



CHAPTER ccv.

An Act for incorporating the West Hampshire Water Company and empowering them to construct waterworks and supply water and for other purposes. A.D. 1893.

[24th August 1893.]

WHEREAS the present supply of water to the township and borough of Christchurch in the parish of Christchurch and the parishes of Sopley Ringwood Milton Holdenhurst Brockenhurst and Lyndhurst in the county of Southampton comprised within the limits of this Act is insufficient for the wants of the inhabitants thereof and it is expedient to increase and improve such supply :

And whereas the persons in that behalf in this Act named with others are willing to provide such increased and improved supply on being incorporated into a company and the necessary powers conferred upon them for that purpose and it is expedient that they be incorporated accordingly and be empowered to make and maintain the waterworks in this Act mentioned :

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and also books of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Southampton and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

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

1. This Act may be cited as the West Hampshire Water Act Short title.
1893.

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Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to the cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from that section.

Interpretation of terms.

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

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

The expressions "the waterworks" and "the undertaking" respectively mean and include the waterworks and the works connected therewith and the undertaking by this Act authorised :

And for the purposes of this Act—

The expressions "the railway" "the work" and "the centre line of the railway" in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act respectively mean the filter beds and service reservoir by this Act authorised and the works immediately connected therewith and such portions of the aqueducts conduits or lines of pipes herein-after described as are to be made in tunnel; and

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act for the supply of water shall be the township and borough of Christchurch the parish of Christchurch and the parishes of Sopley Ringwood Milton Holdenhurst Brockenhurst and Lyndhurst in the county of Southampton :

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Provided that if the Company shall not have made adequate provision for the supply of water for domestic purposes to the said township and borough in five years or to any parish or part of a parish beyond the said borough and within the said limits in seven years after the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not apply to or be binding on the local authority as defined by that Act of the said township and borough or any such parish or part of a parish as the case may be :

Provided also that if the Company shall not (1) within eighteen months from and after the passing of this Act lay down a proper and sufficient line of water pipes for conveying a supply of water to the town of Lyndhurst from the boundary of the parish of Lyndhurst to the said town or if they shall not (2) within three years from and after the passing of this Act provide an adequate supply of water for the town of Lyndhurst then their powers to supply any part of the town and parish of Lyndhurst with water shall absolutely cease at the end of eighteen months or three years as the case may be.

5. John Howard John McMillan Richard Baker William Fiske Fowle George Minter Frieake Stanley Clyde Phillips and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the West Hampshire Water Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Company
incorporated.

6. The Company shall be established for the purpose of making and maintaining the waterworks by this Act authorised and for supplying water within the limits of this Act and for carrying on the business usually carried on by water companies and generally for carrying the powers of this Act into execution.

General pur-
poses of the
Company.

7. The capital of the Company shall be fifty thousand pounds in five thousand shares of ten pounds each.

Capital and
number and
amount of
shares.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Shares not
to be issued
until one-
fifth paid up.

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Calls.

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

Receipt in case of persons not sui juris.

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

Power to borrow.

11. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twelve thousand five hundred pounds and of that sum they may from time to time borrow any sum not exceeding six thousand two hundred and fifty pounds in respect of each twenty-five thousand pounds of their capital but no part of any such sum of six thousand two hundred and fifty pounds shall be borrowed until such of the works described in sub-section one of section twenty-four of this Act as are requisite to furnish a supply of water through the conduits aqueducts or lines of pipes to be laid under the authority of the same section are completed and until shares for the whole of the twenty-five thousand pounds of capital in respect of which it is to be borrowed are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

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

unless in either case all dividends upon the shares or stock so created whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum. A.D. 1893.

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

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

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

15. All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of 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 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 to be granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything 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. Priority of mortgages and debenture stock.

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

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First
meeting.

17. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Number of
directors.

18. The number of the directors shall be five but the Company may from time to time reduce and again increase the number provided that the number be not less than three nor more than five.

Qualifica-
tion of
directors.

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

Quorum of
directors.

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

First
directors.

21. John Howard John McMillan Richard Baker and two persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of
directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditors
need not
hold shares.

22. It shall not be necessary for the auditors appointed by the Company to hold shares in the capital of the Company.

Power to
make lands.

23. Subject to the provisions and for the purposes of this Act the Company may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference.

Power to
make water-
works.

24. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described

and may exercise the powers herein-after mentioned The works herein-before referred to and authorised to be made and maintained and the powers by this Act authorised to be exercised by the Company comprise the following works in the county of Southampton (that is to say):—

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(1.) A well shaft or boring and pumping station with pumping engines engine and boiler houses and other works buildings and conveniences to be situate in or upon a field near Knapp Mill numbered 3701 on the tithe commutation map of the parish of Christchurch which field belongs or is reputed to belong to James Druitt and is situated between the River Avon and the London and South Western Railway :

(2.) A service reservoir to be situated on or near the summit of St. Catherine's Hill or Town Common in the said parish of Christchurch on or near the site of the worked-out portion of a gravel pit belonging or reputed to belong to the Right Honourable the Earl of Malmesbury :

(3.) A conduit aqueduct or line of pipes wholly in the said parish of Christchurch commencing at the well shaft or boring and pumping station firstly before described thence passing under the level crossing of the London and South Western Railway and under and along the public road leading from the said level crossing to the public road from Christchurch to Blackwater and thence along and under the last-mentioned public road in a northerly direction and terminating at the service reservoir secondly before described :

(4.) A conduit aqueduct or line of pipes commencing by a junction with the conduit aqueduct or line of pipes thirdly before described at or near the junction of the said public roads thence passing southward under and along the said public road from Christchurch to Blackwater and along the roadway of the bridge over the London and South Western Railway thence passing in a south-easterly direction under and along the said public road to the borough of Christchurch and terminating at a point in that borough at or near the junction of High Street with Castle Street :

Together with all such wells shafts drifts adits mains pipes hydrants standpipes cuts channels catch-waters aqueducts culverts tunnels drains sluices bywashes weirs gauges meters filter beds tanks roads approaches embankments engines pumps machinery and appliances as may be necessary or convenient in connection with the before-mentioned works or any of them or for obtaining using storing filtering conveying and distributing water within the limits of this Act

Subsidiary works.

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Easement
only to be
acquired in
portion of
common
land.

25. The Company shall not permanently acquire any greater estate or interest in or over the common lands known as Town Common or St. Catherine's Hill Christchurch shown on the deposited plans than a right or easement of using so much thereof as may be required for constructing the service reservoir by this Act authorised and any filter beds adjacent thereto and laying down and maintaining the aqueducts conduits or lines of pipes herein-before described across and under such common lands in manner shown on the said plans and the Company may purchase and the owners of and other persons interested in such lands shall sell to the Company such right or easement and the provisions of the Lands Clauses Acts with respect to the purchase of lands shall extend and apply to the purchase of such right or easement.

For pro-
tection of
Town Com-
mon or St.
Catherine's
Hill Christ-
church.

26. Notwithstanding anything in this Act contained the Company in constructing the service reservoir by this Act authorised and the portion of the aqueduct which crosses the common lands known as Town Common or St. Catherine's Hill Christchurch shall not deviate upwards from the levels shown on the deposited sections and shall restore the surface of the ground near and over the said service reservoir and near and over the said portion of aqueduct and shall during the construction thereof properly guard all temporary excavations so as to prevent accidents to the public using the common. All works on the said common lands shall be completed and except any filter beds covered and turfed over and the surface restored within eighteen months after such works are respectively commenced.

Power to
alter and im-
prove works
and take
water.

27. The Company may subject to the provisions of this Act from time to time alter improve enlarge extend renew or discontinue all or any of the said works and may by way of supplement to the water supply to be obtained by means of the works authorised by this Act and after the completion of such works take divert collect impound appropriate and use for the purposes of the undertaking all such springs streams and waters as may be intercepted by the works by this Act authorised or which may be found in or under any of the lands for the time being belonging to the Company and also such quantity of water from the River Avon at a point below Knapp Mill in the parish of Christchurch as may from time to time be found necessary for the purposes of this Act:

Provided that no water taken from the River Avon shall be supplied by the Company for domestic use unless and until satisfactory provision shall have been made for filtering and otherwise purifying the same so as effectually to remove all vegetable animal or other impurities if any therefrom and to enable the Company to comply with the provisions of section thirty-five of the Waterworks

Clauses Act 1847 as to the supply of pure and wholesome water for domestic use. A.D. 1893.

28. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shewn the boundaries of such road shall be deemed to be the limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards (except as regards the common land before mentioned) and ten feet downwards. Provided that if it be found necessary or expedient to alter the situation of any embankment or wall of the reservoir they may in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankment wall and works as shown with reference to the datum line to any extent not exceeding twenty feet but the Company shall not construct any embankment or wall of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

Limits of deviation.

29. In addition to the lands which the Company are by this Act authorised to purchase and take compulsorily they may for any of the purposes of this Act from time to time by agreement purchase any additional quantity of land not exceeding in the whole five acres. Provided that the Company shall not upon any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with their waterworks.

Power to acquire additional lands by agreement.

30. The following provisions shall have effect for the benefit and protection of John Mills of Bisterne Hants or other the owner or owners for the time being of Knapp Mill in the parish of Christchurch and of the fishery in the River Avon known as "the Royalty Fishery" extending from a place called Alderbush southward to a place called Claypool where the said River Avon runs into and unites with the River Stour (in this section referred to as "the owner") :—

For protection of owners of Knapp Mill and fishery.

(1.) No building land or property of the owner nor any waters of the River Avon within the limits of the said fishery shall be taken used or interfered with otherwise or further than is expressly authorised by this section without the consent of the owner :

(2.) The Company paying annually to the owner the sum of five shillings by way of acknowledgment may lay down and maintain a pipe not exceeding twelve inches in diameter either

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from the tail stream of Knapp Mill aforesaid at the point marked A on a plan signed in duplicate by John Howard on behalf of the Company and Cyrus Combes on behalf of the owner the copies whereof are in the possession of the owner and the Company respectively or from the River Avon at the point marked B on the said plan below a set of flood hatches near the said mill to the pumping station by this Act authorised and shown on the said plan. The said pipe at its inlet from the tail stream or river as the case may be shall be at all times covered with a grating having no opening of a greater width than half an inch for the purpose of preventing fish passing into the said pipe. The said pipe shall be placed so as not to interfere with the flow of the water in the tail streams of Knapp Mill or the power of the mill:

- (3.) No adit or tunnel nor any other work than the said pipe capable of abstracting or causing the percolation of water from the River Avon or any stream or branch thereof shall be made or maintained by the Company within twenty feet of the present water line on either side of such river stream or branch when the waters of the said river in the mill pond of Knapp Mill aforesaid are dammed to their ordinary working level which level is now marked by an iron pin in the wall of the weirs on the eastern side of the said pond:
- (4.) The owner shall have the absolute right and full power as against the Company to alter and regulate the hatches weirs and banks and to regulate the level and flow of water in the River Avon and every stream or branch thereof within the limits of the said fishery and to make maintain repair renew use and regulate hatches weirs and appurtenances thereto including temporary dams within the limits of the said fishery as the owner from time to time in his absolute discretion thinks fit although doing so may for a time cause the water to be turbid or unfit for domestic purposes and the owner shall not be liable to make compensation to the Company for any loss damage costs or charges which they may sustain or be put to by reason of the exercise by the owner of such right or power and the Company shall not at any time in any way diminish increase or affect the level and flow of water aforesaid or alter or disturb the banks hatches or weirs of the said river or any stream or branch thereof except so far as the same respectively may be affected by the abstraction of water by means of the pipe aforesaid:
- (5.) Nothing in this section shall limit or affect the right of the owner to such compensation as if this section were not enacted

he would have under the Lands Clauses Acts or the Waterworks Clauses Acts 1847 and 1863 or this Act. A.D. 1893.

31. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall unless otherwise agreed between the South Western Company and the Company apply and have effect viz. :—

For protection of London and South Western Railway Company.

(A.) In laying down repairing and removing any mains pipes or conduits or executing any other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the railway of the South Western Company or any of the bridges over or under such railway or the approaches to any such bridge liable to be maintained by the South Western Company or within the South Western Company's boundary the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South Western Company and according to plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and reasonably approved in writing by him and shall be executed by and at the expense in all things of the Company and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto liable to be maintained as aforesaid or within the South Western Company's boundary and shall within such boundary so execute any works as having regard to the existing level of the railway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within fourteen days after the same have been submitted to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operation the Company may execute the work without his superintendence :

