CHAPTER cxli.

An Act to authorise the Company of Proprietors of Lambeth Waterworks to execute further works to purchase additional lands to take further water from the river Thames and to raise further money and for other purposes. [30th July 1900.] A.D. 1900.

WHEREAS the Company of Proprietors of Lambeth Waterworks (in this Act called "the Company") are supplying water under the authority of divers Acts of Parliament in the parish of Lambeth and adjacent places in the counties of London Surrey and Kent:

And whereas by the Lambeth Waterworks Act 1848 the capital of the Company was fixed at three hundred and forty-three thousand eight hundred pounds in shares and one hundred and forty-eight thousand eight hundred and sixty-six pounds by loan:

And whereas by the Lambeth Waterworks Act 1856 the Company were authorised to raise an additional share capital of four hundred and six thousand two hundred pounds but express powers were given them (section 16) to raise one hundred thousand pounds thereof by loan but it was also provided that they should by the fifth day of June one thousand eight hundred and seventy-six discharge the said loan either by payment or by conversion of borrowed money into capital and upon such discharge the Company were authorised to borrow and reborrow to an amount not exceeding two hundred thousand pounds:

And whereas by the Lambeth Waterworks Act 1869 the Company were authorised to raise an additional capital of five hundred thousand pounds in shares and in addition thereto after they should have paid off or satisfied all sums of money borrowed by them under section 16 of the Act of 1856 in respect of the sum of one hundred thousand pounds thereby authorised to be borrowed an amount equal to one-fourth part of the aggregate amount of the sums of money from time to time paid up on the share capital by that Act authorised and the Company were authorised to create

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and issue debenture stock bearing interest at a rate not exceeding four pounds ten shillings per centum per annum:

And whereas by the Lambeth Waterworks Act 1883 the Company were authorised to raise a further capital of seventy-five thousand pounds by the creation and issue of debenture stock bearing interest at a rate not exceeding four pounds per centum per annum:

And whereas by the Lambeth Waterworks Act 1886 (in this Act referred to as "the Act of 1886") the Company were authorised to raise a further capital of one hundred and fifty thousand pounds by the creation and issue of debenture stock bearing interest at a rate not exceeding four pounds per centum per annum:

And whereas by the Lambeth Waterworks Act 1896 (in this Act called "the Act of 1896") the Company were empowered to construct further reservoirs in the parish of West Molesey in the county of Surrey and to enlarge certain of their existing reservoirs and to raise by the creation and issue of debenture stock redeemable as in the Act mentioned further sums not exceeding four hundred and ninety thousand pounds:

And whereas on the thirtieth day of September one thousand eight hundred and ninety-nine the Company had issued capital to the following amount (that is to say):—

One million two hundred and fifty thousand pounds in shares specially authorised by the recited Acts all of which have been paid up;

Two hundred thousand pounds in shares issued in lieu of raising money on loan all of which have been paid up;

Three hundred and fifty thousand pounds in debenture stock bearing interest at the rate of four pounds per centum per annum of which debenture stock one hundred and fifty thousand pounds has been issued under the powers of the Act of 1886 and the balance under the powers of previous Acts;

One hundred and fifty thousand pounds in debenture stock bearing interest at the rate of three pounds per centum per annum issued under the powers of the Act of 1896 in respect of which last-mentioned stock the sum of one thousand two hundred and eighty-two pounds fourteen shillings and sixpence has been received by the Company by way of premiums on the sale of the stock which premiums under the Act of 1896 are not to be considered as profits of the Company nor as part of the capital of the Company entitled to dividend:

And whereas the population in the Company's district of supply has largely increased and is still increasing and in order to enable the Company to supply the water necessarily required by such

increased and increasing population and to comply with their statutory obligations as regards the supply of water it is necessary and expedient that they be empowered to construct the waterworks and to purchase the additional lands which by this Act the Company are authorised to construct and acquire and to take impound and use such a further supply of water as in this Act mentioned and to raise further money for those and other purposes under the conditions herein-after expressed:

And whereas it is expedient that such further powers be conferred upon the Company and such further provision be made with respect to the Company and their undertaking as are in this Act expressed and contained:

And whereas plans and sections describing the lines situations and levels of the works as originally proposed to be authorised by this Act and the lands proposed to be taken for the purposes thereof and plans of the additional lands which may be compulsorily taken under the powers of this Act 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 were in the month of November last deposited with the clerk of the peace for the county of Surrey and are in this Act respectively referred to as the originally deposited plans sections and book of reference:

And whereas during the progress through Parliament of the Bill for this Act alterations were made in the line and levels of parts of the aqueduct conduit or line of pipes No. 1 by this Act authorised and plans and sections of the altered portions of the said aqueduct conduit or line of pipes describing the lines and levels of the said altered portions and a book of reference to the last-mentioned plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands through which the same will be made were in the month of May one thousand nine hundred deposited with the clerk of the peace for the county of Surrey and are in this Act respectively referred to as the amended plans sections and book of reference:

