



CHAPTER cxv.

An Act to authorise the Southwark and Vauxhall Water Company to acquire lands construct additional works take additional water from the River Thames and raise additional capital and for other purposes. A.D. 1898.

[25th July 1898.]

WHEREAS the Southwark and Vauxhall Water Company (in this Act called "the Company") are by divers statutes passed before the commencement of the action herein-after mentioned under obligations to supply water within certain limits and authorised to obtain draw and impound for the purpose of such supply water from the River Thames :

And whereas on the eighteenth day of January one thousand eight hundred and ninety-seven judgment was given in an action (1896 T. No. 436) in the Queen's Bench Division of the High Court granting to the Conservators of the River Thames (in this Act called "the Conservators") an injunction restraining the Company their agents or servants from taking diverting or impounding from the River Thames a greater quantity of water than 24,500,000 gallons in every twenty-four hours from midnight to midnight :

And whereas the Company were before and at the passing on the sixth day of August one thousand eight hundred and ninety-seven of the Southwark and Vauxhall Water Act 1897 taking for the purpose of fulfilling their statutory obligations with respect to the supply of water within their limits water from the River Thames in excess of the said quantity :

And whereas by the said Act after reciting amongst other things that it was expedient that notwithstanding the said injunction and without prejudice to any other questions the Company should be temporarily authorised to take water from the River Thames in excess of such quantity subject to the provisions of that Act it was amongst other things enacted that the Company might subject as

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therein mentioned by means of their works whereby they were then authorised to obtain draw and impound water from the River Thames (including water from Platt's Eyot) obtain draw impound and take water from the said river (including water from Platt's Eyot) in any day of twenty-four hours calculated from midnight to midnight and whether or not in excess of 24,500,000 gallons as might be required by them for the purpose of fulfilling obligations imposed upon them by statute with respect to the supply of water within their limits and that the Company should in the session of Parliament to be held in the year one thousand eight hundred and ninety-eight introduce a local Bill for the purpose of obtaining such statutory powers of acquiring lands constructing within eight years from the passing of that Act storage reservoirs and other works and of raising and applying capital as might be necessary to make proper provision for the purpose of fulfilling obligations imposed upon them by statute with respect to the supply of water within their limits and that that Act should from and after the passing of the said Bill be ipso facto repealed :

And whereas the Company are now taking and by reason of the growth of the population and of the increased demand for supplies of water within their limits require to take for the purpose of fulfilling their statutory obligations with respect to the supply of water within their limits water from the River Thames in excess of 24,500,000 gallons in every day of twenty-four hours calculated from midnight to midnight and such population and demand are constantly becoming greater and it is expedient that the Company be authorised to take as in this Act provided water from the River Thames for the purpose aforesaid in excess of such quantity :

And whereas it is expedient that the Company be authorised to acquire lands and construct storage reservoirs and other works :

And whereas the authorised share capital of the Company is of the amount of £1,518,000 and the authorised loan capital of the Company is of the amount of £1,870,478 and the whole of such share and loan capital has been raised with the exception of £523,323 part of the said amount of loan capital the whole of which capital is required for works in progress or about to be undertaken :

And whereas it is expedient that the Company be authorised to increase their loan capital by the raising of further moneys for the purposes of this Act by the creation and issue of debenture stock :

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

And whereas plans and sections showing the lines situations and levels of the works by this Act authorised and also a book of

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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 respective clerks of the peace for the counties of Surrey and Middlesex and are hereinafter respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 (that is to say) :—

1. This Act may be cited as the Southwark and Vauxhall Water Act 1898. Short title.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with and form part of this Act (namely) :— Incorporation of general Acts.

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 except sections 35 and 36 of that Act and the provisions of that Act with respect to the communication pipes to be laid by the undertakers and except that section 44 of that Act as incorporated with this Act shall be read and 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 therefrom ;

The Waterworks Clauses Act 1863 except section 12 of that Act ;
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 Provided that in construing such provisions as incorporated with this Act the expressions “the railway” and “the centre of the railway” shall respectively mean the works and the boundaries of the works by this Act authorised and provided that the said provisions as incorporated with this Act shall apply only to the reservoirs by this Act authorised and to so much of the line of pipes No. 2 by this Act authorised as is intended to be laid between the north-eastern corner of storage reservoir No. 2 and the private road adjoining the cherry orchard leading down to the River Thames.

