



CHAPTER cclx.

An Act for incorporating and conferring powers upon the Wey Valley Water Company for extending the limits of supply of and conferring further powers upon the Frimley and Farnborough District Water Company and the Farnham Water Company Limited for authorising agreements between those companies and other water companies and for other purposes. [12th August 1898.]

A.D. 1898.  
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**W**HEREAS the several parishes and places in the counties of Surrey and Hants herein-after mentioned are at present inadequately supplied with water and it is expedient that provision should be made for affording a further and adequate supply of pure and wholesome water thereto :

And whereas the Wey Valley Water Company (Limited) (in this Act called "the Limited Company") were on the nineteenth day of November one thousand eight hundred and ninety-seven incorporated under the Companies Acts 1862 to 1893 for the purposes (amongst others) of establishing and carrying on in the counties of Surrey and Southampton and elsewhere the business of a waterworks company :

And whereas the share capital of the Limited Company consists of twenty thousand pounds divided into two thousand shares of ten pounds each of which not more than seven hundred shares have been subscribed for and issued and the Limited Company have not borrowed any money :

And whereas it is expedient that the Limited Company should be dissolved and re-incorporated and should be empowered to construct waterworks as by this Act provided and that such further powers as are in this Act contained should be conferred upon the Company so re-incorporated (in this Act referred to as "the Company") :

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

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 VICT.]  
*Water Act, 1898.*

A.D. 1898. to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace for the counties of Surrey and Hants and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas by the Frimley and Farnborough District Water Act 1893 (in this Act referred to as "the Frimley Act") the Frimley and Farnborough District Water Company (in this Act called "the Frimley Company") were incorporated and empowered to supply water within the parishes and places in the counties of Hants and Surrey mentioned in section 5 of the Frimley Act and including part of the parish of Yateley :

And whereas the Frimley Company have at the request of the inhabitants of the village of Yateley in the part of the parish of Yateley outside the limits defined by the said section 5 laid water mains to the said village and are supplying the said village with water :

And whereas certain of the works by this Act authorised will be situate within the limits of supply of the Frimley Company as defined by the Frimley Act and the supply of water to be obtained thereby could be made available for the use of the inhabitants of certain places within those limits as well as for the inhabitants of places within the Company's district as defined by this Act and it is expedient that provision should be made as contained in this Act for the joint construction and ownership of the said works by the Frimley Company and the Company and that the limits defined by section 5 of the Frimley Act should be extended and the said section amended as provided by this Act and that the laying of mains by the Frimley Company and supply by them of water to the village of Yateley should be sanctioned and confirmed and that the Frimley Company should be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking :

And whereas by the Farnham Water Order 1886 (in this Act referred to as "the Farnham Order") the Farnham Water Company (Limited) (in this Act called "the Farnham Company") were authorised to maintain certain waterworks therein mentioned and the limits of supply defined by that Order were so much of the parish of Farnham in the county of Surrey as was within the district of the Farnham Local Board which portion of the said parish is now a separate parish called "the parish of Farnham" :

And whereas the Farnham Company for the purpose of supplying their district with water have with the consent of the Farnham



[61 & 62 VICT.] *Wey Valley, Frimley, and Farnham* [Ch. cclx.]  
*Water Act, 1898.*

Rural District Council constructed in the parish of Farnham Rural in the county of Surrey beyond their limits of supply certain waterworks in this Act mentioned or referred to and acquired lands for the purposes thereof and it is expedient that the construction of those works should be sanctioned and confirmed and that the Farnham Company should be authorised to maintain the same and that the limits of supply defined by the Farnham Order should be extended as provided by this Act and that the Farnham Company should be empowered to raise additional capital: A.D. 1898.

And whereas it is expedient to authorise the Company incorporated by this Act and the Frimley Company the Farnham Company the Aldershot Gas and Water Company the Woking Water and Gas Company (in this Act called "the Woking Company") the Wokingham District Water Company Limited and the Frith Hill Godalming and Farncombe Water Company Limited or any two or more of them to enter into and carry into effect agreements as provided by this Act and that the agreement between the Wokingham District Water Company Limited and the Frimley Company as set forth in the Second Schedule to this Act should be confirmed:

And whereas the objects 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 *Wey Valley Frimley and Farnham 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 powers of this Act) are hereby incorporated with this Act (namely) The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts and the Waterworks Clauses Acts 1847 and 1863: 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 therefrom: Incorporation of general Acts.

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 VICT.]  
*Water Act, 1898.*

A.D. 1898.

Provided also that Part II. (relating to additional capital) of the Companies Clauses Act 1863 shall apply only to the Frimley Company and to the capital by this Act authorised to be raised by that company.

Interpreta-  
tion.

3. In this Act the several words and expressions herein-after mentioned have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

Words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings;

The expression “the Company” means the Company incorporated by this Act;

The expressions “the waterworks” and “the undertaking” respectively mean the waterworks of the Company and the works connected therewith and the undertaking of the Company by this Act authorised.

Limits of  
Act.