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):—

1. This Act may be cited as the Lambeth Waterworks Act 1900. Short title.

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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 Lands Clauses Act :

The provisions of the Waterworks Clauses Act 1847—

With respect to the construction of waterworks ;

With respect to the construction of works for the accommodation of lands adjoining the waterworks ;

With respect to mines ;

With respect to the breaking up of streets for the purpose of laying pipes ;

With respect to the provision for guarding against fouling the water of the undertakers ;

With respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices ;

And with respect to access to the special Act :

The provisions of the Waterworks Clauses Act 1863—

With respect to the security of the reservoirs constructed by the undertakers :

The provisions of the Railways Clauses Consolidation Act 1845 :—

With respect to the temporary occupation of lands near the railway during the construction thereof Provided that in construing such provisions as incorporated with this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the works and the boundaries of the works by this Act authorised and provided that the said provisions as incorporated with this Act shall apply only to the reservoir by this Act authorised and to so much of the line of pipes No. 1 by this Act authorised as is intended to be laid across in or under any stream or river :

And Part III (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

Interpretation.

3. Terms to which meanings are assigned by Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act the same respective meanings.

Interpretation of words and

4. In this Act the following words and expressions have the meanings herein-after attached to them unless there be something

in the subject matter or context repugnant to such interpretation (that is to say):—

expressions in this Act.

"Gravel water" means water to be obtained by the Company by means of works or apparatus already constructed by them or works or apparatus to be constructed by them in substitution for and by way of improvement of the same in or upon the lands works and property at West Molesey now belonging to the Company from the beds or strata of gravel underlying or surrounding such lands works or property;

"River water" means water to the extent of twenty-four and a half million gallons a day which the Company are now authorised by statute or agreement to take from the river Thames but does not include gravel water;

"Conservators" means the conservators of the river Thames;

"The common council" means the mayor aldermen and commons of the city of London in Common Council assembled;

"Day" means a day of twenty-four hours reckoned from midnight to midnight;

"Excess water" means water taken diverted or impounded by the Company from the river Thames in addition to and exclusive of gravel water and river water;

"Daily excess quantity" means the quantity (if any) of excess water taken diverted or impounded by the Company under this Act in any day.

Power to make works and to take lands &c.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the originally deposited plans and sections or as the case may be on the amended plans and sections the waterworks herein-after described and may enter upon take and use such of the lands delineated on the originally deposited plans or as the case may be the amended plans and described in the originally deposited book of reference or as the case may be the amended book of reference as may be required for that purpose.

The works herein-before referred to and authorised by this Act will be wholly situate in the county of Surrey and are—

(A) An aqueduct conduit or line of pipes (No. 1) commencing in the parish of West Molesey in the private road of the Company at their Molesey works and terminating in the parish of Surbiton in the urban district of Surbiton in Fleece Road on the east side of the Company's works at Ditton:

Provided always that (1) between the eastern side of Esher Road in the parish of Thames Ditton and a point in Ember

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Court Road in the same parish about five chains and forty links west of the western fence of the London and South Western Railway which points are marked with the letters A and B on the amended plans and (2) between a point about one chain south-eastward from the eastern fence of the same railway (measured from the point at which on the originally deposited plans the centre line of the said aqueduct conduit or line of pipes No. 1 is shown as intersecting the last-mentioned fence) and the point at which the said centre line is on the originally deposited plans shown as intersecting the north-western boundary of the property numbered on those plans 10 in the parish of Thames Ditton which points are marked with the letters C and D on the amended plans the said aqueduct conduit or line of pipes No. 1 shall be constructed not as shown on the originally deposited plans and sections but in the lines and according to the levels shown on the amended plans and sections Provided that where the said aqueduct conduit or line of pipes will cross the footpath in the property numbered on the amended plans 8 in the said parish of Thames Ditton the Company shall not take or interfere with the said footpath but shall carry the said aqueduct conduit or line of pipes underneath the said footpath and without disturbing the surface of the ground:

(B) A reservoir partly in the parish of East Molesey and partly in the parish of Walton-on-Thames:

(C) An aqueduct conduit or line of pipes (No. 2) commencing at or near and on the west side of the aqueduct conduit or line of pipes No. 1 by this Act authorised at its commencement and terminating in the reservoir by this Act authorised at or near the north-western corner thereof: and

(D) All such cuts channels adits catchwaters aqueducts culverts tunnels pipes drains sluices gauges wells filter-beds tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connection with the before-mentioned works or any of them.

Limits of deviation.

6. 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 originally deposited plans or as the case may be on the amended 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

originally deposited sections or as the case may be on the amended sections to any extent upwards not exceeding in the case of the aqueduct conduit or line of pipes No. 1 other than the parts thereof shown on the amended plans and sections fifteen feet and (in the case of the last-mentioned parts of the said aqueduct conduit or line of pipes and of the other works by this Act authorised) five feet and to any extent downwards Provided always that if it be found necessary or expedient in the construction or enlargement of any reservoir to alter the situation of any embankment or wall thereof the Company shall not construct such embankment or wall of a greater height above the general surface of the ground than that shown on the deposited sections and five feet in addition Provided further that no part of any pipe line shall be above the surface of the ground unless so shown on the deposited sections and if so shown so far only as is so shown.

