4d. leaving the sum of £10,689 6s. 8d. to be raised by the creation and issue of shares as provided by the Act of 1895 :

And whereas the Company were authorised by the said Act of 1895 to borrow on mortgage of the undertaking the sum of £6,650 in respect of the original capital and £5,850 in respect of the additional capital and the Company have borrowed on mortgage of their undertaking and now owe the sum of £8,745 :

And whereas it is expedient that for the purposes of this Act and for the general purposes of their undertaking the Company should be authorised to raise additional capital and that the other provisions contained in this Act should be made :

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

And whereas plans and sections showing the line situation and levels of the works authorised by this Act and the lands required or which may be taken or used for the purposes thereof and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been duly deposited with the clerk of the peace for the county of Suffolk and are hereinafter referred to as the deposited plans sections and book of reference :

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

Short title.

1. This Act may be cited as the *Felixstowe and Walton Waterworks Act 1911.*

2. The following Acts and parts of Acts (namely) :—

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The Lands Clauses Acts;

Incorporation of  
general Acts.

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 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”; and

The clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act:

And in the application of the said provisions of the Railways Clauses Consolidation Act 1845 to this Act the term “railway” shall mean the pumping stations and the service reservoir and so much of the lines of pipes by this Act authorised as will not be constructed in a highway and the expression “centre line of the railway” shall mean the centres of so much of the said lines of pipes as aforesaid.

3. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

Application of Companies  
Clauses  
Acts.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

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A.D. 1911. and Part I. (relating to cancellation and surrender of shares)  
Part II. (relating to additional capital) and Part III (relating  
to debenture stock) of the Companies Clauses Act 1863 as  
amended by subsequent Acts shall (subject to the provisions of  
this Act) extend and apply to the Company and to the additional  
capital by this Act authorised to be raised :

Provided always that nothing in this Act or the recited Act  
shall authorise the Company to raise any sum authorised to be  
borrowed or any part of such sum by the creation of shares in the  
Company or to convert into share capital any moneys borrowed  
by them.

Interpreta-  
tion.

4. Terms to which meanings are assigned in the Acts  
incorporated wholly or in part with this Act or which have  
therein special meanings have in this Act (unless the subject or  
context otherwise requires) the same respective meanings.

Power to  
make water-  
works.

5. Subject to the provisions of this Act the Company may  
make and maintain wholly in the rural district of Woodbridge in  
the county of Suffolk in the line and situation and upon the  
lands delineated on the deposited plans and according to the  
levels shown on the deposited sections all or any of the works  
shown on the deposited plans and hereinafter described and may  
enter upon take and use such of the lands delineated on the  
deposited plans and described in the deposited book of reference  
as they may require therefor (that is to say) :—

Work No. 1 A pumping station (hereinafter referred to as  
“the Rushmere Pumping Station”) with a well or wells  
boreholes adits and other works and conveniences connected  
therewith situate partly in the parish of Rushmere St.  
Andrew and partly in the parish of Foxhall in the fields  
or enclosures numbered 38 on the  $\frac{1}{2500}$  Ordnance map  
(2nd edition 1903) of the parish of Rushmere St. Andrew  
and 7 on the said Ordnance map (2nd edition 1903) of  
the parish of Foxhall :

Work No. 2 A line or lines of pipes (No. 1) commencing  
in the said parish of Rushmere St. Andrew at or in the  
said Rushmere Pumping Station and terminating by a  
junction with the existing pipes of the Company in the  
parishes of Trimley St. Mary and Trimley St. Martin or  
one of them at the point in the road leading from Ipswich

to Felixstowe where the boundary of the limits of supply of the Company crosses that road 8 chains or thereabouts measured in a northerly direction from the junction therewith of Guncorner Lane :

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Work No. 3 A pumping station (hereinafter referred to as "the Foxhall Pumping Station") with a well or wells boreholes adits and other works and conveniences connected therewith to be situate wholly in the said parish of Foxhall in the fields or enclosures numbered 81 and 94 on the  $\frac{1}{2500}$  Ordnance map of that parish (2nd edition 1904) :

