CHAPTER lxix.

An Act to incorporate and confer powers for the supply of Water upon the Barton-on-Sea Water Company. A.D. 1899.

[13th July 1899.]

WHEREAS the parishes of Milton Hordle Milford Sway Boldre and Rhinefield in the county of Southampton have no adequate or proper water supply and the population of those parishes is considerable and likely to increase:

And whereas the persons herein-after named in that behalf with others are willing to undertake the supply of water to the parishes aforesaid and it is expedient that they should be incorporated into a company for that purpose and be authorised to construct water-works and to exercise and carry into effect the powers and provisions of this Act:

And whereas it is expedient to confer upon the Company powers to supply water to or for distribution within the borough of Lymington subject as in this Act provided to the consent of the mayor aldermen and burgesses of that borough:

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

And whereas the objects of this Act cannot be attained 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

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Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Barton-on-Sea Water Act 1899.

Incorporation of general Acts.

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 hereby incorporated with this Act (namely) :—

The Companies Clauses Acts 1845 to 1889 :

The Lands Clauses Acts :

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

Interpretation.

3. In this Act (unless the subject or context otherwise requires) words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings Provided that in the said Acts as incorporated with this Act and in this Act—

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

"The works" "the waterworks" and "the undertaking" respectively mean and include the waterworks and the works connected therewith by this Act authorised to be made by the Company and any improvements thereof respectively which they may construct under the powers of this Act and the lands buildings estate right title property powers privileges and effects of the Company and every part thereof respectively and the undertaking of the Company :

Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Incorporation of Company.

4. Sir Robert Affleck Baronet Edward James Montagu Stuart Wortley Henry Herbert Bartlett and all other persons who have subscribed to or who shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby incorporated into a company for the purposes herein-after mentioned by the name of "The Barton-on-Sea Water Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Limits of Act.

5. The limits of supply of the Company and the powers of the Company shall extend to and include the parishes following (that is to say) Milton Hordle Milford Sway Boldre and Rhinefield in the county of Southampton and shall also extend to and include the borough of Lymington in the same county Provided that the Company shall not exercise the powers of this Act within the said borough unless and until they shall have obtained the consent thereto of the mayor aldermen and burgesses of that borough under their common seal.

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

6. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared to furnish on demand a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of this Act (such part not having a sufficient supply of water from some other source) the local authority of such district may in accordance with the provisions of the Public Health Act 1875 provide a supply of water in such part of the district within the limits of supply as by this Act defined as is not supplied with water from some other source as aforesaid or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such district or part thereof as if in either case there were no company authorised by this Act to supply water therein.

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

General purposes of Company.

7. The Company shall be established for the purpose of supplying water to and within the limits of this Act and for other the purposes of this Act.

Capital.

8. The capital of the Company shall be forty thousand pounds in four thousand shares of ten pounds each.

Shares not to be issued until one fifth paid up.

9. 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.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fifths of the amount of a share

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shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in cases of persons not sui juris.

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

Power to borrow.

12. The Company may at any time after the completion of the well and pumping station by this Act authorised borrow on mortgage of the undertaking any sum not exceeding in the whole ten thousand pounds Provided that in respect of each ten thousand pounds of share capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum not exceeding in the whole two thousand five hundred pounds but no part of any such sum of two thousand five hundred pounds shall be borrowed until shares for the portion of share capital in respect of which it is to be borrowed are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for such portion of capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

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

Debenture stock.

14. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all

debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the undertaking Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

15. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on debenture stock created and issued under 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 debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on the debenture stock or mortgages.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

18. The number of directors shall until the first general meeting of the Company be three but the Company may at that or any subsequent meeting vary the number provided that the number be not at any time less than three or more than seven.

Qualification of directors.

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

Quorum of directors.

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

First directors.

21. Sir Robert Affleck Baronet Edward James Montagu Stuart Wortley and Henry Herbert Bartlett shall be the first directors of the Company and shall continue in office until the first ordinary meeting held in the year next after the passing of this Act At that meeting the shareholders present in person or by proxy may (subject to the power herein-before contained for varying the number of directors) either continue in office the directors appointed by this Act or any of them or may elect a new body of

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

Contracts not to disqualify for office of director.

22. Any contract to be made under this Act with any public body shall not disqualify any of the members of such public body for the office of director of the Company but a director of the Company being a member of any such public body shall not vote upon any question with reference to any contract with such public body.

Power to make waterworks.

