CHAPTER cxliv.

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An Act for empowering the Cardiff Waterworks Company to construct additional Works, and to raise additional Capital; and for other purposes. [4th July 1878.]

16 & 17 Vict. c. xxiv.

WHEREAS by the Cardiff Waterworks Act, 1853 (in this Act referred to as "the Act of 1853"), the Cardiff Waterworks Company (herein-after called "the Company") were authorised to maintain waterworks and to supply with water the whole of the town and port of Cardiff, and the parishes or places within and adjoining to the town, in the county of Glamorgan, and for that purpose to raise a share capital of forty-five thousand pounds, and to borrow nine thousand pounds, the whole of which share and loan capital has been raised and expended:

23 & 24 Vict. c. cv.

And whereas by the Cardiff Waterworks Act, 1860 (in this Act referred to as "the Act of 1860"), the limits within which the Company were by the Act of 1853 authorised to supply water were extended, and the Company were authorised to execute additional works, to obtain a further supply of water, to raise an additional share capital of one hundred thousand pounds, and to borrow (inclusive of the sum of nine thousand pounds then already borrowed) twenty-five thousand pounds:

And whereas the trade and population within and adjacent to the limits of the Act of 1860 have increased and are increasing, and it is expedient that the Company be empowered to construct additional reservoirs and works:

And whereas the Company have raised and expended, or are about to raise and expend, in respect of the moneys authorised to be raised by the Act of 1860, share capital to the extent of seventy-one thousand four hundred and ninety pounds, and loan capital to the extent of twelve thousand five hundred and fifty pounds, and it is expedient that they be authorised to raise additional share and loan capital for the purposes of this Act, and for the general purposes of their undertaking:

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And whereas it is expedient that the powers of the Company be in various respects enlarged, and that the Acts relating to the Company be in divers particulars extended and amended:

And whereas the objects aforesaid 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 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 Cardiff Waterworks Act, 1878.

Construction of Act.

2. The provisions of the recited Acts, so far as they are not expressly repealed or varied by or are not inconsistent with the provisions of this Act, shall be incorporated with this Act, and this Act and the recited Acts shall (save as aforesaid) be read and construed together as one Act.

Incorporation of general Acts.

3. The following Acts and parts of Acts (as 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,)

8 & 9 Vict. c. 16.

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for the nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provisions to be made for affording access to the special Act;

26 & 27 Vict. c. 115. 32 & 33 Vict. c. 48.

Parts I. (cancellation and surrender of shares), II. (additional capital), and III. (debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869;

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869; 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.
The Waterworks Clauses Acts, 1847 and 1863; and 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.
The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and with respect to the crossing of roads or other interference therewith: Provided, that in construing the provisions of the latter Act for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the works and the boundaries of the works by this Act authorised; and provided further, that the said provisions shall apply only to the reservoirs, filter beds, and road diversions by this Act authorised, and the works immediately connected therewith. 8 & 9 Vict. c. 20.

Interpretation of terms.

4. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act, or which have therein special meanings, have in this Act the same respective meanings; and in this Act, and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act, the expressions "superior courts" or "court of competent jurisdiction," or any other like expression, shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute.

Power to make waterworks and take lands, &c.

5. And whereas plans and sections describing the lines, situation, and levels of the intended works, and the lands which may be taken for the purposes thereof, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of such lands, have been deposited with the clerk of the peace for the county of Glamorgan (and are in this Act respectively referred to as the deposited plans, sections, and book of reference): Therefore, subject to the provisions of this Act, the Company may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the reservoirs, filters, aqueducts, conduits, lines of pipes, alterations, deviations, road diversions, and other works shown on the deposited plans, among which are comprised the following principal works; (namely,)

1. A reservoir (Upper Llanishen Reservoir), in the valley of the Nant-Mawr Brook, and situated wholly within the parishes of Lisvane and Llanishen, and formed by an embankment across such valley;
2. A reservoir (Lower Llanishen Reservoir), also in the valley of the said Nant-Mawr Brook, and situated wholly within the

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said parishes of Lisvane and Llanishen, and formed by an embankment across the valley;

3. An aqueduct or open watercourse (Aqueduct No. 1), wholly in the parishes of Llanishen and Lisvane, for diverting the Nant-Mawr Brook;
4. An aqueduct or open watercourse (Aqueduct No. 2), in the parishes of Llanishen and Lisvane, for diverting the Nant-Mawr Brook;
5. A set of filters (Llanishen Filters), wholly in the parish of Llanishen, in a field known as Cae Linton;
6. A reservoir (Lisvane Reservoir No. 2), situated wholly within the parishes of Llanishen and Lisvane, on lands to the south of the Company's present store reservoir known as the "Lisvane Reservoir No. 1," the main embankment of which intended Lisvane Reservoir No. 2 runs east and west across the valley of the said Nant-Mawr Brook;
7. A set of filters (Cardiff Filters), wholly in the parishes of Llandaff and Llanishen, on lands adjoining to and lying west of the Rhymney Railway, and situate between that railway and the main road leading from the Llanishen brickyard to the Cardiff new cemetery;
8. Conduit No. 1. One or more conduits, aqueducts, or lines of pipes, situate wholly in the parishes of Lisvane and Llanishen;
9. Conduit No. 2. One or more conduits, aqueducts, or lines of pipes, situate wholly in the parish of Lisvane;
10. Conduit No. 3. One or more conduits, aqueducts, or lines of pipes, commencing in the parish of Llanishen from and out of the southern end of the Upper Llanishen Reservoir, and terminating in and by a junction with the Company's existing Penhill Service Reservoir;
11. Conduit No. 4. One or more conduits, aqueducts, or lines of pipes, situate wholly in the parishes of Lisvane and Llanishen, commencing from and out of the southern end of the said Lower Llanishen Reservoir, and terminating at a point where the said Aqueduct No. 1 joins the Nant-Mawr Brook course;
12. Conduit No. 5. One or more conduits, aqueducts, or lines of pipes, situate in the parish of Llanishen, commencing from and out of the southern end of the said Lower Llanishen Reservoir, and terminating by a junction with the intended Conduit No. 7 herein-after mentioned;
13. Conduit No. 6. One or more conduits, aqueducts, or lines of pipes, situate wholly in the parishes of Llanishen and Lisvane, commencing in the tank on the eastern side of the Company's existing intercepting or intake-tank, used for