(B.) If any injury or damage to the railway works or property of the South Western Company or any interruption of the South Western Company's traffic shall be in any way occasioned by the Company or by their contractors agents or workmen or arise from bursting or want of repair of any mains or pipes of the Company they shall forthwith make full compensation to the South Western Company in respect thereof :

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- (c.) All mains pipes conduits and other works of the Company upon across over under or in any way affecting the said railway or any bridge over or under the same or the approaches thereto liable to be maintained as aforesaid or within the South Western Company's boundary shall be at all times maintained in good repair by the Company and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Company require the Company to forthwith put into good repair any such mains pipes conduit or other work as aforesaid as may be in want of repair and if the Company for seven days after the receipt of such notice refuse or neglect to proceed to repair the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Company repair the same and all expenses properly incurred by them in or about such repair shall be repaid to them by the Company Provided that in case of accidents happening or immediate danger being apprehended to the said railway or any bridge over or under such railway or the approaches thereto by reason of any such main pipe conduit or other work as aforesaid being in want of repairs the South Western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid to them by the Company :
- (D.) The Company shall bear and on demand pay to the South Western Company all costs of the superintendence by them of the construction of the works and repairs thereof and all proper costs of watching lighting and protection of the said railway with reference to and during such construction and repairs so far as such costs may be in case of difference determined by the arbitrator to have been necessary but such superintendence by the South Western Company shall not relieve the Company from liability for any accident which may be occasioned by or through the operations of the Company or by their contractors agents or workmen :
- (E.) The South Western Company may at any time or times hereafter upon giving to the Company seven days' notice thereof in writing signed by their said engineer and delivered at the principal office for the time being of the Company divert or alter the level of any main pipe or conduit of the Company within the South Western Company's boundary when required for any repairs alterations or extensions of their railway or works which they may think necessary without being liable to

pay compensation in respect thereof but doing as little damage as may be in carrying out such diversion or alteration :

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(F.) Any difference which may arise between the South Western Company and the Company touching any of the matters referred to in this section shall unless otherwise arranged be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the costs of such arbitration and of the parties thereto shall be in the discretion of the arbitrator.

32. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Works below high-water mark not to be commenced without consent of Board of Trade.

33. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown in the foreshore.

34. In case the Company desire at any time to obtain for the purposes of their waterworks any estate or interest in any portion not exceeding two acres of the open land of the New Forest on or over which rights of common are exerciseable the Company shall as a condition precedent to acquiring any such land pay compensation

Company to pay compensation for common rights over any portion of New

A.D. 1893. in respect of the extinction of the common rights in and over the
 Forest they portion of land intended to be acquired and the discharge of such
 may acquire. land therefrom in accordance with the provisions relating to common
 or waste lands of the Lands Clauses Consolidation Act 1845 and
 the verderers of the New Forest as constituted by the New Forest
 Act 1877 shall for such purpose be deemed to represent the
 commoners and to constitute a committee of such commoners
 within the meaning of the one hundred and third and following
 sections of the Lands Clauses Consolidation Act 1845 save only and
 except such part of section one hundred and four as provides for the
 distribution of compensation received by a committee Any money
 to be received by way of compensation by the verderers acting as
 such committee as aforesaid shall be applicable by them to and for
 the purposes and in the manner to for and in which the same would
 be applicable by them in case the same were money coming to their
 hands under or by virtue of the New Forest Act 1877.

Saving
 rights of the
 Crown.

35. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in the right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Restriction
 on taking
 houses of
 labouring
 class.

36. Nothing in this Act shall authorise the Company to purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

37. The powers of 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.

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Period for compulsory purchase of lands.

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

Period for completion of works.

39. 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) 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 take easements &c. agreement.

40. On the sale by the Company of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Reservation of water rights on sale.

41. The water to be supplied by the Company shall be laid on under pressure for a period of at least two hours in the morning and a like period in the afternoon of every day the hours as regards the borough of Christchurch to be selected by the corporation and as regards other places to be arranged to the reasonable satisfaction of the local authorities thereof respectively.

Constant supply and pressure.