Work No. 4 A line or lines of pipes (No. 2) wholly in the said parish of Foxhall commencing at or in the said Foxhall Pumping Station and terminating by a junction with the proposed line or lines of pipes (No. 1) at a point in the road leading from Foxhall Heath past Foxhall Hall to Holly Lodge 16 chains or thereabouts measured in a direct line in a south-easterly direction from the south-east corner of the building known as Foxhall Hall :

Work No. 5 A line or lines of pipes (No. 3) commencing in the parish of Foxhall by a junction with the proposed line or lines of pipes (No. 1) in the road leading from Ipswich to Bucklesham at or near the building called Holly Lodge and terminating in the parish of Purdis Farm in the service reservoir next hereinafter described :

Work No. 6 A covered service reservoir to be wholly situate in the parish of Purdis Farm in the enclosure numbered 46 on the  $\frac{1}{2500}$  Ordnance map of that parish (2nd edition 1904).

In addition to the foregoing works the Company may from time to time upon any lands belonging to them or over which they may obtain easements make maintain alter renew and repair wells boreholes adits tunnels drifts shafts reservoirs roads railways sidings tanks basins gauges meters filters filter beds softening tanks dams sluices hatch boxes chambers outfalls discharge pipes aqueducts culverts cuts channels conduits mains pipes hydrants standpipes junctions valves telegraphs telephones engines pumps machinery apparatus appliances buildings houses chimney shafts ventilating shafts air valves water towers wash-outs and any other necessary or convenient subsidiary works for

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A.D. 1911. or in connection with the works hereinbefore described or any of them or for taking collecting impounding and distributing the waters which the Company are authorised to take under the powers of this Act or otherwise but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them in respect of any such additional works :

Provided that any telegraphs or telephones constructed under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to deviate.

6. In constructing the waterworks by this Act authorised or any of them the Company may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and (in the case of any line or lines of pipes placed underground) beyond those limits with the consent of the persons through whose land such deviation is proposed to be made and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and any extent downwards in the case of the service reservoir Work No. 6 and five feet upwards and any extent downwards in respect of the other works.

Company may acquire easements only in certain cases.

7.—(1) The Company may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same

rights to use and cultivate the said lands at all times as if this Act had not passed. A.D. 1911.

(3) Provided always that nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

8. The Company may on the lands in the aforesaid parish of Trimley St. Martin comprising the enclosure numbered 270 on the  $\frac{1}{2500}$  Ordnance map of the said parish (2nd edition 1904) exercise all or any of the powers mentioned in and execute and maintain all or any of the works authorised by section 12 of the Waterworks Clauses Act 1847 and the Company may hold and use the said lands for the purposes aforesaid and for the general purposes of their undertaking. Company may hold and use certain lands for waterworks purposes.

9. The construction by the Company of the existing works next hereinafter described and the expenditure of capital by the Company upon or in connection with such works is hereby sanctioned and confirmed and the Company may maintain continue and use and from time to time renew alter repair or discontinue such works or any part thereof The existing works hereinbefore referred to are situate in the county of Suffolk and are as follows:— Confirming construction of existing works.

(a) The existing pumping station known as the Little Grove Pumping Station of the Company with the wells shafts and other works in connection therewith situate wholly in the said parish of Trimley St. Martin on the lands referred to in the next preceding section of this Act; and

(b) The line or lines of pipes laid down by the Company partly in the said parish of Trimley St. Martin and partly in the aforesaid parish of Trimley St. Mary commencing in the said parish of Trimley St. Martin at the said Little Grove Pumping Station and terminating by a junction with the existing pipes of the Company in the parishes of Trimley St. Mary and Trimley St. Martin or one of them at the point in

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the road leading from Ipswich to Felixstowe where the boundary of the limits of supply of the Company crosses that road.

For protec-  
tion of Great  
Eastern Rail-  
way Com-  
pany.