diverting the waters of the Nant-Mawr Brook into the Company's Lisvane Reservoir No. 1, and terminating by a junction with the northern end of the intended Lisvane Reservoir No. 2;

14. Conduit No. 7. One or more conduits, aqueducts, or lines of pipes, commencing in the parish of Llanishen from and out of the southern end of the intended Lisvane Reservoir No. 2, passing through the parishes of Llanishen, Llandaff, Saint John the Baptist, and Roath, and terminating in the parish of Saint John the Baptist, Cardiff, at or near the south-eastern angle of the Cardiff Savings Bank;
15. Road Diversion No. 1. A diversion and alteration in the line and levels of a public road, situate in the parishes of Lisvane and Llanishen;
16. Road Diversion No. 2. A diversion and alteration in the line and levels of a public road, situate in the parishes of Lisvane and Llanishen;
17. A set of subsiding reservoirs and filters (Ely Reservoirs and Filters), situate wholly in the parish of Llandaff, upon lands lying near and to the westward of Ely Flour Mill, and bounded on the north by the South Wales Railway, and on all other sides by the River Ely, for the purpose of impounding and filtering the waters of the said River Ely;
18. Conduit No. 8. One or more conduits, aqueducts, or lines of pipes, wholly in the parish of Llandaff, commencing from and out of the said Ely Filters, and terminating in the well of the Company's existing pumping engines at Ely;
19. Conduit No. 10. One or more conduits, aqueducts, or lines of pipes, wholly in the parish of Llandaff, commencing in the bed of the River Ely, and terminating in the aforesaid well of the Company's pumping engines at Ely;
20. Conduit No. 11. One or more conduits, aqueducts, or lines of pipes, wholly in the parish of Llandaff, commencing on the north bank of the River Ely, and terminating in the aforesaid well of the Company's pumping engines at Ely;
21. Conduit No. 12. One or more conduits, aqueducts, or lines of pipes, commencing in the parish of Llandaff at the aforesaid well of the Company's pumping engines at Ely, and passing through the village of Ely and the parishes of Llandaff, Saint John the Baptist, and Saint Mary, Cardiff, and terminating in the parish of Saint John the Baptist, Cardiff, at or near the south-eastern angle of the Cardiff Savings Bank;

together with all proper approaches, bridges, communications, works, and conveniences ancillary or subsidiary thereto or con-

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nected therewith, and may purchase, enter upon, take, and use such of the lands shown on the deposited plans, and described in the deposited book of reference, as they require for the purposes of this Act, and may take, use, and appropriate for the purposes of works authorised by this Act, and of the existing and authorised works of the Company, all waters found in, on, or under any of the said lands and other the lands for the time being belonging to the Company, and may divert or widen such turnpike roads and public carriage-roads, or any of them, as are marked for those purposes respectively upon the deposited plans, and may stop up all other roads and ways within the limits of deviation defined on the deposited plans, and within the limits of the lands acquired by the Company under the powers of this Act, and may appropriate for the purposes of this Act the sites of the roads and ways so diverted and stopped up, so far as the same are respectively bounded on both sides by lands of the Company.

For protection of W. S. Cartwright.

6. Nothing in this Act contained shall authorise or empower the Company to enter upon, take, or acquire any of the lands of William Sheward Cartwright to the north of the Great Western Railway as shown on the deposited plans.

Saving rights of owners, &c. of Heath estate.

7. The owners, tenants, and occupiers of the farm known as Llwyn Cwm and Mill Farm, in the said parish of Lisvane, forming part of the Heath estate, shall have the same right of access to and use of the waters of the Nantmawr Brook and any tributary stream as heretofore; but in case the operations of the Company shall have the effect of cutting off or curtailing the supply of water to such farms, the Company shall provide all proper cattle ponds and places for washing sheep, or other proper means of water supply on the lands of the said farms for the use of such owners, tenants, and occupiers. The Company shall not stop up the footpath near Llanishen Mill, passing through the lands numbered on the deposited plans 9 and 12, in the parish of Lisvane, but they may divert the same so as to run in a line as nearly as possible parallel with the diversion of the Nantmawr Brook.

For protection of Glamorganshire county bridges.

8. For the protection of Glamorganshire county bridges and other property, be it enacted as follows:

No line of pipes shall be carried over, under, or along any bridge or bridge approach belonging to or under the control of Her Majesty's justices of the peace for the county of Glamorgan so as to impair the structure of any such bridge or approach, or to interfere unnecessarily with the traffic thereon; and any works affecting such bridge or approach shall be executed under the

superintendence of the surveyor for the time being of the county of Glamorgan, and to his reasonable satisfaction, and as to any such bridge or approach within the borough of Cardiff under the superintendence of such last-mentioned surveyor and the surveyor of the borough of Cardiff, and to their reasonable satisfaction.