Time for completion of works.

7. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of such respective works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively 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 regulating increasing or distributing the supply of water within their limits of supply. Provided that the aqueduct conduit or line of pipes No. 1 shall be completed within two years after the commencement thereof.

Power to acquire casements only.

8. The Company may in lieu of acquiring any lands for the purpose of any of the aqueducts or lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts:

Provided that as regards any lands taken or used by the Company for the purpose of the said works the Company shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the

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time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company:

Provided always that nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso.

Power to Company to take additional lands.

9. The Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take by compulsion or agreement and use for the general purposes of their undertaking the whole or (with the consent of the owner) any portion of the piece of land following delineated on the deposited plans and described in the deposited book of reference and may purchase by compulsion or agreement any outstanding interests in such land (that is to say):—

A piece of land in the parish of Long Ditton lying immediately to the south-west of the Company's Ditton filter beds and between Prospect Place and Balaklava Road.

Period for compulsory purchase of lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

As to damage by subsidence in certain roads.

11. Whereas the main to be laid under the authority of this Act under roads in the urban district of Esher and the Dittons and in the urban district of Surbiton will be of unusual size and the cutting in which the same will be laid will be of unusual depth Therefore the Company shall for three years after the completion of the works be liable to repair any damage caused by subsidence due to the execution of the works to the surface of the road or to now existing pipes or sewers under such road.

For protection of Governor and Company of Chelsea Waterworks.

12. For the protection of the governor and company of Chelsea waterworks (herein-after called "the Chelsea company") the following provisions shall have effect (that is to say):—

(1) No part of the reservoir or works authorised by section 5 (B) of this Act shall be constructed at a distance of less than ten yards from a main of the Chelsea company nor shall the Company by the construction of such reservoir or works impede any right of access of the Chelsea company to any such main or prejudice or affect any easement of the Chelsea company connected therewith:

(2) No part of the works to the westward of the Hampton Court branch of the London and South Western Railway authorised by this Act except as provided for under sections (3) and (5) following shall be laid nearer to any mains of the Chelsea company than fifteen feet taken horizontally unless with the consent of the Chelsea company which they shall not unreasonably refuse nor at a lower level than 21·50 Ordnance datum Should the Company's main be laid nearer to the Chelsea company's mains than fifteen feet the Company shall at the request of the Chelsea company afford suitable support to the Chelsea company's mains to the satisfaction of the Chelsea company but in any case not to exceed the support provided for by the exception in sub-section 5 (A):

(3) Before the Company commences the construction between the western side of the road leading from Molesey to Esher known as the Bridge Road (herein-after called the "point A") and a point forty-two yards to the eastward of the western face of the bridge carrying the Hampton Court branch of the London and South Western Railway over the Ember Court Road at Thames Ditton station (herein-after called the "point B") of the aqueduct conduit or line of pipes No. 1 by this Act authorised or any works connected therewith the Company shall supply to the Chelsea company complete and detailed plans sections and particulars of the manner in which the Company propose to make such aqueduct conduit or line of pipes between the points A and B and shall twenty-eight days at least before commencing such construction or any works connected therewith give notice in writing of their intention to commence such works by leaving such notice or sending the same by registered letter to the engineer of the Chelsea company at his office at Surbiton and shall accompany such notice with such complete and detailed plans sections and particulars as herein-before provided:

(4) The Chelsea company shall be at liberty within twenty-eight days after the receipt of such notice plans sections and particulars to signify their approval or disapproval thereof If the Chelsea company for the period of twenty-eight days do not signify their disapproval they shall be deemed to have approved the said plans sections and particulars and the Company may proceed with the works in accordance with such plans sections and particulars:

(5) The plans sections and particulars and the works authorised by this Act between the aforesaid points A and B shall unless

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otherwise agreed between the two companies be in accordance with the following conditions (that is to say) :—