23. Subject to the provisions of this Act the Company may make and maintain the works herein-after described in the lines and situations and according to the levels shown on the deposited plans and sections (that is to say) :—

A well and pumping station situate in the parish of Milton and county of Southampton 7 chains or thereabouts eastward of the Barton Court Road and 18 chains or thereabouts south-eastward of the junction of that road with the public road leading from Milton to Lymington :

A conduit or line of pipes (No. 1) in the same parish and county commencing at the well and pumping station herein-before described and terminating at the junction of Barton Court Road with Station Road :

A conduit or line of pipes (No. 2) in the same parish and county commencing near the New Milton Post Office on the southern side of the London and South Western Railway passing across that railway and terminating near the Milton Hotel :

A service tank or reservoir in the same parish and county in a field or enclosure numbered 104 on the $\frac{1}{2500}$ Ordnance map of the said parish situate immediately to the southward of the public road between the Rising Sun public house and Ossemsley Manor Farm :

Together with all such wells adits culverts drains tanks water towers filters walls approaches engines machinery and appliances as

may be necessary or expedient in connexion with the foregoing works or any of them. A.D. 1899.

Limits of deviation.

24. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are 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 the service tank or reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding three feet upwards and ten feet downwards Provided as follows (that is to say) :—

The Company shall not construct any wall of the service tank or reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding wall and three feet in addition :

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

25. If the works shown on the deposited plans and authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to take lands and waters.

26. Subject to the provisions of this Act the Company may enter upon and take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for the purposes of this Act and may divert collect impound take appropriate and use for the purposes of the Company all waters which may be found in on or under any such lands or any land for the time being belonging to the Company.

Period for compulsory purchase of lands.

27. 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.

Power to take easements &c. by agreement.

28. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to

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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.

Purchase of lands by agreement.

29. 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 persons other than the grantors have an interest) in over or under any such lands Provided that the Company shall not deal with such lands so as to create or permit a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company:

Provided also that nothing in this Act shall empower the Company to sink any wells or impound any streams except in or upon the Barton Court Estate as shown upon the plan signed in duplicate by the Right Honourable the Earl of Jersey the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy is deposited in the Private Bill Office of the House of Commons and the other is deposited in the Parliament Office of the House of Lords.

For protection of county council of Southampton.

30. 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 county of Southampton the following provisions for the protection of the county council of the administrative county of Southampton (in this section called "the county council") 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 county council 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 where the works to which it relates affect any county or main road bridge be accompanied by a section of

the proposed works and such plan and such section (if any) shall be delivered to the county council or their 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 county council which consent may be given upon such conditions as the county council may reasonably determine :

(5) Nothing in this Act contained shall interfere with the right of the county council 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 on receiving not less than fourteen days previous notice in writing under the hand of the clerk or surveyor to the county council requiring them so to do forthwith 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 prescribed and the expenses of and incidental to any such alteration shall be paid to the Company by the county council :

(6) Nothing in this Act contained shall interfere with the right of the county council 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 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 the county council shall make provision in any such new or altered bridge for carrying such aqueduct conduit or line of pipes over and along such bridge and the

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approaches thereto and shall before the completion of such bridge and approaches give to the Company all reasonable facilities for laying or placing such aqueduct conduit or line of pipes on over or attached to such new or altered bridge Provided also that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the county council 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 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 county council 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 the county council 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 the President of the Institution of Civil Engineers on the application of either party :

(10) The county council 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 London and South Western Railway Company.

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

(a) In laying down repairing and removing any mains pipes or conduits or executing any other works in the exercise of the powers contained in this Act upon across over or under or in any way affecting the railway of the South Western Company or any of the bridges over or under such railway or the approaches to any such bridge liable to be maintained by the

South Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South Western Company and according to plans sections and specifications and except in cases of emergency at such times as shall be previously submitted to and approved in writing by him and shall be executed by and at the expense in all things of the Company and so as not to cause any injury to the said railway or to any such bridge or the approaches thereto liable to be maintained as aforesaid and shall so execute any such works as having regard to the existing level of the railway shall interfere with or impede as little as possible any improvement or widening of such railway or bridge or the introduction of side openings to such bridge Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within twenty-one days after the same have been submitted to him he shall be deemed to have disapproved thereof:

(b) The Company shall from time to time on demand fully compensate the South Western Company in respect of all damage and loss occasioned to them by reason of the construction and maintenance or of the bursting failure or want of stability or repair of the works by this Act authorised or any of them by interruption of or interference with the railway or the works or conveniences thereof or the traffic thereon:

