



CHAPTER clxxxvii.

An Act for extending the limits of supply of the Eastbourne Waterworks Company and for conferring further powers on the Company for the construction of Works the raising of Capital and otherwise in relation to their undertaking. A.D. 1896.

[7th August 1896.]

WHEREAS by the Eastbourne Waterworks Act 1859 the Eastbourne Waterworks Company (in this Act called "the Company") were incorporated for the purpose of supplying with water the inhabitants buildings lands and premises within the limits of that Act and for making and maintaining waterworks for that purpose and for other the purposes of that Act and the limits of that Act for the supply of water by the Company comprised the town of Eastbourne and places adjacent thereto within the parish of Eastbourne and the parish of Willingdon in the county of Sussex and further powers have been conferred on the Company by the Eastbourne Waterworks Act 1875 and the Eastbourne Waterworks Act 1881 and the Eastbourne Waterworks Act 1889 which four Acts are in this Act referred to collectively as the former Acts and each of them separately as an Act of the year in which the same was passed :

And whereas by the Act of 1881 (section 4) the limits within which the Company might supply water were extended so as to include the town of Eastbourne and the places adjacent thereto within the parish of Eastbourne and also the parishes of Willingdon Hailsham Jevington West Ham and Pevensey all in the county of Sussex :

And whereas by the Hailsham Water Act 1885 the Hailsham Water Company are incorporated for the purpose of making and maintaining waterworks and for supplying water within the limits of that Act and for other the purposes of that Act and the limits of that Act for the supply of water comprise and include (amongst other parishes) the parish of Hailsham (except so much thereof as

[Ch. clxxxvii.] *Eastbourne Waterworks Act, 1896.* [59 & 60 VICT.]

A.D. 1896. — lies within three-quarters of a mile and so much thereof as lies beyond five miles measured in every direction from the level crossing over the London Brighton and South Coast Railway adjoining the old station at Polegate) and the parish of Arlington (except so much thereof as lies to the south of the Brighton and Hastings Branch of the London Brighton and South Coast Railway) and by that Act (section 72) the powers of the Company to supply water within so much of the parish of Hailsham as is included within the limits of that Act are determined :

And whereas it is expedient to extend the limits within which the Company may supply water and to empower the Company to construct the works by this Act authorised and to raise further moneys for the purposes of this Act and for the general purposes of their undertaking as by this Act provided and that such further provisions be made with respect to the Company and their undertaking as are in this Act contained :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and 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 Sussex 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 :—

Short title
and mode of
citing Acts
of Company.

1. This Act may be cited as the Eastbourne Waterworks Act 1896 and the former Acts and this Act may be cited together as the Eastbourne Waterworks Acts 1859 to 1896.

Incorporation
of
general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former of such Acts "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof: A.D. 1896.

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

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 nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;

The consolidation of the shares into stock;

The making of dividends;

The giving of notices;

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

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 the Companies Clauses Act 1869:

Provided that the incorporated provisions of the Railways Clauses Consolidation Act 1845 shall apply only to the tramroad by this Act authorised.

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: Interpretation.

The expression “the waterworks” means and includes the waterworks and the works connected therewith by this Act authorised;

The expression “the tramroad” means and includes the tramroad and the works connected therewith by this Act authorised;

The expression “the extended limits” means and includes the parishes of East Dean Friston West Dean Litlington Lullington Wilmington and Folkington and so much of the parish of Arlington as lies to the south of the Brighton and Hastings Branch of the London Brighton and South Coast Railway all in the county of Sussex.

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And for the purposes of this Act—

The expression “railway” in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act means the tramroad by this Act authorised and the expression “centre of the railway” in those provisions means the centre of the tramroad and the prescribed limits shall be fifty yards from any part of such tramroad;

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.

Defining and extending limits of supply.

4. The limits within which the Company may supply water and exercise the powers conferred upon them by the former Acts as amended and this Act shall be the parishes and portions of parishes herein-after mentioned all in the county of Sussex (that is to say) Eastbourne Norway Willingdon Jevington West Ham Pevensey Hailsham (except the portion of the parish of Hailsham included within the limits of the Hailsham Water Act 1885 for the supply of water) East Dean Friston West Dean Litlington Lullington Wilmington Folkington and so much of the parish of Arlington as lies to the south of the Brighton and Hastings Branch of the London Brighton and South Coast Railway and within and throughout such limits the former Acts as amended and this Act shall henceforth be in full force and have effect.

Power to local authority &c. within extended limits to supply water in case Company fails to supply.

5. If at any time after the expiration of five years from the passing of this Act the Company are not furnishing or prepared to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the extended limits the local authority of such district may provide a supply in the whole or any part of their district within the extended limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or provisional order for the purpose of supplying water in any part of such district within the extended limits not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district within the extended limits such difference shall be settled on the application of either party by the Board of Trade.

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Power to
make works.