(A) From a distance of thirteen yards from the point A and thenceforth in an easterly direction on the northern side of the said Ember Court Road to a distance of twenty yards to the westward of the said bridge carrying the Hampton Court branch of the London and South Western Railway over the Ember Court Road no part of the aqueduct conduit or line or pipes No. 1 by this Act authorised shall be laid nearer to any pipe or main of the Chelsea company than fifteen feet measured horizontally nor shall any part of the said line of pipes No. 1 be laid at a lower level measured to the underside of such pipe than 19·50 feet above Ordnance datum except that from a point herein-after called C being five chains or thereabouts to the westward of the western face of the bridge referred to in sub-section 2 of this clause to a point (herein-after called D) being twenty yards to the westward of the western face of the said bridge such aqueduct conduit or line of pipes No. 1 may be laid as near as but not nearer than one foot nine inches measured horizontally to the northern side of the northern main of the Chelsea company and the level of the underside of the aqueduct conduit or line of pipes No. 1 shall not be laid at a lower level between the points C and D than 21·50 feet above Ordnance datum Before commencing the construction of so much of the aqueduct conduit or line of pipes as may be laid between the points C and D the northern of the two mains of the Chelsea company shall be supported by concrete pillars of the quality herein-after specified built in blocks nine feet long by five feet six inches wide to be constructed in lengths not greater than four feet six inches The level of the underside of each block of concrete shall be not higher than twenty feet above Ordnance datum and the top thereof shall be level with the centre of the northern main of the Chelsea company The concrete shall be laid on the undisturbed bottom of the trench The longitudinal distance between each completed block of concrete shall be three feet ;

(B) Where the line of pipes No. 1 passes under the mains of the Chelsea company in the said Bridge Road and near the western end of the said Ember Court Road such line of pipes shall be laid at right angles to the mains of the

Chelsea company and the upper side of the said line of pipes No. 1 shall be at a distance of not more and not less than one foot beneath the underside of the lowest of the mains of the Chelsea company at such point and the said line of pipes No. 1 shall not within thirty feet of such crossing of the mains of the Chelsea company be laid at a lower level than one foot below the underside of the lowest of such mains of the Chelsea company;

(c) The line of pipes No. 1 shall where it crosses the mains of the Chelsea company in the said Bridge Road be laid in a bed of Portland cement concrete of approved quality seven feet six inches wide and extending from a distance of fifteen feet to the west of the most westerly of the mains of the Chelsea company to a distance of fifteen feet to the east of the most easterly of the mains of the Chelsea company. The concrete shall extend downwards to a distance of one foot below the lowest part of the line of pipes No. 1 and upwards to the centre of each of the mains of the Chelsea company;

(d) The line of pipes No. 1 shall at the eastern end of the said Ember Court Road for a distance as well east as west of twenty yards from the said bridge of the Hampton Court branch of the London and South Western Railway be laid not nearer to any main of the Chelsea company than two feet measured horizontally from the southern side of the said line of pipes No. 1 to the northern side of a main of the Chelsea company and the underside of the said line of pipes No. 1 shall not be laid at a lower level than the underside of the lower of the two mains of the Chelsea company where such mains pass under the Hampton Court branch of the said railway and for twenty yards on either side of the bridge over the said Ember Court Road;

(e) The said line of pipes No. 1 where the same crosses the mains of the Chelsea company near the said Thames Ditton Station shall be laid at an angle to the mains of the Chelsea company not less than forty-five degrees and from a distance of twenty yards to the westward of the said bridge to a distance of five yards to the southward of the point at which the line of pipes No. 1 shall cross the mains of the Chelsea company be laid in concrete and the mains of the Chelsea company shall be supported with concrete and the provisions in this clause (sub-section c) shall apply to such concrete;

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(F) No part of the line of pipes No. 1 shall in the Ember Court Road be laid at a lower level than 19·50 above Ordnance datum except where such line of pipes No. 1 crosses beneath the mains of the Chelsea company and there such line of pipes No. 1 shall be laid at a distance neither more nor less than one foot beneath the underside of the lower of the mains of the Chelsea company ;

(G) The thickness of the concrete herein provided for shall under the line of pipes No. 1 not in any place be less than one foot and shall be laid in the undisturbed bottom of the trench The concrete surrounding the mains of the Chelsea company shall not be undercut or in any way disturbed ;

(H) The whole of the said works shall be executed under the superintendence of the engineer of the Chelsea company and to his reasonable satisfaction and all such works shall be done and executed by and at the expense of the Company and the Company shall bear the reasonable expense of and incident to the superintendence of and watching by the engineer of the Chelsea company of all or any of the said works during the progress thereof and until the completion of the same :

(6) If any difference shall arise between the Company or their engineer and the Chelsea company or their engineer touching the amount of any costs expenses or charges under the provisions of this Act or any Act incorporated therewith to be paid by the Company to the Chelsea company or as to the mode of carrying out any of the work provided for by this clause such difference shall be settled by arbitration in accordance with the provisions of the Arbitration Act 1889.

As to commonable lands.

13. The Company shall not take or acquire any part of the common or commonable lands known as Giggshill Green for the purposes of the aqueduct conduit or line of pipes No. 1 by this Act authorised but may take an easement only for laying maintaining and renewing and may accordingly lay maintain and renew that aqueduct conduit or line of pipes under the said common or commonable lands and between the points A and B shown on a plan signed by the Right Honourable Henry Charles Lord Brougham and Vaux the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred and deposited in the Office of the Clerk of the Parliaments the Company shall unless otherwise agreed between the Company and the urban district council of Esher and the Dittons construct the said aqueduct conduit or line of pipes along the southern limit of deviation

shown on the deposited plans All works affecting the Giggshill Green shall be commenced and completed between the first day of November and the first day of March The Company shall to the reasonable satisfaction of the urban district council of Esher and the Dittons replace over the said aqueduct a sufficient amount of good soil and re-turf the same and for the aforesaid period of three years the Company shall maintain the turf over the said aqueduct in good condition and on the same level as the surrounding portion of the said open space.