42. The Company shall on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at rates or charges not

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

A.D. 1893. exceeding the rates and charges herein-after specified (that is to say) :—

Where the rateable value of the dwelling-house or part of a dwelling-house does not exceed five pounds per annum the sum of twopence per week ;

Where the rateable value exceeds five pounds but does not exceed seven pounds ten shillings per annum the sum of threepence per week ;

Where the rateable value exceeds seven pounds ten shillings but does not exceed ten pounds per annum the sum of fourpence per week ;

Where the rateable value exceeds ten pounds but does not exceed fifteen pounds at a rate per annum not exceeding nine per centum of such rateable value ;

Where the rateable value exceeds fifteen pounds but does not exceed eighty pounds at a rate per annum not exceeding seven pounds ten shillings per centum of such rateable value ;

Where the rateable value exceeds eighty pounds at a rate per annum not exceeding six pounds ten shillings per centum of such rateable value :

Rates for
water-closets
and private
baths.

In addition to the rates and charges above specified the Company may charge for a supply of water to every water-closet beyond the first in any dwelling-house the sum of seven shillings and sixpence per annum and to every bath the sum of ten shillings and sixpence per annum Such additional sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate :

Provided also that the Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable :

For the purposes of this section rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate becomes payable or if there is no such list in force by the last rate made for the relief of the poor :

Provided that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

43. Where the rateable value of a house supplied with water does not exceed eight pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the next and if necessary from any subsequent rent due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

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Rate payable by owner for small houses &c.

44. Every water-closet and bath and the apparatus and pipes connected therewith shall be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company and any person offending against this enactment shall be liable on summary conviction to a penalty of not exceeding forty shillings and the Company shall not be compelled to supply water to any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Company not to be compelled to supply certain baths.

45. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes Provided that such supply for other than domestic purposes does not interfere with the supply for domestic purposes.

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

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

Power to sell or let meters.

47. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or repairs and the connecting or disconnecting of meters shall be

Notice to Company of connecting or disconnecting meters.

A.D. 1893. done at his cost and under the superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Register of meter to be primâ facie evidence.

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

Fraudulently injuring pipes meters or fittings.

49. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter or the index thereof from duly registering the quantity of water supplied or fraudulently abstracts or uses water of the Company he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that such alteration or prevention has been fraudulently caused by the consumer using such meter.

Power to Company to supply materials.

50. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil-pans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all works necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

For preventing waste &c. of water.

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

- (1.) The Company may from time to time make byelaws with respect to the construction maintenance and use of water

fittings so as to prevent waste misuse undue consumption or contamination of the water of the Company to be observed by persons supplied with such water Provided always that any such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board The Company shall on payment of such sum not exceeding twopence as they may demand furnish a copy of the same to any consumer of water who may require the same No such byelaws shall be confirmed until after the expiration of one month after notice in writing to submit the same for confirmation together with a copy of the proposed byelaws has been given to the sanitary authorities within the limits of supply who may within the said period of one month make such representations to the Local Government Board as they see fit:

- (2.) The Company may by any such byelaws as aforesaid direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connection disconnection alteration and repair of pipes valves cocks tanks cisterns baths soil-pans water-closets and other apparatus or receptacles for conveying delivering receiving and measuring water and may interdict any arrangement and use of any pipe valve cock tank cistern bath soil-pan water-closet or other apparatus or receptacle likely to occasion waste misuse undue consumption erroneous measurement or contamination of water :
- (3.) In case of the failure of any person to observe any byelaws for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soil-pan water-closet or other apparatus or receptacle belonging to or used by any persons supplied by them and the expense of every repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered from him as water rent is recoverable :
- (4.) A printed copy of the byelaws purporting to have been made as aforesaid by the Company and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be taken to be proof of the due making publication and existence of such byelaws until the contrary be shown and any person who shall offend against any such

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byelaws shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day or part of a day such offence shall occur after conviction therefor.

Entry on premises to repair pipes fittings &c.

52. In all cases in which the Company are authorised to alter or repair any pipe valve cock meter tank cistern bath soil-pan water-closet or other apparatus the Company their agents and workmen may for that purpose and after giving notice as herein-after provided enter into any premises in which any such pipe valve cock meter tank bath soil-pan water-closet or other apparatus is placed between the hours of nine in the forenoon and four in the afternoon.

Entry on premises to cut off pipes after notice given.

53. In all cases in which any premises which shall have been supplied with water by the Company shall have become unoccupied the Company their agents and workmen (after giving notice to the owner or occupier as herein-after provided) may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the Company shall be conveyed to such premises and may remove any pipe meter fittings and apparatus the property of the Company.

Notice before entry.