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Interpreta-
tion.

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

Power to
make works
and to take
lands &c.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections relating thereto the several works shown on the said plans together with all necessary or convenient cuts, channels, connexions, adits, catchwaters, aqueducts, culverts, tunnels, drains, sluices, gauges, wells, filter-beds, tanks, banks, walls, approaches, machinery and appliances and may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose:

The works herein-before referred to and authorised by this Act include the following works (that is to say):—

A storage reservoir (storage reservoir No. 1) to be situate wholly in the parish of Walton-upon-Thames in the county of Surrey;

A storage reservoir (storage reservoir No. 2) to be situate partly in the said parish of Walton-upon-Thames and partly in the parish of West Molesey in the county of Surrey;

A pumping station to be situate in the said parish of Walton-upon-Thames;

An aqueduct, conduit or line of pipes (line of pipes No. 1) to be situate wholly in the said parish of Walton-upon-Thames commencing in the River Thames 650 yards or thereabouts eastward from the eastern gates of Sunbury Lock and terminating 40 yards or thereabouts north-west of the northern boundary of Hurst Road;

An aqueduct or line of pipes (line of pipes No. 2) commencing in the said parish of Walton-upon-Thames by a junction with the pumping station by this Act authorised and terminating in the parish of Hampton in the county of Middlesex 120 yards or thereabouts north of the Company's western intake in that parish;

An aqueduct or line of pipes (line of pipes No. 3) to be situate wholly in the said parish of Walton-upon-Thames commencing by a junction with the pumping station by this Act authorised and terminating 85 yards or thereabouts south of the southern boundary wall of Hurst Road;

An aqueduct or line of pipes (line of pipes No. 4) to be situate wholly in the said parish of Walton-upon-Thames commencing

85 yards or thereabouts south-east of the southern boundary wall of Hurst Road and terminating by a junction with the line of pipes No. 3 by this Act authorised in the centre of Hurst Road 62 yards or thereabouts south-west of the south-western corner of the property belonging to the Governor and Company of Chelsea Waterworks;

An aqueduct or line of pipes (line of pipes No. 5) to be situate wholly in the said parish of Walton-upon-Thames commencing 89 yards or thereabouts south of the southern boundary wall of Hurst Road and terminating by a junction with the line of pipes No. 1 by this Act authorised 47 yards or thereabouts north-east of the northern boundary of Hurst Road;

An aqueduct or line of pipes (line of pipes No. 6) to be situate wholly in the said parish of Walton-upon-Thames commencing 85 yards or thereabouts south-east of the southern boundary wall of Hurst Road and terminating by a junction with the line of pipes No. 1 by this Act authorised 43 yards or thereabouts north-west of the northern boundary of Hurst Road;

An aqueduct or line of pipes (line of pipes No. 7) to be situate wholly in the said parish of Walton-upon-Thames commencing by a junction with the pumping station by this Act authorised 63 yards or thereabouts north-west of the south-western corner of the property belonging to the Governor and Company of Chelsea Waterworks and terminating by a junction with the line of pipes No. 1 by this Act authorised 58 yards or thereabouts north-west of the south-western corner of the property belonging to the Governor and Company of Chelsea Waterworks;

An aqueduct or line of pipes (line of pipes No. 8) to be situate wholly in the said parish of Walton-upon-Thames commencing by a junction with the pumping station by this Act authorised 56 yards or thereabouts north-west of the south-western corner of the property belonging to the Governor and Company of Chelsea Waterworks and terminating by a junction with the line of pipes No. 1 by this Act authorised 54 yards or thereabouts north-west of the south-western corner of the property belonging to the Governor and Company of Chelsea Waterworks;

A diversion in the said parish of Walton-upon-Thames of the footpath leading from the towpath of the River Thames to Hurst Road.

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For pro-
tection of
Colonel
Selby Smyth.

5. Notwithstanding anything in this Act contained the Company shall not be entitled to enter upon take or use temporarily or permanently for any of the purposes by this Act authorised any part of the field or island situate in the River Thames in the parish of Walton-on-Thames belonging or reputed to belong to Colonel Selby Smyth without the written consent first had and obtained of the said Colonel Selby Smyth or other the owner for the time being of the said field or island.