**10.** Notwithstanding anything in this Act contained the following provisions for the protection of the Great Eastern Railway Company (hereinafter called "the railway company") shall unless otherwise agreed between the parties be in force and have effect and be binding on the Company:—

- (1) Any works in connection with the repair and renewal of such part of the line of pipes the construction of which is by this Act confirmed as crosses or is upon the Felixstowe Branch Railway of the railway company shall except in cases of emergency be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans and sections to be previously submitted to and reasonably approved by him and in all things by and at the expense of the Company who shall also restore and make good any road liable to be maintained by the railway company in which any such part of the said line of pipes may be laid which may be disturbed or interfered with by or owing to any operations of the Company Provided that if within one month from the submission of such plans and sections the said engineer shall not have signified his disapproval thereof he shall be deemed to have approved thereof and if any difference shall arise upon such plans and sections the same shall be determined by arbitration under the Arbitration Act 1889:
- (2) Such works shall be done so as not to cause any injury to such railway or interruption to the passage or conduct of the traffic thereon and any works of interference with or for the protection of the railway of the railway company shall if the Company so require be carried out by the railway company at the expense of the Company the amount of such expense to be certified by the said engineer whose certificate shall be final and conclusive and if any injury or interruption shall arise from or be in any way owing to the operations of the Company in



connection with such works or the bursting leakage or failure of such pipes or works under or near to the said railway the Company shall make compensation in respect thereof to the railway company and the amount of such compensation in default of agreement shall be determined by arbitration as aforesaid :

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- (3) The Company shall repay to the railway company or the managing committee of the Great Eastern Railway Accident Fund as the case may require all sums of money costs charges and expenses which the railway company or the said managing committee may pay to any servants or workmen of the railway company in respect of personal injury by accident happening to such servants or workmen while engaged upon any work which the railway company may be required to execute.

**11.**—(1) If it shall be proved that the pumping by the Company at any of the pumping stations the construction of which is by this Act authorised or confirmed has caused any diminution of the supply in any private well existing at the time of the passing of this Act such private well being situate within a radius of one mile from any such station the Company shall upon the written request of the owner of any such private well as aforesaid (in this section referred to as “the owner” which term shall include any lessee or occupier) afford to the owner a supply of water equal to the amount of such diminution as so proved at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same after as before the construction of the Company’s well the pumping from which has caused such diminution and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

Provision where existing wells affected.

(2) The Company may if they think fit in lieu of making good the diminution of supply from any such private well deepen the affected well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and the owner shall without making any charge therefor give the Company access and every facility for carrying out such deepening borings or headings.

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(3) If the Company do not afford a supply equal to the diminution as aforesaid they shall make compensation in money to any such owner for such diminution and they shall also make like compensation for any injury caused to such owner by the exercise by the Company of the powers conferred by the last preceding subsection or by the diminution of the supply in such well prior to the Company having made good such diminution or paid compensation therefor the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(4) The Company shall not be liable in respect of any claim made by the owner under this section if he shall have failed to afford to the officers servants or other representatives of the Company at all reasonable times after the passing of this Act access to the well in respect of which the claim is made for the purpose of ascertaining particulars thereof and the level of the water therein.

(5) For the purpose of complying with the provisions of this section the Company may exercise all necessary powers and carry out all necessary works beyond the limits of supply of the Company and subject to the provisions of this Act the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes shall so far as applicable extend and apply with respect to the execution by the Company of any works for the purposes of this section.

(6) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed on between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to the reference.

Temporary  
discharge of  
water into  
streams.

**12.**—(1) For the purpose of constructing repairing cleansing emptying or examining any conduit or line of pipes of the Company the Company may cause the water in any such conduit or line of pipes to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them

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by reason or in consequence of the exercise of such power and the amount of compensation shall in case of difference be settled by arbitration under and pursuant to the provisions of the Lands Clauses Acts. A.D. 1911.

**13.** Subject to the provisions of this Act the existing works of the Company and the works by this Act authorised shall for all purposes whatsoever form part of and be comprised in the undertaking of the Company. Works to form part of undertaking.

**14.** The Company may collect impound take store use divert and appropriate for the purposes of their undertaking all such springs streams and waters as can or may be taken collected intercepted or obtained by means of the works hereinbefore referred to (whether as the works by this Act authorised or as the existing works of the Company sanctioned or confirmed by this Act) and as may be found in or under any of the lands for the time being belonging to the Company and specified in this Act or the Act of 1895: Power to take waters.