For the protection of the urban district council of East and West Molesey.

14. For the protection of the urban district council of East and West Molesey (in this section called "the district council") the following provisions shall unless otherwise agreed in writing between the Company and the district council or their respective engineers have effect (that is to say):—

(1) The Company shall not construct any works other than aqueducts conduits or lines of pipes and works incidental thereto over the outfall sewer or under the effluent drain or the air main in the parish of East Molesey belonging to the district council:

(2) The Company shall not without the consent of the district council in writing raise the land under or through which the said sewer drain and main are laid so that its surface shall be at a greater height than three feet on the average above the existing ground level:

(3) Before commencing the construction of any part of the said aqueducts conduits or lines of pipes or any works incidental thereto over or in such manner as to affect the said sewer drain and main or either of them the Company shall give to the district council twenty-eight days' notice in writing of their intention to commence the same by leaving such notice at or sending the same by registered letter addressed to the clerk of the district council at his office together with plans sections and other necessary particulars:

(4) The district council shall be at liberty to signify their approval or disapproval of such plans sections and other particulars within twenty-eight days after service as aforesaid of the said notice and delivery of the said plans sections and other particulars as aforesaid:

(5) If the district council for the last-mentioned period of twenty-eight days do not signify their disapproval they shall be deemed to have approved the said plans sections and particulars and the Company may proceed forthwith with the works according to the said plans sections and particulars:

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(6) In case the district council within the said period of twenty-eight days signify their disapproval of the said plans sections or other particulars and the district council and the Company do not otherwise agree any difference between them with reference to the construction of the said aqueducts or conduits or works shall be determined by an independent water engineer to be appointed in default of agreement by the President for the time being of the Institution of Civil Engineers:

(7) The works shall be executed and carried out by and at the entire cost of the Company in strict accordance with the plans sections and particulars agreed between them and the district council or determined as aforesaid and under the inspection and to the reasonable satisfaction of the engineer of the district council:

(8) Notwithstanding anything in this Act the Company shall not interfere with so much of the footpath adjoining and on the southern side of the river Mole as begins at the bridge crossing the said river and connecting the field No. 79 on the Ordnance map for the parish of East Molesey with roadway No. 83 on the same plan for the parish of West Molesey and extends from thence along the northern side of the said field No. 79 to its eastern boundary.

For the protection of the urban district council of Esher and the Dittons.

15. For the protection of the urban district council of Esher and the Dittons (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the Company and the council have effect (that is to say):—

(1) Before commencing the construction of any part of the aqueduct conduit or line of pipes No. 1 by this Act authorised or any works incidental thereto under any street road or highway in the district of the council the Company shall give to the council twenty-eight days' notice in writing of their intention to commence the same by leaving such notice at or sending the same by registered letter addressed to the clerk of the council at his office together with plans sections specifications and other necessary particulars:

(2) If within twenty-eight days after service as aforesaid of the said notice and delivery of the said plans sections and other particulars as aforesaid the council do not signify their disapproval they shall be deemed to have approved the said plans sections specifications and particulars and the Company may proceed with the works according to the said plans sections specifications and particulars but not otherwise:

(3) In case the council within the said period of twenty-eight days signify their disapproval of the said plans sections specifications or other particulars and the council and the Company do not otherwise agree any difference between them with reference thereto shall be determined by arbitration under this section:

(4) The works shall be executed and carried out by and at the cost of the Company in accordance with the plans sections specifications and particulars agreed between them and the council or determined as aforesaid and under the superintendence and to the reasonable satisfaction of the engineer of the council:

(5) The Company shall not in executing any works under this Act allow any water pumped or drawn or flowing out of any such works to pass into the sewers or drains of the council but shall construct all such works as may be necessary for conveying such water into the nearest natural watercourse:

(6) The Company shall in the construction of the said aqueduct No. 1 comply with and conform to all reasonable directions and regulations of the council in reference to any interference with the traffic on the roads footpaths or public places in the district of the council:

(7) The Company shall from time to time and within six months from the time at which the said aqueduct No. 1 shall have been laid down or formed by the Company within the district of the council cause a map or plan to be made on a scale not more than eighty-eight feet to the inch and shall cause to be marked thereon the course and situation of such conduit main or line of pipes within the said district and shall within six months from the making of any alterations or additions cause such map or plan to be from time to time corrected and such additions made thereto as may show the altered line and situation of such conduit main or line of pipes and a copy of such map or plan with the date expressed thereon of the last time when the same shall have been so corrected as aforesaid shall be deposited at the offices of the council within one month from the making of such map or plan or any additions alterations or deviations:

(8) The surveyor to the council and his assistants or other persons appointed by the council shall from time to time and at all times during the construction of the said aqueduct No. 1 and the works in connection therewith have full power to enter upon and inspect the same and the progress and condition thereof to see that the provisions of this section are being complied with:

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(9) If at any time the Company shall fail to execute and do any of the works and things which they are required by this section to execute and do it shall be lawful for the council to execute and do the same and to recover from the Company all the reasonable costs and expenses incurred by the council in reference to such works:

(10) In case of any difference or dispute arising between the council and the Company under the provisions of this section or as to any works to be carried out in pursuance thereof the same shall unless otherwise agreed be settled by a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party.