4. The limits of this Act for the supply of water by the Company (herein-after referred to as “the limits of this Act” or “the Company’s district”) shall be—

The parishes of Farnham Rural Frensham Dockenfield and Shottermill and the parish of Seale (except so much thereof as is within the limits of supply of the Aldershot Gas and Water Company) all in the county of Surrey; and

The parishes of Bentley Binstead Kingsley Headley and Bramshott all in the county of Hants:

Provided always that nothing in this Act shall authorise the Company to supply water in that part of the parish of Farnham Rural which is by this Act included within the limits of supply of the Farnham Company.

Power to  
local autho-  
rity &c. to  
supply water  
in case  
Company  
fails to  
supply.

5. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in the district or any part of the district of any local authority within the limits of this Act (other than the local authorities mentioned in the section of this Act of which the marginal note is “For the protection of local authorities in Hampshire.”) the local authority of such district may provide a supply in such district or part of a district as the case may be 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 not sufficiently supplied by the Company as if in either case there were no company authorised by this Act to supply water therein. A.D. 1898.  
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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 such district or part of a district such difference shall be settled on the application of either party by the Board of Trade.

6. From and after the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that Company and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the purposes herein-after mentioned and shall be incorporated by the name of "The Wey Valley 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. Incorporation of  
Company.

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

8. Subject to the provisions of this Act all the lands works erections buildings rights and easements which immediately before the passing of this Act were vested in the Limited Company or any person in trust for them or to which the Limited Company were in any wise entitled and all moneys securities credits and other property and effects whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit. Present  
property of  
Limited  
Company  
vested in  
Company in-  
corporated  
by this Act.

A.D. 1898.

Memorandum and articles of association of Limited Company to be void without prejudice to remedies for antecedent breaches thereof.

9. Subject to the provisions of this Act the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum and articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

10. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association had not been avoided by this Act and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and its shareholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

11. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of the Limited Company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the



[61 & 62 VICT.] *Wey Valley, Frimley, and Farnham* [Ch. cclx.]  
*Water Act, 1898.*

Limited Company or the trustees or persons acting on behalf of the Limited Company the Company had been a party thereto. A.D. 1898.

12. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively. Actions &c.  
not to abate.

13. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement. Trustees of  
Limited  
Company  
to be  
indemnified.

14. Except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf. Company to  
satisfy  
liabilities  
of Limited  
Company.

15. All sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters done under this Act. Recovery of  
moneys due.

16. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person As to pay-  
ment of  
debts owing

A.D. 1898.

before  
passing of  
Act.

on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates  
&c. to remain  
in force.

17. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if they had not been avoided.

Books &c.  
continued  
evidence.

18. All documents books and writings which if the said dissolution and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts and elsewhere notwithstanding such dissolution and avoidance.

Officers &c.  
to continue  
until  
removed.

19. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present  
registers of  
members to  
be continued.

20. The books kept by the Limited Company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of each share shall until some other register of shareholders shall be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

21. The capital of the Company shall be thirty thousand pounds in three thousand shares of ten pounds each.

Members  
of Limited  
Company to  
become  
shareholders  
of Company.

22. Every person who at the date of the passing of this Act was a registered member of the Limited Company shall on the passing and by virtue of this Act and subject to the provisions thereof become and be the holder of a number of shares of the Company equal to the number of the shares in the Limited



[61 & 62 VICT.] *Wey Valley, Primley, and Farnham* [Ch. cclx.]  
*Water Act, 1898.*

Company which were at that date registered in his name and there shall be deemed to have been paid up on each such share in the Company the same amount as at the date aforesaid was paid up on the share in the Limited Company for which it was exchanged. A.D. 1898.

23. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof. Company to call in and cancel existing share certificates and issue new certificates in lieu thereof.

24. Except as otherwise expressly provided by this Act 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 part thereof shall have been paid up.

25. 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. Calls.

26. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the capital by this Act authorised and at the time of such borrowing actually issued by shares but no part thereof shall be borrowed until the whole of the shares in respect of which the borrowing power is being exercised shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that such shares have been issued and fully paid up 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. Provided that the Company shall not exercise their power to borrow until one-third of the share capital of thirty thousand pounds has been issued and fully paid up. Power to borrow.

27. 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 instead of borrowing or to convert into As to conversion of borrowed money into capital.

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 VICT.]  
*Water Act, 1898.*

A. D. 1898. capital the amount borrowed under the provisions of this Act unless in either case all dividends upon the shares so created whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

For appointment of a receiver.

28. 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 one thousand pounds in the whole.

Power to create debenture stock.

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

Receipts in case of persons not *sui juris*.

30. If any money is payable to a shareholder or mortgagee or debenture stock 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.

Moneys borrowed on mortgage or debenture stock to have priority.

31. 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 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 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



[61 & 62 VICT.] *Wey Valley, Frimley, and Farnham* [Ch. cclx.]  
*Water Act, 1898.*

undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company. A.D. 1898.

**32.** 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 moneys.

**33.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

**34.** The number of directors shall be six but the Company may vary the number provided that the number be not more than six nor less than three. Number of directors.

**35.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares. Qualification of directors.

**36.** The quorum of a meeting of directors shall be three. Quorum of directors.

**37.** Captain James William Gambier R.N. Alfred James Nash George Frederick Roumieu Charles Edwin Trimmer Richard Stephen Whiteway and one person 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 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 places 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 reducing 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. First directors.  
Election of directors.