For pro-
tection of
Company of
Proprietors
of Lambeth
Waterworks.

6. For the protection of the Company of Proprietors of Lambeth Waterworks (in this section called "the Lambeth Company") the following provisions shall have effect (that is to say):—

- (1) If in carrying out the works authorised by this Act it be found necessary to lay any pipes over under or across or in near proximity to the mains pipes or tramway of the Lambeth Company which may be already laid or which may be laid before the time when the works authorised by this Act are commenced the Company shall give seven days' previous notice to the Lambeth Company of the intention of the Company to lay such line of pipes and such line of pipes where they are laid under over or across or in near proximity to the mains pipes or tramway of the Lambeth Company shall only be laid to the reasonable satisfaction of the engineer of the Lambeth Company so as to ensure as little hindrance or obstruction or difficulty of access to the mains pipes or tramway and other appliances of the Lambeth Company as possible:
- (2) Nothing in this Act shall authorise the Company to take up divert remove or in any way interfere with the mains pipes or tramway and other appliances of the Lambeth Company without their consent in writing first obtained for the purpose and then only to the reasonable satisfaction of the engineer to the Lambeth Company:
- (3) The Company shall make good all damage which may be done by them to the mains pipes or tramway and other appliances or works of the Lambeth Company in the carrying out of the works or any of them authorised by this Act and the Company shall make full compensation for any such loss or damage which the Lambeth Company may sustain in the carrying out of the works authorised by this Act and which the Company may not be able to make good and shall also pay all the expenses incurred by the Lambeth Company under this section:
- (4) Any difference which may arise between the Company and the Lambeth Company under this section shall on the application

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of the Company or the Lambeth Company be referred to and determined by an arbitrator to be agreed upon or failing agreement an engineer to be appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 except those relating to the appointment of an arbitrator or arbitrators shall apply in the case of every reference to an arbitrator under this section. And this section shall be deemed to be a submission for the purposes and within the meaning of the said Act of all or any matters in difference as aforesaid between the Company and the Lambeth Company.

7. For protection of the rights and interests of the Governor and Company of Chelsea Waterworks (in this Act called "the Chelsea Waterworks Company") the following provisions shall (notwithstanding anything in this Act) have effect (that is to say):—

For protection of Chelsea Waterworks Company.

(1) The Company shall (except in cases of emergency arising from defects in any of their pipes or other works) before executing any work by this Act authorised over or under or within five feet of any pipe or conduit or any underground work directly connected therewith for the time being of the Chelsea Waterworks Company give to the Chelsea Waterworks Company three days' notice in writing of the intention of the Company to do so such notice to be given to their secretary or left at their usual place of business and shall in cases of such emergency give or leave notice so soon as is possible after the beginning of the work or the necessity for the same shall have arisen:

(2) Every such work shall (except in cases of such emergency) be executed under the superintendence and to the reasonable satisfaction of the engineer of the Chelsea Waterworks Company and in cases of such emergency then to the like satisfaction of the engineer and so far as is possible under his superintendence. Provided that if such engineer fail to attend at the time appointed for executing any such work after such three days' notice or such notice in cases of such emergency shall have been given or left as aforesaid or shall refuse or neglect to superintend such work then and so often as the same shall happen the Company may perform the work specified in such respective notices without the superintendence of such engineer:

(3) The Company in executing every such work shall take all such precautions and do all such things as shall prevent as far

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as possible any injury or interruption to the works and water supply for the time being of the Chelsea Waterworks Company as the engineer of the Chelsea Waterworks Company reasonably requires and shall make good all damage occasioned by the execution of such works :

- (4) The Company shall pay all the reasonable expenses of the Chelsea Waterworks Company of superintending the execution of every such work :
- (5) If any difference under the foregoing provisions shall arise between the Company and the Chelsea Waterworks Company the same shall by virtue of this Act stand referred to a single arbitrator to be agreed on by the two companies within seven days after request shall in that behalf have been made in writing by the secretary of either of the two companies to the secretary of the other of them and in default of agreement within seven days to be nominated by the President of the Institution of Civil Engineers upon application to him in that behalf by either of the two companies and the Railway Companies Arbitration Act 1859 shall apply to every such reference as if the two companies were railway companies :
- (6) The Company shall fully compensate the Chelsea Waterworks Company in respect of all damage and loss sustained by them in consequence of any interruption at any time occasioned to the water supply of the Chelsea Waterworks Company through such pipe or conduit by reason of the laying down or repair of any conduit or pipe by this Act authorised or by or during any repair to any such conduit or pipe or by reason of any want of repair or proper maintenance thereof.