(c) All mains pipes conduits and other works of the Company upon across over or under the said railway or any bridge over or under the same or the approaches thereto liable to be maintained as aforesaid shall be at all times maintained in good repair by the Company and in default of their being so maintained the South Western Company may by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Company require the Company to put into good repair forthwith any such mains pipes conduit or other work as aforesaid as may be in want of repair and if the Company for seven days after the receipt of such notice refuse or neglect to proceed to repair the same the South Western Company may without any further notice to the Company repair the same and all expenses properly incurred by them in or about such repair shall be repaid to them by the Company Provided that in case of accidents happening or immediate danger being apprehended to the said railway or any bridge over or under such railway or the approaches thereto liable to be maintained by the South Western Company by reason of any such main pipe conduit or

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other work as aforesaid being in want of repairs the South Western Company may without giving such notice as aforesaid make such repairs as may be necessary and the expenses of the same shall be repaid to them by the Company :

(d) The Company shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the said railway with reference to and during such construction and repairs but such superintendence by the South Western Company shall not relieve the Company from liability for any accident which may be occasioned by or through the operations of the Company or by their contractors agents or workmen :

(e) The South Western Company may at any time or times hereafter upon giving to the Company seven days notice thereof in writing signed by their said engineer and delivered at the principal office for the time being of the Company divert or alter the level of any main pipe or conduit of the Company passing over or under the railway and works of the South Western Company when required for any repairs alterations or extensions of their railway or works which they may think necessary :

Provided that any such diversion or alteration shall be so effected as to cause the least possible interference with the works of the Company or inconvenience to the Company and under the supervision and to the reasonable satisfaction of the engineer of the Company and at the costs charges and expenses in all respects of the South Western Company and any such diversion or alteration shall be effected in such manner as not to interrupt the supply of water by the Company :

(f) The Company shall not acquire any estate or interest in the lands and property of the South Western Company other than an easement or right of constructing or maintaining thereon the works by this Act authorised and the sum to be paid for the acquisition of such easement shall be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement :

Provided that the granting of such easement shall not in any way prejudice the right of the South Western Company to build on their property over any such main pipe or conduit but the South Western Company shall if they so erect any building provide means of access to such main or pipe and shall allow the Company to have access thereto at all times :

(g) Any difference which may arise between the South Western Company and the Company touching any of the matters referred to in this section shall unless otherwise arranged be decided by a single arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For protection of West Hampshire Water Company.

32. The following provisions for the protection and benefit of the West Hampshire Water Company (in this section called "the West Hampshire Company") shall have effect:—

(1) The Company shall not supply water to any part of the parish of Milton without the consent of the West Hampshire Company:

(2) The West Hampshire Company shall construct and lay down an eight-inch pipe and convey water to the point where the road from Milton Station to Barton Court Hotel crosses the road leading from Christchurch to Lymington and erect a reservoir or water tower capable of giving a constant supply of water at a sufficient pressure to reach the highest storey of all buildings:

(3) In consideration of the West Hampshire Company carrying out the before-mentioned works Sir Robert Affleck either by himself or with some other person or persons shall guarantee the payment to the West Hampshire Company by half yearly instalments of a sum representing seven and a half per centum on seven thousand pounds or on such less sum as shall represent the proper cost to the West Hampshire Company of laying the said main to the aforesaid point The West Hampshire Company shall complete the aforesaid main within twelve months from the aforesaid guarantee being given Provided that the West Hampshire Company shall not be entitled to demand any payment under such guarantee until the water be laid on:

(4) All water rentals derived from the consumers from the said main between Purewell Cross Christchurch and the before-mentioned point and from the Barton Court Estate (with the exception of the rentals derived from the branch main from Highcliffe to Hinton) shall be applied in reduction of the said guarantee which guarantee shall cease and determine when for one year the said water rentals have amounted to a sum equal to seven and a half per centum on the said sum of seven thousand pounds or on such less sum as shall represent the proper cost of laying the said main to the point aforesaid.

Restriction on taking houses of

33.—(1) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day

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of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) 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.

Company may dispose of lands not required.

34. The Company may demise and lease for any terms not exceeding seven years in possession and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable) and on the lease or sale by the Company of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

As to pressure.

35. The Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service tank or reservoir from which such water is supplied.

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

36. The Company shall subject to the provisions of this Act on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such person a supply of water sufficient for domestic purposes at rates and charges according to the rateable value of his 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 does not exceed five pounds per annum the sum of twopence per week ;

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

Provided as follows :—

The Company shall not be compellable to furnish such supply for any less sum than eight shillings and eightpence in any one year but subject thereto nothing contained in this section shall enable the Company to charge more than half the above rates for empty and unfurnished houses from the time when the same shall have become empty and unfurnished and notice to that effect shall have been given to the Company until the same shall again be occupied or furnished :

All inns hotels and schools whether public or private the rateable value of which exceeds five pounds shall be liable to a yearly rate not exceeding nine pounds per centum :

When the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate (such part not being separately assessed to the rate for the relief of the poor) such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices :

For the purposes of this section the rateable value shall be the net 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.