**38.** Any contract to be made under this Act with any local authority or public body shall not disqualify any of the members of such local authority or public body for the office of director of the Company and no director or shareholder of the Company shall be disqualified for the office of director of the Company by reason of any contract between him and the Company for any loan of Contracts not to disqualify for office of director.

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 Vict.]  
*Water Act, 1898.*

A.D. 1898. money to the Company but no director of the Company being a member of any such local authority or public body shall vote upon any question with reference to any contract with such local authority or public body.

Auditors  
need not be  
shareholders.

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

Power to  
make  
waterworks.

**40.** 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 the waterworks herein-after described with all proper and necessary embankments filtering beds drains sluices catchpits conduits culverts channels wells cuts adits roads approaches telegraphs apparatus engines works and conveniences connected with the said works or any of them or incidental thereto or necessary or convenient for inspecting maintaining cleansing repairing conducting or managing the same 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 waterworks herein-before referred to and authorised by this Act are situate in the parish of Crondall in the county of Hants and the parishes of Farnham Rural and Frensham in the county of Surrey and are—

- (A) A well and pumping station (Work No. 1) to be situate in the south-west corner of a field on the south side of and adjoining Mill Lane Itchell in the parish of Crondall :
- (B) A main or line of pipes (Work No. 2) commencing at the said pumping station (Work No. 1) and terminating in the service reservoir (Work No. 3) next herein-after described :
- (C) A service reservoir (Work No. 3) to be situate in and upon a field lying on the south side of and adjoining Redlands Lane in the parish of Crondall :
- (D) A main or line of pipes (Work No. 4) commencing at the said service reservoir (Work No. 3) and terminating in the service reservoir (Work No. 5) next herein-after described :
- (E) A service reservoir (Work No. 5) to be situate in the north-west corner of a field on the south side of and adjoining the main road leading from Farnham to Odiham in the parish of Farnham Rural :
- (F) A well or wells windmill pumping station and water tower (Work No. 6) already constructed in and upon certain lands in the parish of Frensham in the county of Surrey and situate



and being 500 yards or thereabouts in a north-westerly direction from the Royal Huts Inn :

A.D. 1898.

(G) A main or line of pipes (Work No. 7) commencing at the Work No. 6 and terminating in the service reservoir (Work No. 8) next herein-after described :

(H) A well and pumping station and a service reservoir (Work No. 8) to be situate in and upon a field in the parish of Frensham lying on the north side of and adjoining the London and Portsmouth Road opposite the Punch Bowl Inn :

Provided always that any telegraph constructed under the powers of this section shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

41. 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.

Payments to Postmaster-General in respect of additional postal facilities.

42. For the protection of the Surrey County Council (in this section called "the council") the following provision shall notwithstanding anything in this Act contained have effect (that is to say) :—

For protection of Surrey County Council.

No water obtained by the Company under the provisions of this Act from Works No. 6 and No. 8 by this Act authorised shall be sold or supplied by them in bulk or otherwise outside or for consumption or use outside the county of Surrey except within the parishes of Bentley Binstead Kingsley Headley and Bramshott all in the county of Hants.

43. The Company shall not take either directly or indirectly any water from the River Thames or the Rivers Wey or Loddon or other tributary of the Thames or from any defined surface channel discharging into the said rivers without the consent in writing of the Conservators of the River Thames.

Company not to take water from River Thames &c. or from land adjacent thereto.

44. In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county or main road bridges of the counties of Surrey and Southampton respectively the following provisions for the protection of the Surrey County Council and of the County Council of the administrative county of

For protection of Surrey and Southampton County Councils.

A.D. 1898. Southampton (in this section called "the Hants County Council") respectively shall have effect (that is to say):—

- (1) All aqueducts conduits or lines of pipes to be laid in or along any main road or in upon or across any main road bridge shall be laid in such position in or at the side thereof as the Surrey County Council or the Hants County Council as the case may be in writing under the hand of their surveyor may reasonably direct:
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all main roads and county or main road bridges opened and broken up or interfered with by the Company in the exercise of the powers of this Act provided that the notice required by the thirtieth section of that Act shall be not less than seven days instead of three days:
- (3) The plan required by the thirty-first section of the last-mentioned Act shall be accompanied by a section of the proposed works and shall be delivered to the Surrey County Council or the Hants County Council as the case may be or their respective surveyor by the Company not less than in the case of a bridge one month and in all other cases than fourteen days before they commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works:
- (4) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the Surrey County Council or the Hants County Council as the case may be which consent may be given upon such conditions as the Surrey County Council or the Hants County Council as the case may be or such surveyor may reasonably determine:
- (5) Nothing in this Act contained shall interfere with the right of the Surrey County Council or the Hants County Council as the case may be to alter the level of deviate or improve in any manner they think fit any main road in or along which any aqueduct conduit or line of pipes of the Company shall have been laid and the Company shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the Surrey County Council or the Hants County Council as the case may be so to do alter the position of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after



[61 & 62. Vict.] *Wey Valley, Frimley, and Farnham* [Ch. cclx.]  
*Water Act, 1898.*

A.D. 1898.

prescribed and the expenses of any such alteration, deviation or improvement shall be paid to the Company by the Surrey County Council or the Hants County Council as the case may be :