For protection of
Lambeth
Grand
Junction
Chelsea
West Mid-
dlesex and
East London
Waterworks
Companies

8. For the protection of the Lambeth Waterworks Company the Grand Junction Waterworks Company the Chelsea Waterworks Company the West Middlesex Waterworks Company and the East London Waterworks Company the following provision shall have effect in addition to and not in limitation of the provisions otherwise in this Act contained for their protection (that is to say) :—

If at any time hereafter and before the works authorised by the Staines Reservoirs &c. Act 1896 are completed the Grand Junction Waterworks Company and the West Middlesex Waterworks Company or either of them require for the temporary purposes of their supply until the completion of the aforesaid works water not exceeding ten million gallons daily between such last-mentioned companies and at any time hereafter the Lambeth Waterworks Company the Chelsea

Waterworks Company and East London Waterworks Company or any of them require water for the purposes of their supply and any such companies should apply to Parliament for authority to draw impound or take from the River Thames such water in excess of the water they are now authorised to take the Company will not oppose such application so far as such taking of water is concerned if made on the like conditions as are provided for the taking of excess water by the Company in this Act on the ground of any prior right of the Company to take water acquired under the provisions of this Act.

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9. In the construction of the works authorised by this Act and subject to the provisions thereof 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 shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of a reservoir five feet upwards and twenty-five feet downwards and in the case of all other works to any extent not exceeding ten feet upwards or downwards Provided always that if it be found necessary or expedient in the construction of either reservoir to alter the situation of any embankment or wall thereof the Company shall not construct such 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 Provided further that no part of any pipe line shall be laid above the surface of the ground.

Limits of deviation.

10. 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.

11. 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 other than the grantors 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.

Persons under disability may grant easements &c.

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Restriction
on taking
houses of
labouring
class.

12. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partly 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.

For the purposes of this section the expression "labouring class" means 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 of such persons who may be residing with them.

Periods for
completion
of works.

13. If the works authorised by this Act other than the storage reservoir No. 2 are not completed within seven years from the sixth day of August one thousand eight hundred and ninety-eight and if the storage reservoir No. 2 is not completed within ten years from the said sixth day of August then on the expiration of such periods respectively the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending their works mains and pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their limits of supply.

For pro-
tection of
Conservators
of River
Thames.

14. For the protection of the Conservators the following provisions shall have effect (that is to say):—

- (1) The line of pipes No. 1 and line of pipes No. 2 by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be executed according to plans elevations and sections to be approved in writing by the Conservators and deposited at their office and the works in the River Thames shall be executed in accordance with such plans elevations and sections to the reasonable satisfaction of the engineer of the Conservators and the traffic of the river shall not be interfered with more than may be absolutely necessary in the construction of such lines of pipes and works :

(2) The Company shall within twenty-eight days after the completion of the works herein-before mentioned so far as the same affect the River Thames and after notice from the Conservators so to do remove any temporary works and materials for temporary works which may have been placed in the River Thames by or at the instance of the Company and on their failing so to do the Conservators may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the Conservators all expenses so incurred :

(3) The Company shall during the construction of the intake of the said line of pipes No. 1 and during the construction of the said line of pipes No. 2 hang out and exhibit at or near to the said works every night from sunset to sunrise lights to be kept burning by and at the expense of the Company and proper and sufficient for the navigation and safe guidance of vessels as defined by section 3 of the Thames Conservancy Act 1894 and the lights shall from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the Conservators by writing under the hand of their secretary or other authorised officer shall approve or direct and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit to the Conservators ten pounds :

(4) Nothing in this Act shall authorise or empower the Company to embank encroach upon or interfere with any part of the soil or bed of the River Thames or the shore or banks thereof except according to the plans elevations and sections approved by the Conservators :

(5) The Company shall not take any gravel soil or other material from the bed or shore of the River Thames without the previous consent of the Conservators signified in writing under the hand of their secretary :

(6) The Company shall take all precautions including the use of proper appliances to the reasonable satisfaction of the engineer of the Conservators to prevent any solid matter from their works passing into the River Thames from sand washing drains or other drains and they shall permit the said engineer at all reasonable times to take such samples as he may desire of the water flowing through such drains.