6. 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 enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes. The works herein-before referred to and by this Act authorised to be made and maintained comprise the following principal works wholly situate in the county of Sussex (that is to say) :—

- (1) A pumping station (No. 1) with a well or wells shafts borings and other works and conveniences connected therewith to be situate in the parish of Jevington in a field numbered 55 on the $\frac{1}{2500}$ Ordnance map of that parish and belonging or reputed to belong to Carew Davies Gilbert and in the occupation of Henry Broad Marchant :
- (2) A line or lines of pipes (No. 1) commencing at or in the pumping station (No. 1) and terminating at or in the tank (No. 1) next herein-after described which said line or lines of pipes (No. 1) will be made or pass from in through or into the parishes townships and places of Jevington Folkington Willingdon and Eastbourne or some of them :
- (3) A tank (No. 1) to be situate in the parish of Eastbourne on land belonging to the Company at or near their Bedford well pumping station :
- (4) A line or lines of pipes (No. 2) to be situate in the said parish of Eastbourne commencing by a junction with the line of pipes (No. 1) at or near to Tuttbarn and terminating in an existing service reservoir of the Company at Mill Gap :
- (5) A pumping station (No. 2) with a well or wells shafts borings and other works and conveniences connected therewith to be situate in the parish of Friston in a field numbered 22 on the $\frac{1}{2500}$ Ordnance map of that parish at or near a point twenty-five chains or thereabouts measured in a south-westerly direction from the house known as Friston Place and belonging or reputed to belong to and in the occupation of the Duke of Devonshire :
- (6) A line or lines of pipes (No. 3) situate in the said parish of Friston commencing at or in the intended pumping station (No. 2) and terminating in the tank (No. 2) next herein-after described :
- (7) A tank (No. 2) to be situate in the said parish of Friston in a field known as the Warren and numbered 30 on the $\frac{1}{2500}$ Ordnance map of that parish belonging or reputed to belong to and in the occupation of the Duke of Devonshire at or near a

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... point 10 chains or thereabouts measured in a northerly direction from Friston Church :

(8) A line or lines of pipes (No. 4) commencing at or in the tank (No. 2) lastly described and terminating in the parish of Eastbourne at or in an existing service reservoir of the Company at Mead's Hill which said line or lines of pipes (No. 4) will be made or pass from in through or into the parishes townships and places of Friston East Dean and Eastbourne or some of them :

(9) A tramroad 1 mile 4 furlongs 8 chains and 40 links or thereabouts in length commencing at or in the pumping station (No. 1) and terminating in the parish of Willingdon in land belonging or reputed to belong to and in the occupation of the London Brighton and South Coast Railway Company at or near a point 10 chains or thereabouts from and to the eastward of the eastern end of the platforms at the Polegate station on that railway :

Together with all such pumping engines tanks wells adits channels cuts drifts standages aqueducts culverts tunnels bores drains sluices overflows waste water channels weirs stand pipes water towers banks roads junctions approaches communications buildings conduits pipes machinery softening apparatus appliances telegraphs telephones and other works and conveniences as may be necessary or convenient in connexion with or incident to the before-mentioned works or any of them or for the obtaining raising taking distributing and supplying water Provided that any telegraphs or telephones constructed and maintained under the authority of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Deviation.

7. In constructing the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown or described on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding in any one place as regards the waterworks ten feet and as regards the tramroad (except where laid across a public road) five feet Provided that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections nor to a greater height than is so shown.

Provisions as to gauge and motive

8.—(1) The tramroad shall be constructed on a gauge of four feet eight and a half inches and shall be used solely for the purposes

of the waterworks undertaking of the Company and the waggons or trucks used on the tramroad shall be moved by animal power only. A.D. 1896,
power of
tramroad.

(2) The Company may in the construction of the tramroad carry the same with a single line only across and on the level of the roads numbered respectively on the deposited plan of the tramroad 11 in the parish of Jevington and 29 in the parish of Willingdon.

(3) The Company shall erect and at all times maintain suitable gates across the tramroad on each side of the said roads respectively to prevent cattle horses or sheep passing along the said roads from entering upon the tramroad and such gates shall be kept constantly closed across the tramroad except during the time when animals waggons or trucks passing along the tramroad shall have occasion to cross the said roads.

9. The works by this Act authorised shall for all purposes whatsoever form part of the Company's waterworks and shall be comprised in the Company's undertaking. Works to
form part of
undertaking
of Company.

10. The Company may from time to time take raise collect divert impound distribute and use all or any of the underground springs streams and waters which can or may be taken or collected by means of the works by this Act authorised or as may be found in or under any lands for the time being belonging to the Company or in on under or over which they may acquire any easement or interest for that purpose. Power to
take under-
ground
waters.

11. 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. Period for
compulsory
purchase
of lands.

12. The Company shall not under the powers of this Act purchase or acquire any land belonging to the London Brighton and South Coast Railway Company without the written consent of that company under the hand of their secretary for the time being. For protec-
tion of
London
Brighton and
South Coast
Railway
Company.

13. The Company may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in any rural district in connexion with the works authorised by this Act and any expenses incurred by the Company under such undertaking may be defrayed out of any revenue or funds of the Company. Provision as
to arrange-
ments with
Postmaster-
General.

14. In addition to the lands which the Company are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act or for the purposes of their undertaking from time to time by agreement purchase any additional quantity of land not exceeding in the whole twenty acres or any easement Power to
acquire
additional
lands by
agreement.