(6) Nothing in this Act contained shall interfere with the right of the Surrey County Council or the Hants County Council as the case may be at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over near or attached to which any aqueduct conduit or line of pipes of the Company is carried in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Act had not been passed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Company shall at their own cost in all things alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto as aforesaid. Provided that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the Surrey County Council or the Hants County Council as the case may be shall at their own expense afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across the stream or river so as not to interrupt the continual supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes :

(7) All works shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto :

(8) The Company shall pay to the Surrey County Council or the Hants County Council as the case may be the reasonable expenses incurred by them in relation to the reasonable superintendence by this Act authorised :

(9) If any difference at any time arise between either of the said county councils and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 VICT.]  
*Water Act, 1898.*

A.D. 1898.

the President of the Institution of Civil Engineers on the application of either party :

(10) The said county councils shall not be liable for or in respect of any damage or injury done to any work of the Company by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or in repairing any county or main road bridge or the approaches thereto or by reason of the non-repair of any such bridge or approaches.

For protection of James Mowatt.

45. For the protection of James Mowatt the owner or reputed owner of Kingswood Firs in the counties of Surrey and Hants his heirs executors administrators and assigns the following provisions shall apply and have effect (that is to say) :—

The Company shall not without his or their consent at any time either directly or indirectly sink dig or deepen any well or make any boring or drive any adits or purchase lease or otherwise acquire or use any wells water or easement of water within the area shown on the plan signed by Sir Charles Dalrymple Baronet Chairman of the Committee to whom the Bill for this Act was referred and thereon edged with a green colour.

For protection of the Honourable Charles Arthur Ellis.

46. For the protection of the Honourable Charles Arthur Ellis his heirs executors administrators and assigns the owners or reputed owners of Frensham Hall Shottermill in the county of Surrey (in this section herein-after referred to as "the owners") the following provisions shall apply and have effect (that is to say) :—

The Company shall not at any time either directly or indirectly without the consent in writing of the owners first had and obtained sink dig or deepen any well or make any boring or shaft or drive any adits or purchase lease or otherwise acquire or use any water or easement of water within the area shown on a map or plan signed by Sir Charles Dalrymple Baronet Chairman of the Committee to whom the Bill for this Act was referred and thereon coloured green and the Company shall if required forthwith enter into a deed under seal with the said Charles Arthur Ellis embodying the above terms.

Limits of deviation

47. 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 or in the case of a line of pipes laid



along a road where no other limits of deviation are shown on the said plans to any extent within the fences of the road and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards but not so as to alter the surface level of any road or to raise any conduit or line of pipes above the surface of the ground except so far as may be shown on the deposited sections Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition. A.D. 1898.

48. 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.

49. If the works authorised by this Act be 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 otherwise in relation thereto 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 the Company's district. Period for completion of works.

50. 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 the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid. Power to owners to grant easements &c.

51. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole five acres in extent or any easement (not being an easement of water in which any persons other than the grantors have an interest) in over or Purchase of land by agreement.

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 VICT.]  
*Water Act, 1898.*

A.D. 1898. under any such lands Provided that the Company shall not upon any such lands create or permit any nuisance and that no buildings shall be erected on such lands except such as are required for the purposes of the Company's waterworks.

Restriction on taking houses of labouring class.

52. The Company shall not under the powers of this Act purchase or acquire in any parish 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.

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 such persons who may be residing with them.

Constant pressure.

53. Except so far as may be provided by any regulations confirmed as herein-after provided the water to be supplied by the Company need not be constantly laid on under pressure at a level above that at which water can be supplied by gravitation from the service reservoir by this Act authorised from which a supply is being afforded to the part of the Company's district in which the premises for which the supply is demanded are situate.

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

54. The Company shall at the request of any owner or any occupier of any dwelling-house or part of a dwelling-house in any road or street in which any pipe of the Company shall be laid or 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 owner or occupier or other person a sufficient supply of water for domestic purposes at rates according to the rateable value of such dwelling-house or part of a dwelling-house not exceeding the following (that is to say):—

Where the rateable value of the premises so supplied with water shall not exceed twenty pounds at a rate per centum per annum not exceeding nine pounds;

Where such rateable value shall exceed twenty pounds and shall not exceed forty pounds at a rate per centum per annum not exceeding eight pounds;



A.D. 1898.

Where such rateable value shall exceed forty pounds and shall not exceed sixty pounds at a rate per centum per annum not exceeding seven pounds ten shillings;

Where such rateable value shall exceed sixty pounds and shall not exceed eighty pounds at a rate per centum per annum not exceeding seven pounds;

Where such rateable value shall exceed eighty pounds and shall not exceed one hundred pounds at a rate per centum per annum not exceeding six pounds ten shillings;

Where such rateable value shall exceed one hundred pounds at a rate per centum per annum not exceeding six pounds:

Provided 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 rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum per annum is chargeable:

Provided also that the Company shall not be obliged to furnish such supply for any less sum than twopence per week:

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first (for which no charge shall be made) the sum of seven shillings and sixpence per annum and to every bath the sum of twelve shillings and sixpence per annum:

Rates for waterclosets and private baths.