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—
Increase of
Company's
power to
take water
from river
Thames.

15.—(1) Subject to the provisions of this Act and to the provisions of section 297 of the Thames Conservancy Act 1894 the Company may from and after the passing of this Act by means of their works whereby they are now authorised to obtain draw and impound water from the River Thames (including water from Platt's Eyot) above Teddington Lock and by means of the works by this Act authorised obtain draw impound and take such quantity of water from the said river (including water from Platt's Eyot) in any day of twenty-four hours calculated from midnight to midnight and whether or not in excess of 24,500,000 gallons as may be required by them for the purpose of fulfilling obligations imposed upon them by statute with respect to the supply of water within their limits :

Provided that unless and until otherwise authorised so to do by Parliament the Company shall not in any half-year ending on the thirtieth day of June or the thirty-first day of December as the case may be obtain draw impound or take from the River Thames (including water from Platt's Eyot) any quantity of water in excess of a quantity equal to the aggregate amount of 45,000,000 gallons in respect of the several days of twenty-four hours calculated from midnight to midnight during such half-year :

And provided that the Company shall not obtain draw impound or take from the River Thames (including water from Platt's Eyot) in any day of twenty-four hours calculated from midnight to midnight any quantity of water in excess of 160,000,000 gallons nor shall the Company draw impound or take from the River Thames (including water from Platt's Eyot) any quantity of water in excess of 24,500,000 gallons when the water is not flowing over the weir at Penton Hook now in course of construction or about to be constructed by the Conservators at a rate exceeding 285,000,000 gallons per day of twenty-four hours calculated as aforesaid except that such last-mentioned restriction shall not prevent the Company pending the completion of reservoir No. 1 with the consent of the Conservators taking water in excess of 24,500,000 gallons in any such day as aforesaid :

Provided further that when in any such day as aforesaid the flow of water over the said weir is at a rate exceeding 285,000,000 gallons per day the quantity of water in excess of 24,500,000 gallons which the Company shall in such day be entitled to obtain draw impound or take shall not exceed the quantity flowing on that day over such weir in excess of 285,000,000 gallons :

Provided also that the Company shall not obtain draw impound or take water from the River Thames (including water from Platt's

Eyot) in any such day as aforesaid in excess of 24,500,000 gallons at such times in such manner or to such extent as to prejudice or affect the rights of the Lambeth Waterworks Company the Grand Junction Waterworks Company the West Middlesex Waterworks Company and the Chelsea Waterworks Company or of any of those companies under their respective Acts or agreements with the mayor and commonalty and citizens of the city of London or the Conservators or to prejudice or affect the rights of the East London Waterworks Company under the East London Waterworks (Thames Supply) Act 1867 :

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And provided that nothing in this Act shall be deemed to confer upon the Company any priority of right to obtain draw or impound or take water from the River Thames (including water from Platt's Eyot) or from any tributary of the said river as against the Lambeth Waterworks Company the Grand Junction Waterworks Company the West Middlesex Waterworks Company the Chelsea Waterworks Company the East London Waterworks Company or any other company or body or any person respectively already or who may hereafter be empowered by statute to take water therefrom or to affect in any way the stipulations and provisions either expressly or in fact contained in the Staines Reservoirs &c. Act 1896 for the protection or benefit of the said waterworks companies or any of them.

(2) Pending the construction of the said weir at Penton Hook this section shall be read and have effect as if references therein to such weir were references to Bell Weir and references therein to 285,000,000 gallons were references to 250,000,000 gallons.

16. The Company shall not unless and until otherwise authorised so to do by Parliament in any half-year ending on the thirtieth day of June or the thirty-first day of December as the case may be deliver to consumers any quantity of water obtained drawn impounded or taken from the River Thames (including water from Platt's Eyot) in excess of a quantity equal to the aggregate amount of 45,000,000 gallons in respect of the several days of twenty-four hours calculated from midnight to midnight during such half-year.

Limit of amount of water which Company may deliver to consumers.