Provided that the Company shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are confirmed or authorised by this or some other Act of Parliament relating to the Company and the lands upon which they are constructed or are to be constructed are specified in this or some other Act of Parliament or shown upon plans deposited in respect thereof.

**15.** The powers by this Act granted to the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

**16.** The Company in addition to the lands which they are authorised to take under the compulsory powers of this Act may from time to time by agreement purchase and hold under the powers of this Act for the purposes of their undertaking in addition to any lands which they are by the Act of 1895 authorised to purchase and hold any land not exceeding in the whole five acres but the Company shall not create or permit a nuisance on any such land and shall not erect any buildings thereon other than offices and dwellings for persons employed by them in connection with their undertaking and such buildings and works as may be incident to or connected with their undertaking. Power to purchase additional lands by agreement.

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Persons  
under dis-  
ability may  
grant ease-  
ments &c.

**17.** 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 right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to  
hold lands for  
protection of  
waterworks.

**18.** The Company may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling or contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Company shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their undertaking.

For mutual  
protection of  
Ipswich Cor-  
poration and  
Company.

**19.** For the protection and benefit of the mayor aldermen and burgesses of the borough of Ipswich (in this section referred to as "the corporation") and of the Company the following provisions shall apply and have effect (that is to say) :—

(1) The Company shall not seek powers for the execution of any works for taking or abstracting water and shall not execute any such works and shall not take or abstract water in or from the area which is situate west of a line drawn due north and south through a point situate two miles east of the existing boring of the corporation shown on the plans deposited in respect of the Bill promoted by the corporation in the present session of Parliament or in or from that part of the borough which is situate east of that line :

(2) The corporation shall not seek powers for the execution of any works for taking or abstracting water and shall not execute any such works and shall not take or abstract water in or from the area which is

situate east of the line referred to in subsection (1) of this section but this restriction shall not prevent the corporation executing works and obtaining water at the site of the sanatorium of the corporation proposed to be erected east of the said line for the use of that institution. A.D. 1911.

**20.** For the supply of water to the Woodbridge Rural District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Company have effect (that is to say) :—

Obligation to supply Woodbridge Rural District Council.

- (1) Within six months after notice in writing to that effect under the seal of the council the Company shall supply to the council at such convenient points (not exceeding three) upon the line of pipes Work No. 2 by this Act authorised as may be agreed upon or as may be determined by arbitration as hereinafter provided such reasonable daily quantity of water as may be specified in such notice and the council shall enter into a binding contract with the Company to take and pay for a daily quantity of water not less than ten thousand gallons during a period of ten years from the date of the giving of such notice All payments to be made by the council under such contract shall be made upon the usual quarter days in each year :
- (2) The price to be paid by the council to the Company for the purposes of such contract shall be one shilling per one thousand gallons :
- (3) The Company shall at each such point of supply as aforesaid provide fix and maintain at their own cost a meter for the purpose of measuring the water supplied under the provisions of this section and the council shall pay a reasonable rent for each such meter :
- (4) Any matter referred to arbitration under this section shall be determined by an engineer to be agreed on or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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For protec-  
tion of Wood-  
bridge Rural  
District  
Council.

**21.** In executing the works and exercising the powers by this Act authorised so far as they affect the roads bridges and culverts in the rural district of Woodbridge vested in or under the control of the Woodbridge Rural District Council (in this section called "the council") the following provisions for the protection of the council shall unless otherwise agreed in writing between the council and the Company apply and have effect (that is to say):—

- (1) All conduits or lines of pipes to be laid in or along any such road shall be laid in such position in or at the side of the road as the council under the hand of their surveyor shall reasonably direct and shall not be laid so that any part thereof shall be within two feet six inches of the surface of the ground and shall not without the consent of the council be constructed or laid upon across or so as to interfere with the structural part of any such bridge or culvert but shall be carried over or under the stream drain or watercourse crossed by such bridge or culvert at the side of and not affixed to such bridge or culvert:
- (2) The plan required by section 31 of the Waterworks Clauses Act 1847 shall clearly indicate the position in which and the depth at which the proposed works are intended to be laid and shall be delivered to the council or their surveyor by the Company not less than fourteen days before the Company commence to break or open up any road for the purpose of executing the works:
- (3) If the council at any time hereafter alter the level of or divert any such road in or along which the Company shall under the powers of this Act have laid down any conduit or line of pipes the Company shall at the expense of the council so soon as practicable after receiving notice in writing under the hand of the clerk or surveyor of the council alter the position of any such conduit or line of pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed:
- (4) Any works carried out by the Company under this Act shall be so executed as not to stop and to impede

or interfere as little as may be with the traffic on any such road: A.D. 1911.