For the purposes of this section the 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 accrues or if there is no such list in force by the last rate made for the relief of the poor:

Provided that when the water rate is chargeable on the annual value of a part only of any premises entered in the valuation list or poor rate such annual 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.

**55.** 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 shall not at any time interfere with the supply for domestic purposes.

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

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 VICT.]  
*Water Act, 1898.*

A.D. 1898.

Charges for supply to workhouses &c. to be agreed or settled by county court judge.

**56.** The Company shall not be bound to supply water to any workhouse hospital or other large public institution except upon such terms as may be from time to time agreed between them and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or as in default of agreement may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate Provided always until such terms have been agreed upon or determined as aforesaid the charge for such supply shall be according to rateable value.

Notice to Company of putting up meters &c.

**57.** 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 to and the connecting or disconnecting of meters shall be 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 five pounds.

Register of meter to be primâ facie evidence.

**58.** Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

Power to lay pipes in streets not dedicated to public use.

**59.** The Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use (within the extended limits of water supply as by this Act authorised) supply such premises with water and may lay and take up alter relay or renew in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to erect &c. cottages for officers and servants.

**60.** The Company may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Company for the purposes of their undertaking.

Company may remove water pipes &c. from

**61.** If and whenever any house building or premises which shall have been supplied with water by the Company shall be unoccupied for the space of three months the Company their agents servants



or workmen after giving twenty-four hours' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Company after inquiry by affixing the same for three days on some conspicuous part of such house building or premises may enter into such house building or premises between the hours of ten o'clock in the forenoon and four o'clock in the afternoon and remove and carry away any pipe meter fittings or other works the property of the Company repairing all damage caused by such entry or removal.

unoccupied  
premises.

**62.** For preventing waste misuse undue consumption or contamination of the water of the Company the following provisions shall have effect (that is to say) :—

Regulations  
for prevent-  
ing waste &c.  
of water.

(1) The Company may make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination :

(2) Such regulations shall not be of any force or effect except within such part or parts of the Company's district which the Company are for the time being under the provisions herein-before in that behalf contained bound to supply and shall in fact supply or be prepared on demand to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every local authority (as defined by the Public Health Act 1875) within that part of the Company's district within which such regulations are intended to have effect and any such authority may within the said period of one month make such representation with reference

A.D. 1898.

thereto to the Local Government Board as such authority shall think expedient :

- (3) All such regulations shall be subject to the provisions contained in sections 182 to 184 of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the local authority :
- (4) A copy of all such regulations in force for the time being shall be kept at the office of the Company and all persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy :
- (5) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof :
- (6) In case of failure of any person to observe such regulations as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing and between the hours of nine in the forenoon and four in the afternoon enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable.

Where regulations confirmed Company bound to supply water under constant pressure.

**63.** Any regulations which the Company from time to time submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the Company's district to which such regulations shall apply and after such regulations (either in their original or in any modified form) have been confirmed by that Board the Company shall thenceforth be bound to supply the part or parts of the Company's district



specified in the regulations so confirmed with water under constant pressure. A.D. 1898.

**64.** In the case of any notice to be served on a person supplied with water the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water the name of the collector of the Company thereon shall be a sufficient authentication and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises. Form and service of notice by Company.

**65.** 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 posted to or left at the office for the time being of the Company. Notice of discontinuance.

**66.** 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 to water rent not to disqualify justices &c.

**67.** 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.

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

**69.** From and after the passing of this Act the limits for the supply of water by the Frimley Company shall be extended and shall include in addition to the parishes and places in the counties of Hants and Surrey mentioned in section 5 of the Frimley Act the parish of Odiham in the county of Hants and the parish formerly known as Sandhurst and now divided into the parishes of Sandhurst and Crowthorne in the county of Berks and so much of the parishes of Yateley in the county of Hants and of Ash in the county of Surrey as are not already within the limits of supply of the Frimley Company and the Frimley Act shall subject to the provisions of this Act be read and construed accordingly. Extending limits of supply of Frimley Company.

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 VICT.]  
*Water Act, 1898.*

A.D. 1898.

The proviso to section 5 of the Frimley Act is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :—

If at any time after the expiration of two years from the passing of this Act or after such further time (not exceeding four years from the passing of this Act) as may be agreed upon between the Frimley Company and the local authority of the district or failing their agreement as may be allowed by an arbitrator appointed by the Board of Trade the Frimley Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in the district or any part of the district of any local authority within the limits of this Act (other than the local authorities mentioned in the section of this Act of which the marginal note is "For the protection of local authorities in Hampshire") the local authority of such district may provide a supply in such district or part of a district (as the case may be) 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 not sufficiently supplied by the Frimley Company as if there were no company authorised by the Frimley Act and this Act to supply water therein :

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

Sanctioning  
certain acts  
of Frimley  
Company.

70. The construction by the Frimley Company of works for the supply of the village of Yateley and the expenditure of capital thereon is hereby sanctioned and confirmed and such construction and expenditure shall be deemed to have been legally carried out made and incurred as if the limits defined by section 5 of the Frimley Act had included the village of Yateley and such works had been authorised by the Frimley Act.

Agreements  
between  
Company  
and Frimley  
Company  
as to works.