For the protection of the Surbiton urban district council.

16. The provisions of the section of this Act the marginal note of which is "For the protection of the urban district council of Esher and the Dittons" shall apply to the urban district of Surbiton and the urban district council thereof as if the name of the Surbiton urban district council had been inserted in place of the urban district council of Esher and the Dittons and the district therein referred to was the urban district of Surbiton.

Power to acquire additional lands by agreement.

17. In addition to the lands and easements now held occupied or enjoyed by them and any other lands which they may acquire under the powers of any former Act or of this Act the Company may by agreement purchase take on lease or acquire and hold for the purposes of their undertaking any lands outside the county of Middlesex not exceeding in the whole twenty acres and any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) which they may from time to time think requisite for any of the purposes of their undertaking and on such lands or any of them to construct such works and do such acts and things as are mentioned or referred to in section 12 of the Waterworks Clauses Act 1847 Provided that the Company shall not cause or permit a nuisance on any such lands and shall not on any such lands erect or otherwise permit the erection thereon (so long as the same are in their possession) of any buildings other than buildings connected with or necessary for their undertaking Provided also that no land shall be acquired under this section within the county borough of Croydon for the purpose of sinking any well or erecting any pumping station thereon and further that nothing in this section shall authorise the Company to sink any well within the said borough.

Power to take easements &c. by agreement.

18. 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 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.

Restriction on taking houses of labouring class.

19.—(1) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or 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 foregoing provisions 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 artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them The expression "house" means any tenement separately occupied by any person or persons.

Supply of water to new works.

20. The supply of water to the works by this Act authorised shall be deemed to be purposes for which the Company are authorised to take water from the river Thames.

Provisions as to gravel water.

21.—(1) Notwithstanding anything in the Thames Conservancy Act 1894 or in any Act or agreement relating to the Company the Company may continue to take gravel water but so that the aggregate quantity of gravel water to be so taken in any half-year ending on the thirtieth day of June or the thirty-first day of December as the case may be shall not exceed (in addition to river water) a quantity equal to the aggregate amount of seven

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and a half million gallons in respect of each day comprised in such half-year.

(2) Notwithstanding anything in this Act or any other Act or Acts relating to the Company the Company shall not for the purposes of sale take any waters in under or on any lands authorised to be acquired by them under this Act.

Power to Company to take water from river Thames in excess of quantity now authorised.

22.—(1) Subject to the provisions of this Act the Company may by means of their existing works and the works by this Act authorised take divert and impound such quantity of excess water as the Company may require for the purpose of the supply of water within their limits of supply and for a supply to any other district or districts or company or companies under the provisions of the Metropolis Water Act 1899.

(2) The daily excess quantity taken under the powers of this Act shall not exceed one hundred million gallons and the aggregate of the daily excess quantities in any half-year ending on the thirtieth day of June or the thirty-first day of December as the case may be shall not exceed a quantity equal to the aggregate amount of twenty and a half million gallons in respect of each day comprised in such half-year.

(3) The Company shall not take divert or impound from the river Thames any excess water when water is not flowing over Molesey weir at a rate exceeding one hundred and ninety million gallons per day.

(4) Provided that when in any day the flow of water over the said weir is at a rate exceeding one hundred and ninety million gallons per day the quantity of excess water taken in such day shall not exceed the quantity flowing on that day over such weir in excess of one hundred and ninety million gallons.

(5) Provided further that on notice from the conservators that the flow of water over the said weir is at a rate not exceeding one hundred and ninety million gallons per day the Company shall for that day cease taking diverting or impounding excess water Any such notice may be given by telephone or telegraph but shall be addressed to the Company at their chief office at Brixton Hill.

(6) Until the said weir at Molesey is in a fit state for measuring the flow of water over the same this section shall be read and have effect as if references therein to such weir were references to Penton Hook weir if the same shall be in a fit state for measuring the flow of water over the same and if not then and until the same shall be in a fit state to Bell weir and as if references therein to one hundred and ninety million gallons were references to two hundred and eighty-five million gallons at Penton Hook weir and two hundred and fifty million gallons at Bell weir respectively

A certificate of the engineer of the conservators shall be evidence that any of the said weirs named in the certificate is in a fit state for measuring the flow of water over the same. A.D. 1900.