A.D. 1896. right or privilege (not being an easement right or privilege of water in which any persons other than parties to the agreement have an interest) in or over such additional lands which they may from time to time think requisite Provided that the Company shall not cause or permit a nuisance on any such lands and shall not on any such lands erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertaking.

Restriction on taking houses of labouring class.

15.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

Period for completion of works.

16. 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 that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the Company from extending enlarging deepening increasing the number of altering or renewing any of their engines machinery wells shafts drifts standages or borings mains pipes or other works from time to time as the Company think fit for supplying water in the limits within which they are authorised to supply water.

Power to take easements &c. by agreement.

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 any persons other than parties to the agreement have an interest) required for the purposes of this Act in or 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. A.D. 1896.

18. The following provisions shall be added to and form part of section 32 (Rate at which water is to be supplied for domestic purposes) of the Act of 1859 :— Amend-
ment of
section 32
of the Act
of 1859.

Provided as follows :—

(1) 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 sufficient annual rack-rent or value to bring it within the next division of the said scale relating to premises of a higher annual rack-rent or value whereon a lower rate per centum per annum is chargeable :

(2) In addition to the rates computed as above specified the Company may charge for a supply of water to every water-closet beyond the first the sum of five shillings per annum and to every fixed bath the sum of eight shillings per annum Provided that for every bath containing as usually filled for use more than fifty gallons the Company may if they supply the same charge an increased rate in proportion to the size of the bath. Rates for
waterclosets
and private
baths.

19. The Company shall not be compelled to supply water in the following cases :— Provisions
as to certain
supplies.

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

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

Provided that the foregoing provisions shall not entitle the Company to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate.

20. On the passing of this Act section 33 (What shall be deemed domestic purposes) section 34 (Rates for waterclosets) section 37 (Water may be cut off in certain cases) section 38 (Penalties for using water for other than domestic purposes without agreement) of the Act of 1859 are by this Act repealed. Repeal of
sections of
the Act of
1859.

21. Section 15 of the Act of 1881 shall be read and have effect as if the words “ and the Company may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damage is paid notwithstanding any contract then existing ” had been omitted therefrom and in lieu Amend-
ment of
section 15
of the Act
of 1881.

A.D. 1896. thereof there had been inserted the words "and 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
" every 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 rent is recoverable."

Power to
raise
additional
capital.

22. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise in addition to the capital which they are authorised to raise by the former Acts any capital not exceeding in the whole for the purposes of this Act and for the general purposes of their undertaking one hundred and fifty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof 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 sum of one hundred and fifty thousand pounds.

Except as
otherwise
provided
new shares
or stock to
be subject
to same
incidents as
ordinary
shares or
stock.

23. Except as is by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends
on new
shares or
stock.

24. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction
as to votes
in respect

25. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of

any new shares or stock to which a preferential dividend shall be assigned.

of preferential shares or stock. Profits of the Company on the additional share capital limited.

26. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such 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 which shall have fallen short of the said sum of seven pounds per centum per annum or than six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

27. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Dividend on different classes of stock or shares to be paid proportionately.

28. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock of the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

New shares or stock to be offered by auction or tender.

29. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Purchase money of capital sold to be paid within three months.

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Notice to be given as to sale of shares or stock.

30. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Eastbourne and to the secretary of the committee 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 notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

Shares or stock not sold by auction or by tender to be offered to shareholders.

31. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares or stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

32. Any sum of money which shall arise by way of premium from the issue of any such shares or stock 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.

Preference shares or stock may be created subject to redemption.

33. Any preference shares or stock created and issued under the powers of this Act or of any of the former Acts may be issued subject to the condition that the same may be redeemed by the Company at such price at such times and on such terms and conditions as shall be expressed on the certificates of such shares or stock.

Power to borrow in respect of

34. The Company may in addition to the moneys which they are authorised to borrow by the former Acts from time to time

subject to the provisions of this Act borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock 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 and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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additional
capital.

35. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

As to conversion of borrowed money into capital.

36. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament 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 Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Priority of principal moneys secured by existing mortgages.

37. Every provision in any Act relating to the Company passed before the present session of Parliament by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act.

Repeal of provisions of former Acts with respect to appointment of receiver.

38. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the

For appointment of receiver.

A.D. 1896. amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Power to create debenture stock.

39. 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 but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Receipt in case of persons not *sui juris*.

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

Priority of money raised on mortgage or debenture stock over other claims.

41. All money to be 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 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 granted or made 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 the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of moneys.

42. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and of the Company's undertaking being in all cases purposes to which capital is properly applicable and the Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Contracts for supplying water for public purposes.

43. The Company may from time to time enter into and carry into effect agreements with any county council urban or rural district council company corporation public body officers or persons

for the supply by the Company of water within their limits of supply to the county council urban or rural district council company corporation public body officers or persons respectively in bulk and for what purposes soever and the agreements respectively may be for such times and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit Provided that such supply do not interfere with the supply of water for domestic purposes in the limits within which the Company are authorised to supply water. A.D. 1896.

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

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