17.—(1) The water to be obtained drawn impounded or taken by the Company from the River Thames (including water from Platt's Eyot) shall be measured or otherwise ascertained at each intake and the Company shall within twelve months after the passing of this Act provide at every now existing intake and shall three

As to ascertaining quantities of water taken from River Thames and delivered to consumers.

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(2) The Company shall in every week make to the Conservators a correct return in writing of the total quantity of water obtained drawn impounded or taken by them from the River Thames (including water from Platt's Eyot) and the total quantity of water obtained drawn impounded or taken by the Company from the River Thames (including water from Platt's Eyot) and delivered to consumers in each day of twenty-four hours calculated from midnight to midnight in the week ending at midnight on the Saturday then last past distinguishing in such return the quantity of water obtained drawn impounded or taken at each intake.

(3) The engineer of the Conservators shall and any other person from time to time thereunto authorised by the Conservators under the hand of the chairman or the secretary of the Conservators shall at all reasonable times have access to all or any part of the premises of the Company for the purpose of inspecting all or any such appliances and any appliances for measuring the quantity of water obtained drawn impounded or taken by the Company from the River Thames (including water from Platt's Eyot) and delivered to consumers and of checking the returns made by the Company and the Company shall give to such engineer or other person all necessary facilities for inspecting and checking as aforesaid.

(4) In case any dispute shall arise between the Conservators and the Company with reference to such appliances or to the condition thereof or to the correctness of any return by this section required to be made by the Company the matter shall be referred for determination to the arbitration of an engineer to be appointed by the Board of Trade on the application of either party whose decision shall be final.

For ascer-
taining flow
of water over
Penton Hook
Weir.

18.—(1) The flow of water over the said weir at Penton Hook shall be ascertained by such suitable appliances as shall be provided for that purpose by the Conservators and such appliances shall be under the sole control of the Conservators and the certificate of the engineer or other officer of the Conservators of the quantity of water so ascertained shall be evidence of the flow of water over that weir.

(2) The engineer of the Company and any person from time to time thereunto authorised by the Company under the hand of their secretary shall at all reasonable times have access to the said appliances for the purpose of inspecting the same and the Conservators shall give such engineer or other person all necessary facilities for the purpose aforesaid. A.D. 1898.

(3) In case any dispute shall arise between the Company and the Conservators with reference to the suitability or user of any appliances provided by the Conservators as aforesaid or as to the accuracy of the certificate aforesaid the same shall be referred for determination to the arbitration of an engineer to be appointed by the Board of Trade on the application of either party whose decision shall be final.

19. The water to be taken by the Company under this Act shall be used by the Company for the supply of their district only and shall not be supplied to any other of the metropolitan water companies or to any other company body or person outside their district. Water taken not to be supplied to other companies.

20. Notwithstanding anything in this Act or the Acts herewith incorporated the Company shall not for the purposes of sale take any waters in under or on the lands authorised to be acquired by them under this Act. Water not to be taken from lands acquired under Act.

21.—(1) In this section the expression "average daily excess quantity" means the average of the quantities of water in excess of 24,500,000 gallons respectively obtained drawn impounded or taken for the purpose of supply by the Company from the River Thames (including water from Platt's Eyot) in the several days of twenty-four hours calculated from midnight to midnight during the half-year ending on the thirtieth day of June or the thirty-first day of December as the case may be. Payments to Conservators.

(2) So long but so long only as the Company take any water from the River Thames (including water from Platt's Eyot) in excess of 24,500,000 gallons in any day of twenty-four hours calculated as aforesaid the Company shall pay to the Conservators on the thirtieth day of June and the thirty-first day of December in each year or within one month thereafter the sums herein-after prescribed and the provisions of sections 293 (Contributions of companies to be first charge on their receipts) and 294 (Payments of companies to be without deduction and free from taxes &c.) of the Thames Conservancy Act 1894 shall mutatis mutandis apply to such half-yearly payments and the moneys payable to the Conservators under this Act shall be in addition to and

A.D. 1898. — irrespective of any payments to be made to them under any other Act or under an indenture made the first day of July one thousand eight hundred and fifty-two between the Company and the mayor and commonalty and citizens of the city of London or under an agreement made the twenty-third day of December one thousand eight hundred and eighty-six between the Company and the Conservators.