(7) Provided also that the Company shall not take divert or impound from the river Thames in any day any excess water at such times in such manner or to such extent as to prejudice or affect the rights of the West Middlesex Waterworks Company the Grand Junction Waterworks Company the Southwark and Vauxhall Water Company and the Chelsea Waterworks Company or of any of those companies under their respective Acts or agreements with the mayor and commonalty and citizens of the city of London or the conservators to take divert or impound from the river Thames in any day any quantities of water not exceeding in the case of the West Middlesex Waterworks Company the Grand Junction Waterworks Company and the Southwark and Vauxhall Water Company twenty-four million five hundred thousand gallons and in the case of the Chelsea Waterworks Company twenty-two million gallons or to prejudice or affect the rights of the East London Waterworks Company under the East London Waterworks (Thames Supply) Act 1867.

(8) And provided that nothing in this Act shall be deemed to confer upon the Company any priority of right to take divert or impound excess water from the river Thames as against the West Middlesex Waterworks Company the Grand Junction Waterworks Company the Southwark and Vauxhall Water Company the Chelsea Waterworks Company the East London Waterworks Company the Staines Reservoirs Joint Committee or any other company or body or any person respectively already or who may hereafter be empowered by statute to take water therefrom or to affect in any way the stipulations and provisions either expressly or in fact contained in the Staines Reservoirs &c. Acts of 1896 and 1898 for the protection or benefit of the said waterworks companies and the Company or any of them.

Payments to be made to conservators.

23.—(1) The average daily quantity of gravel and excess water taken by the Company shall be ascertained each half-year and the Company shall pay to the conservators a sum at the rate of ninety-four pounds for every million gallons of water contained in such daily average.

(2) For the purpose of calculating such average and the payment to be made in respect thereof the quantities of gravel and excess water taken by the Company on all or any days comprised in the half-year shall be added together and the total divided by the number of days comprised in the half-year

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(3) The gravel and excess water taken by the Company shall for the purposes of this section be measured or the quantity otherwise ascertained in the manner prescribed by the 297th section of the Thames Conservancy Act 1894 and the provisions of that section with respect to the return to be made to the conservators shall apply in the case of the water so taken.

(4) The first payment under this section shall be made to the conservators within one month after the thirtieth day of June one thousand nine hundred calculated upon the average calculated as aforesaid during the six months ending on the said thirtieth day of June and thereafter payment shall be made half-yearly within one month after every thirty-first day of December or thirtieth day of June as the case may be.

Payment for water for filling reservoirs.

24.—(1) The first filling of the reservoirs authorised by the Lambeth Water Act 1896 and the reservoir by this Act authorised shall respectively take place at such times as shall be agreed upon between the Company and the conservators or as shall in case of difference be determined by an arbitrator being an engineer to be appointed by the Board of Trade on the application of either party.

(2) The Company shall pay to the conservators for the water required for the first filling of the said reservoirs at the rate of ten shillings and threepence per million gallons and water taken for the purpose shall not be deemed to be excess water nor shall it be included in calculating the daily excess quantity.

Moneys paid to conservators to be carried to Upper Navigation Fund.

25. The conservators shall carry to the Upper Navigation Fund constituted by the Thames Conservancy Act 1894 all sums paid to them under this Act other than the sum contributed towards the reconstruction or adaptation of Molesey weir.

For ascertaining the flow of water over Molesey weir.

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

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

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

Company to contribute to cost of reconstruction &c. of Molesey weir.

27. The Company will contribute and pay to the conservators towards the expenses of the necessary reconstruction or adaptation of Molesey weir and works in connection therewith for the purposes aforesaid such proportion of such expenses as the quantity of water which the Company is authorised by this and any other statute or agreement to take draw or impound from the river Thames bears to the total quantity of water which the whole of the water companies (including the Company) taking their supply of water wholly or in part from the river Thames are for the time being authorised by statute or by agreement with the common council or the conservators to take draw or impound from that river but not including the amounts authorised to be taken drawn or impounded by or under the Staines Reservoirs&c. Act 8196.

Penalties for taking water contrary to notice or in larger quantity than authorised.

28. If the Company on any day shall without the previous consent in writing of the conservators or their engineer obtain draw impound or take excess water from the river Thames after receipt of and contrary to notice from the conservators to stop obtaining drawing impounding or taking such water as herein-before provided or shall obtain draw impound or take gravel water or excess water beyond the quantities allowed by this Act the Company shall for every such offence forfeit and pay to the conservators a sum of one hundred pounds which may be recovered by the conservators in a summary manner in any court of summary jurisdiction Provided that the court may if they think fit adjudge the payment as a penalty of any sum less than the full amount of the penalty.

Saving rights &c. of conservators.

29. Nothing in this Act shall prejudice alter or affect any of the rights powers authorities or privileges of the conservators.

Power to apply existing funds.

30. The Company may raise and apply for or towards any of the purposes of this Act or of any of their existing Acts to which capital is properly applicable any money which they are already authorised to raise and which may not be required by them for the special purposes (if any) for which that money was authorised to be raised.