For protection of the Great Western Railway Company.

9. For the protection of the Great Western Railway Company, herein-after called the Great Western Company, the several provisions following shall have full effect:

(A.) The conduit or line of pipes numbered 12 on the deposited plans, which is shown on the said plans as crossing the railway of the Great Western Company in the parish of Llandaff, shall be carried under that railway at the point shown on the said plans and sections in such a manner as shall be reasonably approved of by the principal engineer of the Great Western Company, and so as to cause no interference with or obstruction to the maintenance or working of the said railway:

(B.) The subsiding reservoirs and filters (Ely Reservoirs and Filters) shown on the deposited plans, and numbered thereon 17 and 19, in the parish of Llandaff, shall be constructed at the point shown thereon, and no deviation northwards in the site or position thereof or in the levels thereof exceeding two feet upwards or downwards shall be made without the consent in writing of the principal engineer of the Great Western Company:

(C.) The foregoing works respectively shall be made and maintained of such dimensions and character, in such lines, on such levels, and in such manner as not in any degree to obstruct or injure any part of the Great Western Company's railway, or any of the works or conveniences thereof, or the carrying on of the traffic of such railway:

(D.) In order thereto the Company from time to time shall submit to the Great Western Company's principal engineer proper and sufficient descriptions, plans, sections, and specifications of such parts of each of those works respectively as are to be made within thirty-five feet of the Great Western Company's railway, works, or lands for his consideration and reasonable approval thereof; and if in any case he does not within one month after the delivery thereof to him approve the same, with such modifications (if any) thereof as he reasonably requires, and sign the same in testimony of his approval thereof, and deliver

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the same so signed to the engineer of the Company on application made to him for that purpose by such engineer, or if the Company object to any modification thereof required by him, then they may submit the same to a competent and impartial civil engineer, to be appointed by agreement between the Company and the Great Western Company, or, failing such agreement, by the Board of Trade, for his consideration and reasonable approval, such approval in like manner to be testified by his signature; and the Company shall not begin the execution of any of the works so shown on the respective plans unless and until the same, with the sections and specifications thereof, are so approved, and such approval shall be at the expense of the Company:

(E.) The foregoing works respectively, so far as they directly or indirectly affect any part of the Great Western Company's railway, works, lands, and conveniences, shall be made and maintained by and at the expense of the Company (except as herein-after mentioned) in accordance with the plans, sections, and specifications so approved, and under the superintendence and to the reasonable satisfaction of the Great Western Company's principal engineer:

(F.) The Company shall not, without the consent of the Great Western Company, testified by writing, signed by their secretary, acquire any part of their lands or property, but if and where any of the works of the Company authorised by this Act, or any part thereof, is to be executed in or upon any land of the Great Western Company, the Company may acquire an easement or right of constructing and maintaining any such work on that land in such manner as not to prejudice any part of the Great Western Company's railway, works, and conveniences, or the passage of engines, waggons, and carriages over or along the said railway:

(G.) The Great Western Company shall not be liable to the Company for any loss or damage which the Company may sustain in the event of accident to a train, or to any engines, carriages, or waggons on the railway of the Great Western Company by or in consequence of which any damage or injury is done to any aqueduct, culvert, or pipe of the Company, or whereby the flow of water in or through the same is impeded or stopped:

(H.) If by reason of any of the works of the Company, or the failure of any such works, the railway of the Great

Western Company before referred to, or any of the works thereto belonging, shall be injured or damaged, such injury or damage shall be forthwith made good by the Great Western Company at the expense of the Company, and the Great Western Company may recover the expense thereof, with costs, at the discretion of the court, against the Company in any court of competent jurisdiction; and if any interruption shall be occasioned to the traffic over the said railway by reason of any of the works or proceedings, or failure of the works of the Company, the Company shall, on demand, pay to the Great Western Company all costs and expenses to which they may be put, as well as full compensation for the loss sustained by them by reason of any such interruption, such costs and expenses and compensation to be recovered, with costs, as aforesaid.

Limits of deviation.

10. In the construction of the works authorised by this Act, and subject to the provisions thereof, the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans, and where on any road no such limits are shown, the boundaries of such road shall be deemed to be such limits, and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of reservoirs three feet upwards and five feet downwards, and in the case of all other works to any extent not exceeding ten feet; but if it be found necessary or expedient in the construction of any of the reservoirs authorised by this Act to alter the situation of any embankment, they may, within the limits of deviation, in the construction thereof, and of the works connected therewith, deviate vertically from the levels of such embankments, reservoirs, and works to any extent not exceeding twenty feet: Provided always, that the Company shall not construct any embankment or wall of any of the reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections, and three feet in addition.

Power to take water for purposes of Act.

11. Subject as herein-after provided, the Company may take, divert, and collect into or by means of the reservoirs, tanks, filtering beds, catchwaters, conduits, pipes, and other works shown on the deposited plans, or some of them, or into any other tanks, filter beds, catchwaters, conduits, pipes, and other works of the Company, or any of them, and impound, appropriate, and use all or some of the waters of the several brooks and streams called Nant Dulas, Nant Mawr, Llanishen Brook, Roath Brook, and the River Ely, and

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all brooks, rivulets, streams, watercourses, surface waters, and other waters and springs which flow into or form part of the said brooks and streams called Nant Dulas, Nant Mawr, Llanishen Brook, and Roath Brook, and impound and store such several waters in their reservoirs and works, and from such works supply water within their limits of supply.