71. The Company and the Frimley Company may enter into and carry into effect agreements with respect to the execution maintenance and use by those Companies jointly or by either of them at their joint expense of any of the works by this Act authorised which when constructed would be available for the supply of their respective districts or any parts thereof and the acquisition of lands therefor and with respect to the proportions



in which such expense is to be borne by the Company and the Frimley Company and the mode of execution of the said works or any of them and the ownership maintenance and management thereof and of the lands to be acquired for the purposes thereof and the Company and the Frimley Company jointly or either of those Companies solely may exercise such of the powers of this Act as may be necessary or expedient for giving effect to any such agreement and the Frimley Company may construct such works and lay and maintain such mains within the parish of Crondall between the said works respectively and the boundary of that parish as may be necessary or convenient for enabling the Company to deliver water from the said works to and within the parishes of Farnham Rural and Bentley and the Company shall repay to the Frimley Company on demand the expense incurred by the Frimley Company in constructing laying and maintaining such works and mains.

A.D. 1938.

72. For the protection of the county council of the administrative county of Southampton (in this section called "the county council") and the Alton Hartley Wintney and Petersfield Rural District Councils respectively the following provisions shall have effect (that is to say) :—

For the protection of local authorities in Hampshire.

- (1) Notwithstanding anything contained in this Act the Company or the Frimley Company shall not exercise any of their powers conferred by this Act in any of the parishes of Bentley Binstead Kingsley Headley Odiham and Bramshott without the consent in writing of the rural district council for the district within which such parish is situate and such consent may be either absolute or upon conditions and shall specify the area to which it relates :
- (2) Notwithstanding anything contained in this Act or in the Public Health Act 1875 the said district councils respectively shall have the same right of supplying water from works of their own to any part of the before-named parishes not for the time being supplied with water under the powers of this Act as they would have had if this Act had not been passed and the Company or the Frimley Company (as the case may be) were not authorised to supply water therein :
- (3) Nothing in this Act shall be deemed to authorise the supply of water obtained from any source of supply in the county of Southampton (except with the consent of the county council) to any area outside that county except within the limits of supply of the Company the Frimley Company and the Farnham Company respectively.

A.D. 1898.

Power to  
Frimley  
Company  
to raise  
additional  
capital.

**73.** The Frimley Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the capital which they are authorised to raise by the Act of 1893 any capital not exceeding in the whole for the purposes of this Act and for the general purposes of their undertaking fifteen 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 Frimley 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 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.

The provisions contained in the First Schedule to this Act shall apply to the capital to be raised by the Frimley Company under the powers of this Act and in construing those provisions with reference to the Frimley Company the expression "the Company" shall mean the Frimley Company.

Except as  
otherwise  
provided  
new shares  
or stock of  
Frimley  
Company to  
be subject  
to same  
incidents  
as existing  
shares or  
stock.

**74.** Except as is by this Act otherwise provided the capital in new shares or stock created by the Frimley 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 Frimley Company (other than capital represented by the five hundred shares issued to the Woking Water and Gas Company under section 52 of the Frimley Act) 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 Frimley Company.

Restriction as  
to votes in  
respect of  
preferential  
shares or stock  
of Frimley  
Company.

**75.** 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.

Limit of  
dividends on  
additional  
share capital  
of Frimley  
Company.

**76.** The Frimley Company shall not in any one year make out of their profits any larger dividend on the additional 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



[61 & 62 VICT.] *Wey Valley, Frimley, and Farnham* [Ch. cclx.]  
*Water Act, 1898.*

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. A.D. 1898.

77. Any preference shares or stock created and issued under the powers of this Act may be issued subject to the condition that the same may be redeemed by the Frimley 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.

Preference shares or stock of Frimley Company may be created subject to redemption.

78. The Frimley Company may in addition to the moneys which they are authorised to borrow by the Act of 1893 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 by them 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 in respect of which the power of borrowing is being exercised shall have been fully paid up and the Frimley 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 have been issued and fully paid up and upon production to such justice of the books of the Frimley 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.

Power to Frimley Company to borrow in respect of additional capital.

79. The Frimley Company shall not have power to raise the money by this Act authorised to be borrowed by them 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 such 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 of Frimley Company into capital.

80. All mortgages granted by the Frimley Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing thereof 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 of Frimley Company.

A.D. 1898.

Appointment  
of receiver by  
mortgagees  
of Frimley  
Company.

**81.** Section 12 of the Frimley Act is hereby repealed but without prejudice to any appointment which may have been made or to any proceedings which may have been commenced prior to the passing of this Act under any such provision. The mortgagees of the Frimley 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 amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Power to  
Frimley  
Company to  
create debenture  
stock.

**82.** The Frimley Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 13 of the Frimley Act.

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

**83.** All money to be raised by the Frimley Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Frimley Company and the property from time to time of the Frimley 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 Frimley 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 Frimley 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 Frimley Company for the purposes of the Frimley Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Frimley Company.

Application  
of moneys  
raised by  
Frimley  
Company.

**84.** All moneys raised by the Frimley Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and of the Frimley Company's undertaking being in all cases purposes to which capital is properly applicable by the Frimley Company and the Frimley Company may apply to the before-mentioned 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.



A.D. 1898.

Extending  
limits of  
supply  
of Farnham  
Company.