Debenture stock.

31. The Company may from time to time raise by the creation and issue of debenture stock any sum or sums not exceeding in the whole seven hundred and fifty thousand pounds and may create

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and issue debenture stock accordingly and the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall so far as applicable apply to the debenture stock so to be created and issued but notwithstanding anything contained in the said Acts 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 the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages The Company shall attach to the debenture stock to be created under this Act interest at such uniform rate as in the opinion of the Governor of the Bank of England or of some person to be nominated by him shall be best calculated to secure the issue of such stock at par to be payable half-yearly at the same time and in the same manner as the interest on the existing debenture stock of the Company The Company shall not raise the money by this Act authorised to be raised by creating new shares of the Company instead of borrowing or convert into share capital the debenture stock authorised to be raised under the powers of this Act Provided that fourteen days before applying for such opinion as above-mentioned notice in writing of any application for that purpose shall be given to the clerks of the London County Council the Surrey County Council and the Kent County Council and to the town clerk of the City of London and to the town clerk of the county borough of Croydon.

Debenture stock to be redeemable at par after a certain period.

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

New debenture stock to be offered by auction or tender.

33. Notwithstanding anything in any Acts relating to the Company contained the Company shall when any stock created under the powers of this Act is to be issued offer the same subject to the power of redemption conferred by the last preceding section of this Act for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale by auction no single lot shall comprise more than one hundred pounds nominal value of such stock and that the Company shall at any such sale by auction or by tender fix the reserved price to be put upon such stock and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of

Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

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

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

Notice to be given as to sale &c. of stock.

35. The intention to sell any such stock by auction or by tender shall be communicated in writing to the clerks of the London County Council and the Surrey County Council and the Kent County Council and the council for the county borough of Croydon and every borough council under the London Government Act 1899 and every district council within the Company's limits of supply and to the town clerk of the city of London and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised four times during such period in two or more London daily newspapers and one Surrey newspaper and one Kent newspaper.

Stock not sold by auction or tender to be offered to shareholders.

36. When any stock created under the powers of this Act has been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock in the Company in manner provided by the Companies Clauses Act 1863 with respect to new shares or stock and the provisions of sections 17 to 21 of that Act shall apply accordingly as if the debenture stock were new stock within the meaning of those sections Provided always that any stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of stock.

Application of premium arising on issue of stock.

37. Any sum of money which shall arise from the issue of any stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending and improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

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Limit to amount of stock to be created.

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

Creation of sinking fund.

39.—(1) From and after the expiration of three years from the issue from time to time of any debenture stock under the powers of this Act there shall be carried to a sinking fund in each year such percentage on such amount of debenture stock and any premiums received thereon as shall be equal to the excess of the average percentage of the dividend or interest paid for that year on all the capital of the Company whether shares stock or debenture stock with any premiums received thereon above the rate of interest at which the debenture stock under this Act was issued together with an additional one per centum per annum added thereto for management such sinking fund to be held and applied by the Chamberlain of the city of London as trustee for the purpose of purchasing and holding shares or stock of the Company and of investing the dividends thereon with a view to ultimately extinguishing the capital of the Company or for such other purposes as Parliament may from time to time determine No shares or stock so purchased and held shall confer any right of voting at any meeting of the Company:

Provided that in the event of any debenture stock created under this Act being issued below par the percentage to be carried to the sinking fund shall in respect of such debenture stock so issued below par be calculated on the amount of money raised by such debenture stock instead of on the nominal amount of such debenture stock.

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

Allocation of capital.

40. The moneys raised under the powers of this Act shall be applicable in not exceeding the under-mentioned respective amounts to the under-mentioned purposes but only so far as such purposes may be of a nature or character to which capital is properly applicable (that is to say) Six hundred and fifty-three thousand pounds for or in connection with the aqueducts conduits or lines of

pipes and the reservoir by this Act authorised and works incidental thereto sixty thousand pounds for or in connection with the construction of filter beds and works incidental thereto ten thousand pounds for additional engine power and machinery and the balance may be applied to any of the above purposes or to any purposes of the Company on which capital may be properly expended including the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act.

Provision in case of future purchase of undertaking.

41. If the undertaking of the Company is purchased within seven years from the passing of this Act otherwise than by agreement by any public body or trustees nothing in this Act shall authorise the Company to bring into account or to make any claim in respect of any advantages conferred on them by or resulting from the passing of this Act Provided that in the event of such purchase the Company may bring into account the actual amount of any capital expenditure made by them in exercise of the powers of this Act.

Provisions as to general Acts.

42. Nothing in this Act contained shall exempt the Company from the provisions of the Metropolis Water Act 1852 the Metropolis Water Act 1871 the Metropolis Water Act 1899 or any other general Act relating to the supply of water to the metropolis or to the suburbs thereof now in force or which may hereafter pass during this or any future session of Parliament.

Costs of Act.

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

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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