(3) The sums payable half-yearly as aforesaid shall be—

- (A) From and after the passing of this Act until the average daily excess quantity shall have first exceeded 5,500,000 gallons the sum of five hundred and twenty-five pounds and five shillings;
- (B) From and after such time as the average daily excess quantity shall have first exceeded 5,500,000 gallons until such quantity shall have first exceeded 10,500,000 gallons the sum of one thousand and two pounds and fifteen shillings;
- (C) From and after such time as the average daily excess quantity shall have first exceeded 10,500,000 gallons until such quantity shall have first exceeded 13,500,000 gallons the sum of one thousand and two pounds and fifteen shillings and a sum calculated at the annual rate of one hundred and ninety-one pounds per million gallons by which such quantity shall in the then last past half-year have exceeded 10,500,000 gallons;
- (D) From and after such time as the average daily excess quantity shall have first exceeded 13,500,000 gallons until such quantity shall have first exceeded 15,500,000 gallons the sum of one thousand four hundred and eighty pounds and five shillings;
- (E) From and after such time as the average daily excess quantity shall have first exceeded 15,500,000 gallons until such quantity shall have first exceeded 18,500,000 gallons the sum of one thousand four hundred and eighty pounds and five shillings and a sum calculated at the annual rate of one hundred and ninety-one pounds per million gallons by which such quantity shall in the then last past half-year have exceeded 15,500,000 gallons;
- (F) From and after such time as the average daily excess quantity shall have first exceeded 18,500,000 gallons the sum of one thousand nine hundred and fifty-seven pounds and fifteen shillings.

(4) The Conservators shall carry to the Upper Navigation Fund constituted by the Thames Conservancy Act 1894 all sums paid to them under this Act. A.D. 1898.

22. Nothing in this Act shall prejudice alter or affect any of the rights powers authorities or privileges of the Conservators. Saving rights &c. of Conservators.

23. The Company may from time to time raise by the creation and issue of debenture stock any additional capital not exceeding in the whole six hundred and fifty thousand pounds and may create and issue debenture stock accordingly and the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall so far as applicable apply to the debenture stock so to be created and issued All debenture stock created under the powers of this Act shall be called "Debenture Stock B" The Company shall attach to the debenture stock to be created under the powers of this Act interest at such uniform rate as has been pursuant to the provisions of section 14 of the Southwark and Vauxhall Water Act 1894 attached to Debenture Stock B created under the powers of that Act The Company shall not raise the money by this Act authorised to be raised by creating new shares of the Company instead of borrowing or converting into share capital the debenture stock authorised to be created under the powers of this Act. Debenture stock.

24. All debenture stock created under the powers of this Act shall be issued subject to the condition (to be expressed on the certificate of such stock) that the stock may be redeemed at par by the Company at any time after the expiration of twenty-five years from the date at which it is issued the Company giving six months' previous notice to the registered holder of such stock of the intention so to redeem the same. Debenture stock to be redeemable at par after a certain period.

25. Notwithstanding anything in any Acts relating to the Company the Company shall when any debenture stock created under the powers of this Act is to be issued offer the same subject to the power of redemption conferred by the last preceding section of this Act 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: Debenture stock to be offered by auction or tender.

Provided that at any such sale by auction no single lot shall comprise more than one hundred pounds nominal value of such stock and that the Company may at any sale by auction or by tender fix the reserved price to be put upon such stock and notice of the amount of such reserved price shall be sent by the Company in a

A.D. 1898. 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.

Purchase money of debenture stock sold to be paid within three months.

26. It shall be one of the conditions of any sale of debenture stock created under the powers of this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of debenture stock.

27. The intention to sell any debenture stock created under the powers of this Act by auction or by tender shall be communicated in writing to the town clerk of the city of London and to the clerks of the London County Council and the Surrey County Council and the Middlesex County Council 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 four times during such period in two or more London daily newspapers.

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

28. When any debenture stock created under the powers of this Act has 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 in the Company in manner provided by the Companies Clauses Act 1863 with respect to new shares or stock and the provisions of sections 17 to 21 of that Act shall apply accordingly as if the debenture stock were new stock within the meaning of those sections Provided always that any 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 debenture stock.

Application of premiums arising on issue of debenture stock.