Rates for waterclosets and private baths.

37. 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 fixed bath the sum of ten shillings per annum Provided that for every bath containing as usually filled for use more than fifty gallons the Company may if they supply the same charge an increased rate in

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proportion to the size of the bath Such additional sums shall be recoverable in all respects with and as the water rate.

Certain provisions as to supply.

38. The Company shall not be compelled to supply water in the following cases :—

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

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

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

Nor shall the Company be compelled to supply water in the following cases except as therein mentioned :—

To any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purposes for which water is required otherwise than by agreement or by meter at the option of the consumer ;

To any workhouse hospital or other large public institution otherwise than by meter upon such terms as may be from time to time agreed between the Company and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or than as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

Rate for supply by meters in certain cases.

39. The price to be charged by the Company to those owners or occupiers who under the provisions of the last preceding section shall elect to take the water by meter or who shall be compellable by the Company to accept a supply by meter shall be as follows :—

Where the quantity taken in any quarter of a year shall not exceed fifty thousand gallons at a rate not exceeding two shillings for every thousand gallons ;

And where the quantity taken in any quarter of a year shall exceed fifty thousand gallons then at a rate not exceeding one shilling and sixpence for every thousand gallons :

The Company shall not be compellable to afford a supply by meter for a less sum than one pound and ten shillings in any one year.

Power to Company to supply water under agree-

40. 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 and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided that no person shall be entitled to a supply for other than domestic purposes if such supply would at any time interfere with the sufficiency of the supply of water for domestic purposes.

ment and by measure.

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

Notice of discontinuance.

42. The Company shall when required supply every road authority and every sanitary authority within the limits of supply with water for flushing sewers and drains or for watering streets or other public purpose at a rate not exceeding one shilling and sixpence for every thousand gallons.

Water for flushing sewers &c.

43. The Company may sell meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they may think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintenance and protection of such meters and fittings and for securing safe access to and the safety and return to the Company of such meters and fittings as the Company may prescribe or as may from time to time be agreed upon between the hirer and the Company and such remuneration shall be recoverable in a summary manner.

Power to sell or let meters &c.

44. 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 an officer 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.

Notice to Company of connecting or disconnecting meters.

45. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed Any dispute as to such quantity shall be determined on the application of either party by a court of summary jurisdiction who may order by whom the costs of the proceedings shall be paid and the decision of such court shall be final and binding upon all parties.

Register of meter to be primâ facie evidence.

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Fraudulently injuring meters and fittings &c.

46. If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Company or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Company) for every such offence be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damages sustained by them and the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Repair of meters.

47. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer.

Power to remove meters and fittings.

48. The Company after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there be no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Power for Company to supply materials &c.

49. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such

cisterns pipes valves ferrules cocks baths soil-pans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their byelaws in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Byelaws for preventing waste &c. of water.

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

(1) The Company may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and by such byelaws may 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 waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and may forbid the use of the several things before-mentioned or any or either of them and any arrangements which may lead to waste or undue consumption misuse erroneous measurement or contamination:

(2) Such byelaws shall not be of any force or effect except within such part or parts of the district which the Company for the time being are bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure:

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority 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 byelaws in force for the time being shall be kept at the office of the Company 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 byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy:

A.D. 1899.

(5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by or under the direction of their 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 and may be recovered by them as part of the water rate from the person to whom the water is supplied.

Where byelaws confirmed Company bound to supply water under constant pressure in parts of district specified in byelaws.

51. Any byelaws which the Company submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the district to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Company shall thenceforth be bound to supply with water under constant pressure the part or parts of the district specified in the byelaws so confirmed.

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

52. The Company may on the application of the owner or occupier of any premises within the limits of this Act abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Contracts for supplying water in bulk beyond limits.

53. The Company may enter into and carry into effect agreements with the council of the administrative county of Southampton the mayor aldermen and burgesses of the borough of Lymington and with any other local authority or any company or person for the supply of water beyond the limits of this Act to the said council corporation or other local authority or to such company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of the local authority of or any company supplying water under Parliamentary authority within the district to be supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Liability to water rent not to dis-

54. 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 rate meter rent or charge under this Act. qualify justices &c.

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

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