Quantity of water to be taken from River Ely limited.

12. The quantity of water to be taken by the Company from the River Ely, and passed into the pipes of the Company for the supply of water by them to the consumers within their limits of supply, shall not exceed (except as herein-after mentioned) three million gallons in any one day of twenty-four hours: Provided always, that the Company may in excess of such quantity take such water as they may reasonably require for subsiding reservoirs, engines, boilers, filters, and other waterworks of the Company at the River Ely for enabling the Company to provide the aforesaid supply to consumers, but the Company shall cause the waste water from the water taken for such last-mentioned reservoirs, engines, boilers, filters, and waterworks to be returned or to flow back into the said River Ely. The Company shall at their own expense fix to the several pumping engines belonging to them and maintain such counters or such other apparatus as shall be sufficient for ascertaining the quantity of water taken by the Company from the said River Ely and passed into the pipes of the Company for the supply of water to consumers as aforesaid, or as, in case of dispute, shall from time to time be settled and determined by the engineer for the time being of the Company and the engineer for the time being of the Taff Vale Railway Company, and of William Sheward Cartwright, lord of the manor of Llandaff, or his successors in title respectively, or by their umpire, to be named by them before they enter on the consideration of the dispute; and the Company shall cause a daily record to be entered in the books to be kept for that purpose of the registration of such counters and apparatus, and of the quantity of water so passed into the pipes of the Company; and the Taff Vale Railway Company, and the said William Sheward Cartwright and his successors in title, their engineers, and officers duly appointed for that purpose, shall at all times have free access to all such counters and apparatus, and to all books, accounts, and registers which the Company shall keep as aforesaid; and for the purposes of this enactment the Railway Companies Arbitration Act, 1859, shall be incorporated with this Act, and shall apply to the Company and the Taff Vale Railway Company and the said William Sheward Cartwright and his successors in title as if they were railway companies, and had agreed thereunder to refer the dispute to the umpire, as the single arbitrator, in accordance with that Act.

22 & 23 Vict. c. 59.

Period for compulsory purchase of lands.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of four years after the passing of this Act.

Period for completion of works.

14. If the works authorised by this Act be not completed within ten years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for executing the same, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this section shall restrict the Company from extending their works, mains, and pipes from time to time, whenever it shall be necessary for the purpose of increasing or distributing the supply of water within their existing limits of supply.

Power to take additional lands by agreement.

15. The Company may from time to time, for the purposes of their undertaking, purchase by agreement, in addition to lands which they are authorised to take by compulsion, and in addition to lands which they are by the Act of 1853 and the Act of 1860 authorised to purchase by agreement, any lands not exceeding in the whole ten acres: Provided always, that the Company shall not erect or authorise or permit the erection on any of such lands, whilst the same are held by them, of any buildings other than buildings necessary for or connected with their waterworks, or dwellings for officers, servants, or workmen of the Company.

Power to take easements, &c. by agreement. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

16. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or lease lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to raise additional capital.

17. The Company may from time to time raise, in addition to their existing share capital, any further sums, not exceeding in the whole two hundred thousand pounds, by the creation and issue of new ordinary shares or stock, or new preference shares or stock, or, at the option of the Company, either wholly or partially by any one or more of those modes, but no share shall be issued of less nominal value than ten pounds.

Shares not to issue until one-fifth part paid up.

18. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being

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less than one fifth of the amount of such share is paid in respect thereof.

Limiting amount of calls.

19. One fifth of the amount of a share shall be the largest amount of a call which the Company may make in respect of any share, and there shall be an interval of not less than three months between any two calls, and the Company shall not call up more than three fourths of the amount of a share in any year.

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

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

Dividends on new shares or stock.

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

Rate of dividend on new shares or stock.

22. The prescribed rate of dividend on any new ordinary shares or stock created under the powers of this Act shall not exceed seven pounds per centum per annum, and the prescribed rate of preference dividend on any new preference shares or stock shall not exceed six pounds per centum per annum on the amounts actually paid up in each class.

As to payment of dividends in different classes of stock or shares.

23. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the maximum authorised dividend on each class of ordinary stock or shares in the capital of the Company, a proportionate deduction shall be made in the dividends on each class of ordinary stock or shares; and whenever in any half year such net revenue shall be more than sufficient to pay the maximum authorised dividend on the whole of the ordinary stock and shares in the capital of the Company, the surplus shall in the first place be applied in making up any deficiency of dividends in any previous years on the shares in the capital of the Company issued under the powers of the Act of 1853, and in the next place shall be applied in making up any deficiency of dividends

in any previous years on the shares in the capital of the Company issued under the powers of the Act of 1860. A.D. 1878.

Receipt in case of persons not sui juris.