29. Any sum of money which shall arise from the issue of any debenture stock created under the powers of this Act by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profit of the Company but shall be expended in extending and improving the works of the Company or in purchasing or redeeming and cancelling debenture stock 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 or interest. A.D. 1898.

30. It shall not be lawful for the Company to create and issue any greater nominal amount of debenture stock under the powers of this Act than will be sufficient to produce including any premiums which may be obtained on the sale thereof the total amount of six hundred and fifty thousand pounds but in the event of such stock or any part thereof being issued at less than par value and resulting in a deficiency in the nominal amount of the additional capital hereby authorised to be raised the Company may issue such additional amount of debenture stock as shall make good the deficiency so resulting. Limit to amount of debenture stock to be created.

31.—(1) At the end of each year after the expiration of seven years from the passing of this Act the Company shall carry to a sinking fund a percentage on the amount of money for the time being raised by the issue of debenture stock created under the powers of this Act and certified by the auditor to have been then expended for purposes of and incidental to the making of storage reservoir No. 1 by this Act authorised and acquiring lands for such reservoir. Creation of sinking fund.

(2) At the end of each year after the expiration of ten years from the passing of this Act the Company shall carry to a sinking fund a percentage on the amount of money for the time being raised by the issue of debenture stock created under the powers of this Act and certified by the auditor to have been then expended for purposes of and incidental to the making of storage reservoir No. 2 by this Act authorised and acquiring lands for such reservoir.

(3) At the end of each year after the expiration of three years from the issue from time to time of any debenture stock created under the powers of this Act the Company shall carry to a sinking fund a percentage on the amount of money raised by such issue and not certified by the auditor to have been then expended for any of the purposes mentioned in subsections (1) or (2) of this section.

(4) Each percentage herein-before in this section mentioned shall be equal to the excess of the average percentage of the dividend or interest paid for the year in respect of which the percentage is carried to a sinking fund on all the capital of the Company whether ordinary or preference stock or share capital or debenture stock with any premiums received thereon above the rate of interest at which debenture stock created under the powers of this Act was issued together with an additional one per centum per annum added thereto for management.

A.D. 1898.

(5) The sinking funds aforesaid shall be held and applied by the chamberlain of the city of London as trustee for the purpose of purchasing and holding shares or stock of the Company and of investing the dividends thereon with a view to ultimately extinguishing the capital of the Company or for such other purposes as Parliament may from time to time determine. No shares or stock so purchased and held shall confer any right of voting at any meeting of the Company.

(6) In the event of the undertaking of the Company being acquired by a public authority the above-mentioned allowance of one per centum for management shall not be deemed to have increased the capital value of the undertaking or be the subject of compensation or purchase.

Application
of moneys.

32. All moneys raised under this Act shall be applied only to the purposes of this Act and to the general purposes of the undertaking of the Company being in all cases purposes to which capital is properly applicable.

Application
of authorised
funds.

33. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they have in their hands or which they are by any Act heretofore passed authorised to raise and which may not be required for the purposes to which they are by that Act made applicable.

Provision in
case of
purchase of
undertaking.

34. Subject as in this section provided if the undertaking of the Company be purchased within ten years from the passing of this Act otherwise than by agreement by any public body or trustees no additional value shall be deemed to be given to such undertaking by the powers conferred by this Act. Provided that nothing in this section shall in the event of their undertaking being so purchased be deemed to preclude the Company from bringing into account or making any claim in respect of any actual capital expenditure made by them in exercise of the powers conferred by this Act.

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 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. A.D. 1898.

36. The moneys raised under the powers of this Act shall be applicable in not exceeding the under-mentioned respective amounts to the under-mentioned purposes but only so far as such purposes may be of a nature or character to which capital is properly applicable (that is to say):— Allocation
of capital.

Five hundred and twenty thousand pounds for construction of additional reservoirs ;

Seventy thousand pounds for the extension of mains and services; and the balance may be applied to any of the above purposes or to the general purposes of the undertaking to which capital is properly applicable.

37. Nothing in this Act shall exempt the Company from the provisions of the Metropolis Water Act 1852 the Metropolis Water Act 1871 or any other general Act relating to the supply of water to the metropolis or the suburbs thereof now in force or which may hereafter pass during this or any future session of Parliament. Provision as
to general
Acts.

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

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