54. The notice to be given by the Company previously to making any entry authorised by this Act shall be in writing and shall be given or served in manner following (that is to say):—

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

If such premises be unoccupied and the owner thereof and his usual place of abode be in Great Britain and be known to the Company then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry ;

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

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

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

Company not bound to supply several houses by one pipe.

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

Incoming tenant not liable for arrears.

57. If any person fails to pay any water rent meter rent rate damages costs expenses or other sum due to or recoverable by the Company under this Act they may recover the same by proceedings in any court of competent or summary jurisdiction.

Recovery of sums due.

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

Notice of discontinuance.

59. The Company may from time to time enter into and carry into effect agreements with any county council corporation or other local or sanitary authority for the supply of water by the Company in bulk to any such council corporation local or sanitary authority within or beyond the limits of this Act for such remuneration and for such period as may be agreed upon.

Contracts for supplying water in bulk.

60. The Company shall not supply water in bulk to any such council corporation local or sanitary authority beyond the limits of this Act nor to any person within those limits for other than domestic purposes if and so long as in either case the affording such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Domestic supply of water not to be interfered with.

61. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Liability for water rent not to disqualify justices.

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

Contents of summons &c.

63. Any summons warrant demand or notice or other document to be issued or given for any of the purposes of this Act may be partly in writing and partly in print and if it require authentication by the Company the signature thereof by the secretary of the Company shall be sufficient.

Authentication of notices &c.

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Costs of
distress.

64. Any court of summary jurisdiction which issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the court and shall be included in the warrant of distress.

Application
of penalties.

65. Every penalty imposed by this Act or by any regulation made under this Act shall (except where otherwise expressly provided and except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Penalties not
cumulative.

66. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Providing
for sale of
undertaking
to the
Corporation
of Christ-
church.

67. If at any time the mayor aldermen and burgesses of the borough of Christchurch (herein-after called "the corporation") shall desire to purchase the undertaking of the Company and shall obtain the consent of the Local Government Board to such purchase the Company shall thereupon sell their undertaking to the corporation and the corporation shall purchase the same free as between the corporation and the Company from all debts of the Company for such price or consideration and on such terms and conditions as may be mutually agreed upon.

The corporation shall be subject to all the duties and obligations of the Company in regard to the supply of water on and from the completion of the purchase.

Providing
for com-
pletion of
sale and
purchase to
Corporation.

68. The sale and purchase of the undertaking shall be carried into effect and completed by a deed of conveyance under the respective common seals of the Company and corporation in which the purchase money shall be truly stated and such deed of conveyance shall be duly stamped and from and after the completion of the purchase all the powers rights privileges and authorities of the Company shall be by virtue of this Act transferred to and vested in the corporation and shall be exercised by them as purposes of the Public Health Act 1875 and this Act shall be read and have effect as if the corporation had been named therein instead of the Company subject nevertheless to all the provisions conditions and restrictions contained therein and also subject and according to the following exceptions and provisions :—

- (1.) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with this Act shall not apply to the corporation :

(2.) None of the provisions of this Act in any manner relating to the share and loan capital of the Company or to any limitation of the amount to be received by the Company or to the constitution meetings or directors of the Company shall apply to the corporation :

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Provided always that the deed of conveyance of the undertaking duly stamped as aforesaid shall within three months from the vesting in the corporation be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the corporation with full costs of suit and all costs and charges attending the same.

69. The receipt in writing of three of the directors of the Company for the purchase-money to be paid by the corporation shall effectually discharge the corporation from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Receipt of directors of Company for purchase money.

70. The purchase-money to be paid by the corporation shall be paid by them into such bank as the directors for the time being of the Company shall appoint and to the account of the Company and shall be applied by the directors in the manner following:—

Division of purchase money.

First In discharging all borrowed moneys and other outstanding debts and liabilities of the Company ;

Secondly In making a fair rateable division of the residue thereof amongst the holders of the stock and shares of the Company in proportion to their respective interests in the undertaking of the Company.

71. When and so soon as the said purchase-money shall have been appropriated and divided in manner herein-before directed the Company shall be by virtue of this Act dissolved.

Providing for dissolution of the Company.

72. For the purpose of providing the purchase money and costs payable to the Company under this Act and for extensions and other purposes of the undertaking to which capital is properly applicable the corporation may from time to time with the sanction of the Local Government Board borrow on the security of the water revenue and collaterally on the security of the district fund and general district rate such sums as they may find necessary.