85. From and after the passing of this Act the limits for the supply of water by the Farnham Company shall be extended and shall include in addition to the parish of Farnham so much of the parish of Farnham Rural as is comprised within a line drawn from the Weydon Hill Farm in a southwardly or south-westwardly direction along the occupation road leading to the Ridgeway Lane thence in an eastwardly or north-eastwardly direction along the Ridgeway Lane round and including the site of the Victoria reservoir thence in an eastwardly or north-eastwardly direction along the Old Farnham Lane thence in the same direction along the footpath leading across the Tilford Road into the Waverley Road near Manor House thence in an eastwardly or south-eastwardly direction along the Waverley Road thence in a north-eastwardly and eastwardly direction along the road leading past Culverlands to the bridge over the River Wey to Moor Park House thence in a northwardly or north-westwardly direction along the said river to the boundary of the urban district of Farnham and including the said roads and footpaths And the Farnham Order shall subject to the provisions of this Act be read and construed accordingly.

86. The construction by the Farnham Company of the filter beds reservoir mains conduits pipes and other works connected therewith at Gravel Hill and Farnham Lane in the parish of Farnham Rural and the acquisition by the Farnham Company of any lands houses and property which may have been acquired by them for the purposes of the said works and the expenditure of capital thereon is hereby sanctioned and confirmed and such construction acquisition and expenditure shall be deemed to have been legally carried out made and incurred as if the limits defined by section 5 of the Farnham Order had been the limits of supply of the Farnham Company as defined by this Act and such works had been authorised by the Farnham Order.

Sanctioning  
certain acts  
of Farnham  
Company.

87. In addition to the capital of fifteen thousand pounds mentioned in section 7 of the Farnham Order the Farnham Company may raise further additional share capital not exceeding five thousand pounds Provided that the share capital of the Farnham Company for the purposes of their water undertaking inclusive of the share capital of fifteen thousand pounds mentioned in section 7 of the Farnham Order shall not exceed twenty thousand pounds unless the Farnham Company are hereafter authorised to raise further additional capital by provisional order under the Gas and Waterworks Facilities Act 1870 or by Act of Parliament and the provisions of section 8 of the Farnham Order shall apply to the

Farnham  
Company  
may raise  
additional  
share capital.

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 Vict.]  
*Water Act, 1898.*

A.D. 1898. — further additional capital of the Farnham Company authorised by this Act.

The provisions contained in the First Schedule to this Act shall apply to the capital to be raised by the Farnham Company under the powers of this Act and in construing those provisions with reference to the Farnham Company the expression "the Company" shall mean the Farnham Company.

Borrowing powers of Farnham Company.

**88.** Section 9 of the Farnham Order is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :—

The amount of all moneys borrowed by the Farnham Company and secured by mortgage of their water undertaking shall not at any time exceed in the whole five thousand pounds and no higher rate of interest than five pounds per centum per annum shall be paid by the Farnham Company without the consent of the Board of Trade in respect of any moneys borrowed by the Farnham Company after the passing of this Act and secured as aforesaid.

Confirming agreement between Wokingham and Frimley Companies.

**89.** The agreement between the Wokingham District Water Company Limited and the Frimley Company as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the said companies.

Agreements with other companies.

**90.** Subject to the provisions of this Act the Company the Frimley Company the Farnham Company the Aldershot Gas and Water Company the Woking Company the Wokingham District Water Company Limited and the Frith Hill Godalming and Farncombe Water Company Limited or any two or more of those companies may enter into and carry into effect agreements with respect to the supply by any of the said companies to the other or others of them of water in bulk or otherwise and with respect to the construction of works and the laying of mains and pipes by any of the said companies respectively within their respective limits of supply for or on behalf of any other or others of the said companies and with respect to the terms and conditions upon which such supply is to be afforded and such works are to be constructed and the payments or other consideration to be made in respect of the matters aforesaid :

Provided always that nothing in this section contained shall authorise any of the said companies to sell or supply water to any other of them beyond the limits of supply of the company so selling or supplying water if and so long as such sale or supply



would prevent such company from giving a full and efficient supply for domestic purposes within such limits.

A.D. 1898.

91. For the protection of the Secretary of State for War (in this Act referred to as "the Secretary of State") the following provisions shall take effect:—

For protec-  
tion of  
Secretary  
of State for  
War.

(1) Nothing in this Act shall authorise the Company the Frimley Company the Farnham Company the Aldershot Gas and Water Company the Woking Company the Wokingham District Water Company Limited and the Frith Hill Godalming and Farncombe Water Company Limited to sink wells construct drains conduits pumping stations or other works whereby the supply of water to the barracks camps and other establishments under the control of the Secretary of State situate in the parishes of Aldershot and Farnham in the counties of Hants and Surrey shall be injuriously affected:

(2) No wells or similar works shall be sunk or made by the Company within a radius of three miles from the existing wells of the Aldershot Gas and Water Company from which the Government barracks and camps at Aldershot are at present partly supplied:

(3) Nothing in this Act shall prejudice or affect the right of the Secretary of State to sink wells and to construct the necessary works for securing a sufficient supply of water to the barracks camps and other establishments under his control as aforesaid:

(4) If and when the Company are in a position to supply water they may enter into contracts and agreements with the Secretary of State for supplying the said barracks camps and other establishments or any of them with water at a price not exceeding the lowest price charged to other consumers:

Provided always that no such contract or agreement for the supply of the barracks camps and other establishments within the district of the Aldershot Gas and Water Company shall be entered into with the Secretary of State so long as the Aldershot Gas and Water Company are able and willing to supply within their district the said barracks camps and other establishments from time to time belonging to the Secretary of State with a sufficient supply of good and wholesome water to his satisfaction and at a price not exceeding the lowest price from time to time charged by the Aldershot Gas and Water Company to any of their consumers and in the event of any dispute arising upon the question of the sufficiency of the supply and quality of the water the same shall be referred to an arbitrator to be nominated by the Attorney-General.