- (5) If any difference shall arise between the Company and the council under this section such difference shall be settled by arbitration by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice to the other and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**22.** The Company may subject in the case of any lands to which the same are applicable to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands sell lease exchange or otherwise dispose of to such persons and in such manner as the Company may think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking. Company  
may sell &c.  
surplus lands.

**23.** The Company may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the limits of supply of the Company to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given by the Company except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply of the Company. Contracts for  
supplying  
water in  
bulk.

**24.** The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole forty-two thousand pounds by the creation and issue at their option of Company  
may raise  
additional  
capital.

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A.D. 1911. new ordinary shares or of preference shares which shares shall for all purposes form part of the general capital of the Company:

Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the said sum of forty-two thousand pounds.

As to vesting of new shares.

**25.** The Company shall not issue any share created under the powers of this Act of less nominal value than ten pounds and no shares sold by auction or tender shall vest in the person accepting the same unless and until the full price of each such share including any premium obtained upon the sale thereof shall have been paid in respect thereof.

As to votes of proprietors of such shares.

**26.** The proprietors of any ordinary shares to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares of the Company but unless otherwise specified in the resolution creating any preference shares the proprietors of such preference shares shall not be entitled to any votes in respect thereof.

New shares to be sold by auction or tender.

**27.** All shares created under the powers of this Act shall be issued in accordance with the provisions of this section (that is to say):—

(1) All shares so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows:—

(a) Notice of the intended sale shall be given in writing to the clerks to the several district councils within the limits of supply of the Company and to the Secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply;



(b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;

(c) No lot offered for sale shall comprise shares of greater nominal value than one hundred pounds;

(d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;

(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be:

(2) Any shares which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary shares of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares that if the aggregate amount of shares applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively:

(3) Any shares which have been offered for sale in accordance with subsection (1) or with subsections (1) and (2) of this section and are not sold or taken by the shareholders employees of the Company or consumers of water shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares then

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remaining unsold may be disposed of at such price and in such manner and whether in accordance with the foregoing provisions of this section or otherwise as the directors may determine for the purpose of realising the best price obtainable:

- (4) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective shares sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares.

Application of premium arising on issue of shares.

**28.** Any sum of money which shall arise by way of premium from the issue of any such shares after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Debenture stock.

**29.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and to the provisions of section 39 (Debenture stock) of the Act of 1895.

Limit of dividend on new capital.

**30.** The Company shall not in any one year make out of their profits any larger dividend on the additional capital by this Act authorised than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such additional capital as shall be issued as ordinary capital (unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the said capital which shall have fallen short of the rate of seven pounds per centum per annum) or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

Power to borrow in respect of additional capital.

**31.** The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any moneys not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares but no part

thereof shall be borrowed until the whole of the shares at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares have been issued and fully paid up together with the premium (if any) obtained upon the sale thereof 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. A.D. 1911.

**32.** All mortgages granted in pursuance of the powers of any Act of Parliament by the Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Act under which such mortgages were respectively granted have priority over all mortgages granted by virtue of this Act. Priority of existing mortgages.

**33.** Section 38 (For appointment of a receiver) of the Act of 1895 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending at the passing of this Act under that section. Appointment of receiver.

The mortgagees of the Company may enforce payment of arrears of interest or principal or of principal and interest due on their mortgages by the appointment of a receiver and 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 three thousand pounds in the whole.

**34.** All money to be raised by the Company on mortgage or by debenture stock under the provisions of this Act and the interest or dividends due on any such mortgage or debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or 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 Priority of mortgages and debenture stock over other debts.