Power of corporation to borrow.

73. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which

Regulations of Public Health Act as to borrowing not to apply.

A.D. 1893. — the corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Application of provisions of Public Health Act as to mortgages.

74. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236. Form of mortgage.

Section 237. Register of mortgages.

Section 238. Transfer of mortgages.

Section 239. Receiver may be appointed in certain cases.

Power to re-borrow.

75. If the corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or other moneys in the nature of capital not being borrowed money they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Discharge of borrowed moneys.

76. The corporation at and after the expiration of one year from the respective dates of borrowing shall out of the revenue of the undertaking and out of the district fund and general district rate discharge or make provision by the payment of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other for the discharge or redemption of the moneys borrowed by the corporation for the purchase or purposes of the undertaking within any period sanctioned by the Local Government Board not exceeding a period of fifty years from the date of the borrowing which period is herein-after referred to as the prescribed period.

Regulations as to sinking fund.

77. The following regulations shall be observed by the corporation in relation to any sinking fund formed under this Act :—

- (1.) Such equal yearly or half-yearly sums shall be paid by the corporation out of the revenue fund or rate aforesaid into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off and redeem the moneys for the discharge and redemption of which the fund is created within such period not exceeding the prescribed period as the corporation may in each case determine with power for the corporation from time

to time to increase such payments into the sinking fund so as to accelerate the payment off and redemption and discharge of such moneys :

- (2.) All sums paid into the sinking fund shall be as soon as may be invested by the corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities not including annuity certificates or securities payable to bearer duly created and issued by any local authority other than the corporation as defined by the Local Loans Act 1875 and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and invested by the corporation in like manner :
- (3.) The corporation may at any time apply the whole or any part of any sinking fund created under this Act in or towards the discharge or redemption of the moneys or any part of the moneys for the discharge or redemption of which the fund was created :
- (4.) Whenever any principal moneys have been so paid off or redeemed the corporation shall thenceforward until the whole of such principal moneys have been paid off or redeemed pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based :
- (5.) If and as often as the income derived from the investment of the sinking fund is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any deficiency shall be made good out of the water revenue and the general district rate :
- (6.) When the amount standing to the credit of the sinking fund shall be equal to the amount of the loan outstanding for the repayment of which it was set aside the corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

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Annual re-
turn to Local
Government
Board with
respect to
sinking
fund.

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

Power to
local
authorities to
purchase
portions of
waterworks
from cor-
poration.

79. If any local authority whose district is wholly or partly within the limits of the Company for the supply of water desire to purchase such part of the water undertaking of the corporation as is situate within the district of the local authority and give the corporation notice in writing under their common seal of their desire so to purchase the corporation shall at the expiration of three months from the receipt of such notice sell and transfer and the local authority shall purchase and acquire such part of the water undertaking of the corporation as aforesaid and the price which the local authority shall pay for such part of the said undertaking shall be the price which may be agreed upon between the corporation and the local authority or as may be settled by

arbitration under the Arbitration Act 1889 Such purchase shall be exclusive of the waterworks and reservoirs and other plant necessary for the supply of other parts of the area within which the corporation may for the time being be supplying water. A.D. 1893.

Any purchase by a local authority under this section shall be deemed a purpose of the Public Health Act 1875 and from and after such sale the portion of the water undertaking so purchased and all the property rights and privileges of the corporation in respect thereto shall subject to any contracts for the supply of water then existing be vested in and held and enjoyed by the local authority and the corporation shall be free from all obligation to supply water within such district except as herein-after provided.

Such transfer shall be evidenced by deed duly stamped and within three months from the vesting of the undertaking the local authority shall produce such deed duly stamped to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the local authority together with all costs of suit and all costs and charges attending the same.

In the event of any such purchase as aforesaid being completed the corporation shall if required by the local authority supply that authority with so much water in bulk as may be required by them for supply within their district and such water shall be of the quality which the corporation are bound to supply in the borough of Christchurch and shall be supplied in such quantity as the local authority may reasonably require and for such remuneration and upon such terms and conditions as may from time to time be agreed upon between the corporation and the local authority or failing agreement as may be determined by an arbitrator to be appointed upon the application of either party by the Local Government Board.

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

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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