24. If any money be 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 on mortgage.

25. In addition to the moneys authorised by the recited Acts to be raised by the Company, they may from time to time, by virtue of this Act, borrow on mortgage any sums not exceeding in the whole fifty thousand pounds, and the Company may, when ten thousand pounds of the said additional capital has been from time to time issued and accepted, and one half thereof has been paid up, borrow on mortgage any sum or sums not exceeding in the whole two thousand five hundred pounds, and when and as each further sum of ten thousand pounds of the said additional capital has been issued and accepted, and one half the amount thereof respectively has been paid up, the Company may borrow on mortgage a further sum or sums of money, not exceeding in the whole two thousand five hundred pounds in respect of each such ten thousand pounds; but in none of the before-mentioned cases shall any part of the said respective sums be borrowed until 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 so much of each such portion of additional capital as is to be raised by means of shares have been issued and accepted, and one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of each such portion of additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and also, so far as such capital is raised by shares, that such persons or corporations, or 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. 8 & 9 Vict. c. 16.

Debenture stock. 26 & 27 Vict. c. 118.

26. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863;

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

Rate of interest on debenture stock and borrowed money.

27. The rate of interest payable upon debenture stock to be created and upon moneys to be borrowed by the Company on mortgage under the powers of this Act shall not exceed five pounds per centum per annum, and the Company shall not renew the existing mortgages or debentures of the Company at a higher rate of interest than five pounds per centum per annum.

As to conversion of borrowed money into capital.

28. 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 capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon such shares are limited to a rate not exceeding five pounds per centum per annum.

Existing mortgages to have priority.

29. All mortgages granted or to be granted by the Company in pursuance of the powers of the Act of 1853 or of the Act of 1860, and all mortgages to be granted in substitution for or in renewal or redemption of the same respectively, 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; and 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.

As to appointment of a receiver.

30. 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 tenth of the amount which the Company are for the time being authorised to borrow on mortgage.

Priority of mortgages over other debts.

31. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any

claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, 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 mortgage or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

Application of moneys.

32. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied by the Company only to the purposes of this Act and for the general purposes of their undertaking.

Application of authorised funds.

33. The Company may apply to the purposes of this Act any of the moneys which they have in their hands, or which they are by the Act of 1860 authorised to raise, and which may not be required for the purposes to which they are by that Act made applicable.

Company may require pipes, &c. to be repaired.

34. The Company may, by notice in writing under the hand of their secretary, manager, or other duly authorised officer, require any person who shall have suffered any cistern, pipe, cock, or other apparatus to be out of repair, forthwith to put the same into a proper state of repair, and if such person shall not within three days after the service of such notice so repair such cistern, pipe, cock, or other apparatus as to prevent any waste of water therefrom, the Company may repair the same; and if the expenses of such repair be not repaid to the Company on demand, the same may be recovered by the Company as damages.

Regulations for preventing waste, &c. of water.

35. For preventing waste, misuse, undue consumption, or contamination of the water of the Company when such water is to be supplied under constant pressure, the following provisions shall have effect; (namely,)

(1.) The Company may from time to time make such regulations (subject to the approval of the Local Government Board) as they think necessary for the objects aforesaid to be observed by persons supplied with water:

(2.) The Company may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of pipes, valves, cocks, cisterns, soil-pans, waterclosets, and other apparatus or

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receptacles for conveying, delivering, receiving, and measuring water, and may interdict any arrangement, and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, erroneous measurement, or contamination of water:

(3.) The Company shall not be bound under any agreement or otherwise to supply or to continue to supply water to any person unless the regulations for the time being in force are duly observed by him:

(4.) In case of the failure of any person to observe any regulation for the time being in force, the Company may, if they think fit, after twenty-four hours notice in writing, enter, and, by or under the direction of their authorised officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the power of entry given by section fifteen of the Waterworks Clauses Act, 1863, and the provisions of that section relative thereto, shall extend and apply to entry for the purpose of such repair, replacement, or alteration; 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 from him as water rent is recoverable:

26 & 27 Vict. c. 93.

(5.) A printed copy of regulations purporting to have been made as aforesaid by the Company, and to be certified by the secretary of the Company as a true copy, and to be sealed with the seal of the Company, shall be primâ facie evidence of regulations under this section.

Penalty for waste, &c. of water.

36. If any person supplied with water by the Company shall wilfully or negligently cause or suffer any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle to be out of repair, or to be so used or contrived as that the water supplied to him by the Company is or is likely to be wasted, misused, unduly consumed, or contaminated, or as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of the Company, such person shall for every such offence forfeit to the Company any sum not exceeding five pounds, and shall forthwith remove, replace, or alter, or permit to be removed, replaced, or altered, any such pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle to the satisfaction of the Company or their duly authorised officer.

Penalty on wrongful use of water.

37. Every person who, not having agreed to be supplied with water by the Company, takes or uses any water from any reservoir, watercourse, conduit, or pipe belonging to the Company, or from any pipe leading to or from any such reservoir, watercourse, conduit, or pipe, or from any cistern or like place containing water belonging to the Company, or supplied by them for the use of any consumer, shall for every such offence forfeit to the Company any sum not exceeding ten pounds; and every person who, having agreed to be supplied with water by the Company, takes or uses any water from any such reservoir, watercourse, conduit, or pipe, or from any such pipe, cistern, or other like place, for any purpose other than the purpose for which he so agreed to be supplied, shall for every such offence forfeit to the Company any sum not exceeding ten pounds; and in any of the cases aforesaid the Company shall be entitled, in addition, to recover from any such person the amount of any loss, damage, or injury sustained by them by or in consequence of any such acts, by action in any court of competent jurisdiction.

Water may be cut off in certain cases.

38. If any person supplied with water by the Company do, or cause or permit to be done, anything in contravention of any of the provisions of this Act or of the recited Acts, or fail to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Company, they may cut off any of the pipes by or through which water is supplied by them to him and for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied, and may also recover from him the amount of any loss, damage, or injury sustained by them by or in consequence of any such act or failure, by action in any court of competent jurisdiction.