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A.D. 1911. — granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application  
of money  
raised under  
this Act.

**35.** All money which the Company are by this Act authorised to raise by new shares or by borrowing or by debenture stock shall be applied only to the purposes of this Act and to the general purposes of the undertaking being in all cases purposes to which capital is properly applicable.

Injuring  
meters &c.

**36.** Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained :

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied 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 expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable 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 instrument or fittings is

or are under the custody or control of the consumer shall be A.D. 1911.  
prima 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 instrument or fittings.

**37.** Any meters cisterns pipes valves ferrules cocks baths Fittings on  
hire not to  
be subject to  
distress &c.  
soil-pans water-closets apparatus receptacles fittings or appliances  
(hereinafter included in the expression "fittings") let for hire  
under the provisions of section 72 (Power for Company to supply  
materials &c.) of the Act of 1895 shall not be subject to distress  
or to the landlord's remedy for rent or be liable to be taken in  
execution under any process of any court or any proceedings in  
bankruptcy against the persons in whose possession the same may  
be Provided that such fittings have upon them respectively a  
distinguishing metal plate affixed to a conspicuous part thereof  
or a distinguishing brand or other mark conspicuously impressed  
or made thereon sufficiently indicating the Company as the actual  
owners thereof.

**38.** Where the payment of more than one sum by any Several sums  
in one sum-  
mons.  
person is due under the Act of 1895 and this Act or either of  
them any summons or warrant issued for the purposes of those  
Acts or either of them in respect of that person may contain in  
the body thereof or in a schedule thereto all the sums payable  
by him.

**39.** As from the date of the passing of this Act the sections Repeal of  
certain pro-  
visions of  
Act of 1895.  
hereinafter mentioned of the Act of 1895 shall be and the same  
are hereby repealed (that is to say):—

Section 69 (Fraudulently injuring meters &c.).

Section 79 (Contents of summons &c.).

Section 80 (Costs of Distress).

**40.**—(1) The Company shall not without the consent of the As to sale to  
Felixstowe  
and Walton  
Urban Dis-  
trict Council.  
Felixstowe and Walton Urban District Council raise previously  
to the seventeenth day of December one thousand nine hundred  
and eleven any larger amount of capital under the provisions of  
this Act than may be required for the purposes of the construc-  
tion and equipment of the Rushmere Pumping Station Work  
No. 1 by this Act authorised and of the construction of the line  
or lines of pipes Work No. 2 by this Act authorised and if the  
said council shall introduce in the next available session of

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Parliament and bonâ fide continue the promotion of a Bill to empower them upon the terms hereinafter provided to purchase the undertaking of the Company the Company shall not during the promotion of such Bill or if it be passed until the expiration of three months from the date when the same shall have received the Royal Assent raise without the like consent any larger amount of such capital than may be required for the purposes aforesaid and if the said council shall serve notice to treat within the said period of three months the Company shall not thereafter raise any further amount of such capital.

(2) The Company shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of clauses to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such Petition by counsel agents and witnesses if they think fit.

(3) Any such sale and purchase shall be for such price or consideration and on such terms and conditions as may be agreed on between the Company and the said council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the Promoters of the undertaking" shall mean the said council and the expression "lands" shall mean the undertaking of the Company Provided that for the purpose of any such arbitration the sale and purchase shall be deemed to be a sale and purchase by compulsion and not by agreement and in addition to the sum to be paid by the said council to the Company under the foregoing provisions of this section the said council shall pay to the Company the costs and expenses incurred by them of and incident to the winding up of the Company and compensation to any officers and servants in the regular employment of the Company in respect of any loss of office or diminution of salary or income the amount of such costs and expenses and compensation in default of agreement to be determined by arbitration as aforesaid.

(4) The Company shall not purchase or contract for the purchase of engines for the purposes of the said Rushmere Pumping Station until the engineer of the said council shall have given a certificate that in his opinion the engines proposed

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are sufficient to lift the water to such height as may be reasonably required by the council which certificate shall not be unreasonably withheld and any dispute under this subsection shall be referred to and settled by an engineer to be appointed by the President of the Institution of Civil Engineers. A.D. 1911.

**41.** All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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