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 VICT.]  
*Water Act, 1898.*

A.D. 1898.

Copy of Act  
to be  
registered.

**92.** The Company shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every director and manager of the Company who knowingly and wilfully authorises or permits such default shall incur the like penalty and every penalty under this Act shall be recoverable summarily.

Costs of Act.

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



The SCHEDULES referred to in the foregoing Act.

A.D. 1898.

THE FIRST SCHEDULE.

1. 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 in 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.

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

2. 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.

3. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the local authority of every district within the limits of supply of the Company 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 limits.

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

4. 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 and the reserve put upon such 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 stock or

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

[Ch. cclx.] *Wey Valley, Frimley, and Farnham* [61 & 62 VICT.]  
*Water Act, 1898.*

A.D. 1898. shares 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.

5. Any sum of money which shall arise from the issue of any such shares or stock by way of premium 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. Provided that in any case where a power to raise money by borrowing or to create a reserve or insurance fund is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid-up capital.

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THE SECOND SCHEDULE.

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MEMORANDUM OF AGREEMENT made the twenty-fourth day of May one thousand eight hundred and ninety-eight between the WOKINGHAM DISTRICT WATER COMPANY LIMITED (herein-after called the Wokingham Company) of the one part and the FRIMLEY AND FARNBOROUGH DISTRICT WATER COMPANY (herein-after called the Frimley Company) of the other part.

WHEREAS under the Wokingham District Water Order 1878 the Wokingham Company were authorised to construct certain waterworks as in the said Order was more particularly mentioned and also to supply and sell water within the limits of supply mentioned in the said Order which limits of supply included among other places the parish of Sandhurst in the county of Berks:

And whereas the said parish of Sandhurst has now been divided and consists of two parishes known as the parishes of Sandhurst and Crowthorne:

And whereas the Wokingham Company have not up to the present time supplied water or constructed any works or laid any mains and have not been requested to supply any water or to construct any works within either of the said parishes of Sandhurst or Crowthorne:

And whereas the Frimley Company was incorporated on the twenty-seventh day of July one thousand eight hundred and ninety-three by the Frimley and Farnborough District Water Act 1893 and were authorised to construct certain waterworks therein described and to supply and sell water within the limits of supply therein defined:

And whereas by a Bill known as the Wey Valley Water Bill 1898 which is being promoted in this present session of Parliament it is provided that the limits for the supply of water by the Frimley Company shall be extended and shall include in addition to the parishes and places mentioned in the said Act among other places the parishes of Sandhurst and Crowthorne in the county of Berks.



[61 & 62 Vict.] *Wey Valley, Frimley, and Farnham* [Ch. cclx.]  
*Water Act, 1898.*

A.D. 1898.

1. Now it is hereby agreed as follows In consideration of the Wokingham Company offering no opposition to the said Bill and to the said parishes of Sandhurst and Crowthorne being included within the limits of supply of the Frimley Company the Frimley Company will within three months after the passing of the Act including the said parishes of Sandhurst and Crowthorne or any part or parts of such parishes within the limits of supply of the Frimley Company pay to the Wokingham Company the sum of one thousand pounds and if within the period of three years after the passing of the said Act the Frimley Company shall afford any supply of water to either of the following establishments namely the Royal Military College the Wellington College or the Broadmoor Asylum the Frimley Company shall within the period of three months after commencing to supply water to either of the establishments above-mentioned pay to the Wokingham Company the further sum of two hundred pounds for each of such establishments to which they shall afford such supply within the said period of three years.

2. From and after the payment of the said sum of one thousand pounds it shall not be lawful for the Wokingham Company except with the consent in writing of the Frimley Company to supply water for any purpose within the said parishes of Sandhurst and Crowthorne or any part or parts of such parishes within the limits of supply of the Frimley Company.

In witness whereof the Wokingham District Water Company Limited and the Frimley and Farnborough District Water Company have hereunto caused their common seals to be affixed the day and year first above written.

Seal of the Wokingham Company.

J. W. MACNABB

Chairman of the Wokingham District Water  
Company Limited.

THOMAS M. WESCOTT  
WILLIAM GIBSON } Directors.  
A. M. QUILL Secretary.

Seal of the  
Wokingham  
Company.

The seal of the Frimley and Farnborough District  
Water Company was affixed hereto this 4th day  
of June 1898 in the presence of

HERBERT J. B. HOLLINGS

Director.

W. H. NEVILLE

Secretary.

Seal of the  
Frimley  
Company.

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