Supply of water to public bodies.

39. Subject to the provisions of this Act, the Company may from time to time enter into and carry into effect such contracts and arrangements with any corporation, urban or rural sanitary authority, or other local authority, and the trustees of any turnpike or other road, or any highway board, or any surveyors of any highway, and any railway company, and any other companies, bodies, or persons, with respect to the supply of water in bulk or otherwise, as the Company think fit; and every such contract and arrangement may be for such period, on such terms, pecuniary or otherwise, and conditions as the Company think fit, and the Company may by agreement vary, suspend, or rescind any such contracts or arrangements, and make others in lieu thereof and in addition thereto.

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Domestic supply not to be interfered with.

40. Notwithstanding anything in this Act contained, the Company shall not supply water, in bulk or otherwise, to any corporation, body, or person beyond the Company's limits of supply, nor to any person within those limits, for other than domestic purposes, if and so long as in either case the affording such supply would prevent the Company from giving a full and efficient supply for domestic purposes within the limits by this Act authorised.

Expenses of Act.

41. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

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CHAPTER cxlv.

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An Act for effecting a transfer to the Metropolitan Board of Works of the open spaces known as Plumstead Common and Shoulder-of-Mutton Green, and for enabling them to preserve, improve, and regulate the same, and to erect a lodge upon Blackheath. [4th July 1878.]

WHEREAS there are in the county of Kent two open spaces or tracts of land, known respectively as Plumstead Common (in this Act referred to as the Common) and Shoulder-of-Mutton Green (in this Act referred to as the Green), which are situate within and are parts of the wastes of the manor of Plumstead, of which manor the provost and scholars of Queen's College, Oxford, (in this Act called the College,) are or claim to be lords:

And whereas there is another open space or tract of land in the parish of Plumstead, known as Bostall Heath (in this Act referred to as the Heath,) which also lately formed part of the estates of the said manor:

And whereas the Heath has been placed under the authority of the Metropolitan Board of Works (in this Act called the Board) under and by virtue of the Metropolitan Commons Act, 1866, the Metropolitan Commons Amendment Act, 1869, and the Metropolitan Commons Supplemental Act, 1877; and in pursuance of the scheme confirmed by the last-mentioned Act, the Board have purchased and acquired, or are about to purchase and acquire, the Heath from the College, subject to the rights (if any) of the freehold tenants of the manor:

29 & 30 Vict. c. 122.
32 & 33 Vict. c. 107.
40 & 41 Vict. c. cci.

And whereas it is expedient that the Common and the Green be also placed under the authority of the Board in manner in this Act provided:

And whereas by an indenture of lease, dated the 19th day of July 1873, and made between the College of the one part and Her Majesty's Principal Secretary of State for the War Department (who, together with his successors and limited assigns, was therein-after

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called the said lessee) of the other part, after reciting that Her Majesty's Government being desirous of securing a sufficient part of the Common as an exercise and review ground for Her Majesty's troops, the said lessee had, in pursuance and exercise of the power and authority in this behalf given to or vested in him in and by a certain Act of Parliament made and passed in the 18th and 19th years of the reign of Her present Majesty, intituled "An Act for "transferring to one of Her Majesty's Principal Secretaries of "State the powers and estates vested in the principal officers of the "Ordnance," and of all other powers and authorities given to or vested in him by any other Act or Acts, agreed with the College to take a lease of the hereditaments therein-after described, being part and parcel of the Common, for the term therein-after mentioned, and upon and subject to the conditions and agreements therein-after contained, it is by the indenture now in recital witnessed that the College did demise unto the said lessee all that tract of waste or common land situate within the manor of Plumstead, being part and parcel of Plumstead Common aforesaid, containing 77 acres, more or less, and which was delineated or coloured pink on the map or plan drawn on the second skin of such lease, with the appurtenances, to hold the same unto the said lessee for the term of 99 years from the 25th day of March 1873, subject nevertheless to the rights of common and other rights of the freehold tenants of the said manor, and to all roads and rights of way affecting the land thereby demised, subject to the yearly rent of £315; and it was thereby declared and agreed by and between the said parties thereto that in case the said lessee should at any time during the first five years of the said term thereby granted be desirous of purchasing the estate and interest of the College in the said land thereby demised, and should give notice to that effect to the College, then and in such case, and after receipt of such notice, and payment to them of the sum of £10,000, the College should and would grant and convey to the said lessee all their estate and interest in the said land thereby demised; and it was thereby also provided that if the said lessee should at any time during the first five years of the said term be desirous of putting an end to and determining the demise thereby made, and of such his desire should give or leave twelve calendar months notice in writing, such notice to expire on one of the half-yearly days therein-before mentioned for payment of rent at the College of the said lessors, then and in such case the indenture now in recital, and the term thereby granted, and all the conditions contained therein, should, at the expiration of such twelve months, (except as to rent or arrears, or breach or nonperformance of any of the covenants broken or omitted to be performed,) cease and determine to all intents and

18 & 19 Vict. c. 117.

purposes whatsoever as if the said term of ninety-nine years had then expired, anything therein contained to the contrary notwithstanding:

And whereas Her Majesty's Principal Secretary of State for the War Department claims, on behalf of Her Majesty, by virtue of immemorial user, a right or easement of using the Common, or some part thereof, for the parade, drill, and exercise of Her Majesty's troops thereon:

And whereas, with a view to facilitate the maintenance and regulation of the Common as a place of recreation for the public, it is expedient that the future user of the Common for the purposes of such parade, drill, and exercise as aforesaid should be restricted and regulated:

And whereas it is expedient that the Board be empowered to purchase, by agreement or otherwise, rights of common and other rights in and over the Common and Green respectively, so far as they find the purchase thereof to be necessary for securing the objects of this Act, and to extinguish, limit, or regulate the same when purchased:

And whereas plans showing the Common and Green, with a book of reference thereto, have been deposited with the clerk of the peace for the county of Kent, which plans are herein-after referred to as the deposited plans:

And whereas under and by virtue of the before-mentioned Metropolitan Commons Acts, and a scheme confirmed by the Metropolitan Commons Supplemental Act, 1871, Blackheath is now under the control and management of the Board: 34 & 35 Vict. c. lvii.

And whereas it is expedient that the Board should have power to erect a lodge on Blackheath for the accommodation for any officer employed by them for preserving order amongst persons frequenting the Heath, and for its protection:

And whereas the objects aforesaid 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 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 Plumstead Common Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are, so far as the provisions thereof are applicable, incorporated with and form part of this Act.

Power to purchase.

3. The Board and the College may agree for the sale by the College, and the purchase by the Board, of the estate and interest of

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Plumstead Common and Shoulder-of-Mutton Green from lords of the manor.

the College in the Common and Green respectively, upon such terms as they respectively may think fit; and on payment to the College of the purchase money which may be agreed upon, the College shall execute a proper conveyance, duly stamped with the full and proper ad valorem duty in respect of the consideration for the said conveyance, to the Board of their estate and interest in the Common and Green, and thereupon the enactments and provisions hereinafter contained with respect to the Common and Green shall take effect.

As to portion of Common to be used by military.

4. From and after the completion of the said conveyance that part of the Common which is coloured blue on the map or plan thereof which is signed in duplicate by Her Majesty's Principal Secretary of State for the War Department, and by the Chairman of the Metropolitan Board of Works, and to be hereafter held by their respective officers, or such other part of the said Common as may at any time hereafter, either in substitution or in addition to such blue part, be mutually agreed upon by the said Principal Secretary and Chairman to be set aside for such purpose, shall for ever be kept open as a parade, camping, training, or exercising ground, to be used by all branches of Her Majesty's regular, auxiliary, and reserve forces, when and as often as need or occasion shall require; and the said Principal Secretary and his successors shall at all times restore and make good the surface of the part coloured blue, or such substituted or additional part, so that the same may, as heretofore, be kept in and restored to good order and condition as a parade, camping, training, or exercising ground for Her Majesty's forces as aforesaid, and for such liberty or easement over the part coloured blue as is herein-before reserved or granted to the said Principal Secretary he shall pay as purchase money to the said Metropolitan Board of Works the sum of four thousand pounds.

Common to be under management of Board.

5. Subject as aforesaid, and so as not in any way to interrupt or interfere with the free use and enjoyment of the liberty or easement herein-before mentioned, the Common and Green, as the same are delineated in the deposited plans, shall be regulated and managed by the Board as a place of recreation for the public.

Vesting of indenture of lease in Board.

6. The herein-before recited indenture of lease dated the 19th day of July 1873 shall be assigned to and vested in the Board so that the term may be merged and vested in the said Board.

Appointment of officers.

7. The powers of the Board generally as to appointing or employing officers and servants, and paying them, under the general Acts applicable to the Board, shall apply to all such persons as, in the judgment of the Board, may be necessary and proper for the

preservation of order on and the enforcement of byelaws with respect to the Common and Green, and otherwise for the purposes of this Act, and the Board may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed, altering such rules as occasion may require.

Powers of Board as to improvement of Common and Green.

8. The Board may (subject to the approval and consent of the said Principal Secretary as to the part coloured blue) execute any works of drainage and improvement of the Common and Green, so far only as may be required for the purposes of the Metropolitan Commons Acts, and shall preserve the turf and grass of the uncoloured portions, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and shall also preserve the trees, and so much of the gorse as they may deem desirable, and may plant or otherwise beautify the Common and Green, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the Common and Green.

Common and Green to be preserved from encroachment.

9. The Board shall maintain the Common and Green as delineated in the deposited plans free of all encroachment, and shall permit no trespass on or partial or other inclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board.

Power to make byelaws and regulations.

10. The Board shall frame byelaws and regulations against encroachments and for the preservation of order on the Common and Green, and also for the prevention of nuisances, and the deposit of road sand, rubbish, or other matter on, and the illegal taking, cutting, digging, and selling the turf, sods, gravel, sand, and the like from the Common and Green, also for the control of persons who let out for hire donkeys and other animals, also for the prevention of vehicles being driven or horses being exercised by grooms and others on or across the Common or Green, and shall have power to remove and apprehend, if necessary, gamblers, card-sharpers, gipsies, squatters, vagrants, sellers and exhibitors of infamous books, prints, photographs, or pictures, or persons guilty of brawling, fighting, or quarrelling, or using indecent or improper language, or any idle or disorderly persons, or any person erecting any booth or place of any kind without the consent of the Board, so that all such persons may be dealt with according to law; provided that all such byelaws made by the Board shall be in writing under their seal; and the Board may by any such byelaws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty

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not exceeding the sum of forty shillings for each day after written notice to the person committing such offence; and the Board may alter or repeal any such byelaws, and may make any other byelaws as may from time to time appear desirable: Provided always, that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of England or the provisions of this Act; and no such byelaws shall be of any force or effect unless the same shall be sanctioned and confirmed by Her Majesty's Secretary of State for the Home Department for the time being, and as to the part coloured blue by Her Majesty's Principal Secretary of State for the War Department, who are hereby empowered to confirm or disallow the same as they may think proper; provided that any certificate of such confirmation, purporting to be signed by the said Secretaries of State for the time being, shall be primâ facie evidence of such confirmation in all courts of justice and other places whatsoever: Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the London daily morning newspapers one calendar month at least before the making of such application; and for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Board, and be open during office hours thereat to the inspection of any metropolitan ratepayer without fee or reward; and the clerk of the Board shall furnish every such ratepayer who shall apply for the same with a copy thereof, or any part thereof, on payment of sixpence for every one hundred words contained in such copy.

As to publication of byelaws.

11. All byelaws made by the Board under this Act shall be legibly written at length on boards of suitable size, and placed on such parts of the Common and Green as to the Board may appear desirable.

Penalties under byelaws.

12. Any penalty imposed by or under the authority of this Act, or any byelaw thereunder made, may be recovered, together with the costs of the proceedings, in such manner and with such remedies, by distress or otherwise, as are given in the Metropolis Management Act, 1855, and the Acts amending the same, but all proceedings for the recovery of a penalty incurred under the provisions of this Act, or any byelaw made thereunder, shall be had or taken by the Board, and, notwithstanding anything contained in any Act relating to the Metropolitan Police Courts, the penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Act.

Sewers, &c. not to be constructed without consent of Board.

13. It shall not be lawful, without the consent in writing of the Board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature, in, into, or under any part or parts of the Common or Green.

Restrictions as to grazing cattle, &c.

14. Except for those persons who now by law are entitled to do so, it shall not be lawful to turn out on the Common or Green for grazing any cattle, sheep, or other animal.

Public roads, &c. not to be under care of Board.

15. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Common and Green respectively under the care of the Board, or shall prevent the respective local authorities by their officers and servants taking such portions of the Common and Green respectively as they may now by law be entitled to take for the purpose of widening the said roads or highways to the width they may now be compelled by law to make, but it shall not be lawful to make or form any new roads over and across the Common and Green, or either of them, without the consent in writing of the Board.

Power to purchase commonable rights, &c.

16. Subject to the provisions of this Act and the provisions incorporated with this Act, the Board may from time to time, after such conveyance of the estate and interest of the College in the Common and Green as aforesaid, purchase by agreement or otherwise all such rights of common, commonable rights, rights of way, and other rights, estates, interests, and privileges in, over, or affecting the Common and Green respectively as they think it requisite to acquire for the better execution of this Act, and for that purpose every such right, estate, interest, or privilege shall be deemed lands.

Power to extinguish rights, &c. when purchased.

17. When the Board have purchased under this Act any right of common, commonable right, right of way, or other right, estate, interest, or privilege in, over, or affecting the Common and Green respectively, they may, as they think most expedient, with a view to securing the free use of the Common and Green by the public for purposes of exercise and recreation and the better execution of this Act, either extinguish the same, or retain, hold, and exercise the same, wholly or partially.

Power to limit rights of common by agreement.

18. The Board, in any case, if they think fit, instead of purchasing wholly any right of common, commonable right, right of way, or other right, interest, or privilege in, over, or affecting the Common or Green, may by agreement purchase the same partially, or purchase a right to impose limitations or restrictions on the same, and otherwise to regulate the exercise and enjoyment thereof, and may from time to time exercise all such powers as are conferred on them by any such agreement.

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Provision for compensation.

19. No estate, interest, or right of a profitable or beneficial nature in, over, or affecting the Common or Green respectively shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by virtue of this Act without compensation being made or provided for the same; and such compensation shall, in case of difference, be ascertained and provided in the same manner as if the same compensation were for the compulsory purchase and taking or the injurious affecting of lands under the provisions of the before-mentioned Lands Clauses Consolidation Acts.

As to acquisition or surrender of rights of War Office.

20. The provisions in this Act contained for the acquisition by the Board of rights affecting the Common shall extend to the acquisition by them of, and the granting or surrendering by Her Majesty's Principal Secretary of State for the War Department, and his successors, from time to time, of all or any part or parts of the rights which Her Majesty's said Principal Secretary or his successors may claim to have for the time being in, over, or affecting the Common, or any part or parts thereof.

Conveyance of Common and Green not to be subject to 9 G. 2. c. 36.

21. Where any estate, interest, or right in, over, or affecting the Common or Green is by deed conveyed for the purposes of this Act, the provisions of the Act of the 9th year of the reign of King George II. (cap. 36) "to restrain the disposition of lands "whereby the same become inalienable," shall not apply to the conveyance.

Board may erect lodge on Blackheath.

22. The Board may erect and maintain, upon such part of Blackheath as may be agreed upon between them and the Lord of the Manor, or as, in case of difference, shall be settled by the beforementioned Secretary of State for the Home Department, a suitable lodge for the accommodation of any officer appointed by them to preserve order upon the Heath, and for its protection.

Expenses of Act.

23. All costs and expenses incurred by the Board in respect of this Act and its execution from time to time and at all times shall be contributed and defrayed by the Board as expenses incurred in the execution of the Metropolis Management Acts.

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