# CHAPTER lxx.

An Act to extend the limits of supply of the South Hants Waterworks Company and to confer further powers upon that Company and for other purposes. [3rd July 1894.] A.D. 1894.

WHEREAS by the South Hants Water Act 1876 (in this Act called "the Act of 1876") the South Hants Waterworks Company (in this Act called "the Company") were incorporated and authorised to supply water within the limits of supply defined in that Act:

And whereas by the South Hants Water Act 1878 (in this Act called "the Act of 1878") the limits of supply of the Company were extended:

And whereas the authorised capital of the Company under the aforesaid Acts amounts to eighty thousand pounds the whole of which has been created and issued and of which seventy-eight thousand seven hundred and fifty pounds has been raised and expended and the Company are authorised to borrow twenty thousand pounds of which they have borrowed and now owe seventeen thousand five hundred pounds:

And whereas it is expedient that the limits of the Company for the supply of water be further extended and that the Company be authorised to raise additional capital and that further powers be conferred upon the Company as herein-after provided:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

**1.** This Act may be cited as the South Hants Water Act 1894. Short title.

A.D. 1894.

Incorporation of general Acts.

**2.** The following Acts and parts of Acts:—

The Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to entry upon lands by the promoters of the undertaking):

The Waterworks Clauses Acts 1847 and 1863 (Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of the recited Acts and of this Act be read and construed as if the words "with the consent in writing of the owner "or reputed owner of any such house or of the agent of such "owner" were omitted from that section):

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 non-payment 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 the borrowed money into capital;

The consolidation of the 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 provision to be made for affording access to the special Act by all parties interested:

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

are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act

wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute.

Extension of limits for supply of water.

**4.** From and after the passing of this Act the limits of the Company for the supply of water shall extend to and include the parishes of Mottisfont Farley Chamberlayne Hursley Compton Twyford Durley Bishop's Waltham Titchfield Dibden Fawley Exbury and Lyndhurst and the Company shall have and may exercise within those extended limits all the powers rights privileges and authorities and shall be subject to the obligations in respect to the supply of water conferred or imposed upon them by the Act of 1876 with respect to the supply of water within the limits of that Act Provided that if the Company shall not be in a position to adequately supply any of the aforesaid parishes or any part of any of such parishes with water for domestic purposes within five years after the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company and so far as regards the parish which or any part of which the Company are not in a position to supply apply to or be binding on the local authority as defined by that Act of such parish Provided also that the Company shall not without the consent of the West Hampshire Water Company supply water under the powers of this Act within the parish of Lyndhurst unless and until the powers of that Company to supply the said parish shall have ceased in accordance with the provisions of section 4 of the West Hampshire Water Act 1893 Provided also that if the Company shall not within twelve months from and after the date when the said powers of the West Hampshire Water Company to supply the parish of Lyndhurst shall have ceased as aforesaid lay down a proper and sufficient line of water pipes for conveying a supply of water to the town of Lyndhurst from the boundary of the parish of Lyndhurst to the said town or if they shall not within eighteen months from that date provide an adequate supply of water for the town of Lyndhurst the powers of the Company to supply any part of the town and parish of Lyndhurst shall absolutely cease upon the expiration of such period of twelve or eighteen months as the case may be.

For protection of the Bishop's Waltham Water Company.

**5.** The Company shall not without the previous consent in writing of the Bishop's Waltham Water Company supply water to any consumer either for domestic or any other purpose within the parish of Bishop's Waltham If the Company shall at any time without such written consent previously obtained supply water in contravention of this section they shall for and in respect of each

A.D. 1894.

person or company house or premises local or other authority so supplied pay to the Bishop's Waltham Water Company on demand a sum of five pounds for each week or part of a week during which such supply shall be provided or continued and such sum shall be recoverable with costs of suit in any court of competent jurisdiction.

The Company shall not in the construction of their works (or the laying of their pipes and mains) in the parish of Bishop's Waltham do or cause to be done any damage to any part of the undertaking of the Bishop's Waltham Water Company nor displace alter or interfere with the works tanks reservoirs mains service pipes lands waters or other property of the Bishop's Waltham Water Company without the sanction of the engineer for the time being of the Bishop's Waltham Water Company and further shall in the parish of Bishop's Waltham lay any and every main or pipe intended to be laid by the Company in such position as having regard to the requirements of the persons having control or management of the street or bridge in or over which the same is intended to be laid the said engineer may reasonably require.

Any difference which may arise between the Company and the Bishop's Waltham Water Company under this section shall be settled by an arbitrator to be agreed upon and appointed by the two Companies or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers and the decision of such arbitrator shall be final and binding and the charges of such arbitrator and the costs of the arbitration shall be in the arbitrator's discretion.

Power to acquire additional lands by agreement.

**6.** In addition to the lands which the Company are otherwise authorised to purchase or hold they may for any of the purposes of their undertaking from time to time by agreement purchase any additional quantity of land not exceeding in the whole thirty acres or any easement or right (not being an easement or right of water) in or over any lands or otherwise which they may from time to time think requisite for any of the purposes of their undertaking and may on all or any of such lands execute for the purposes of and in connexion with their undertaking any of the works and exercise any of the powers mentioned in section 12 of the Waterworks Clauses Act 1847 Provided that the Company shall not on any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertaking.

Power to take easements

**7.** 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) 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 that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1894. &c. by agreement.

**8.** The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of this Act were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

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

**9.** The Company may in connexion with the waterworks authorised by the Act of 1876 make and maintain tunnels adits channels pumps engines works and conveniences for obtaining water and may collect take or use all or any of the underground springs and waters which can or may be collected or taken by means of such works and which may be found in or near the site thereof. Power to make subsidiary works.

**10.** The powers of leasing given by an Act of the session holden in the tenth year of His Majesty King George the Fourth chapter fifty or any amendment thereof shall extend to enable the Commissioners of Woods or either of them with the consent of the Commissioners of Her Majesty's Treasury to grant and to enter into any agreement for granting from time to time leases of the estate and interest of Her Majesty Her heirs and successors in the piece or parcel of land fifty feet square or thereabouts belonging to Her Majesty and situate at or near a point six hundred and fifty feet or thereabouts measured in a straight line due south of the north-west corner of the graveyard to the church called "Christ Church" at Power for Commissioners of Woods &c. to grant lease.

A.D. 1894.

Emery Down in the county of Southampton and any works which may for the time being exist thereon for any term not exceeding ninety-nine years from the time of making the lease or agreement for a lease.

As to purchase of rights of commoners over lands leased.

**11.** As regards the rights of the commoners of the New Forest over any lands to be leased to the Company as aforesaid such lands shall be deemed to be common or waste lands within the meaning of the Lands Clauses Consolidation Act 1845 and the verderers of the New Forest as constituted by the New Forest Act 1877 shall be deemed to represent the commoners for the purposes of this Act and to constitute a committee of such commoners within the meaning of the one hundred and third and following sections of the Lands Clauses Consolidation Act 1845 save only and except such part of section 104 as provides for the distribution of compensation received by a committee.

Power for Commissioners of Woods &c. to grant wayleaves to the Company.

**12.** The Commissioners of Woods or either of them with the consent of the Commissioners of Her Majesty's Treasury may on behalf of Her Majesty Her heirs and successors from time to time grant to the Company easements in and under such part or parts of the New Forest in the county of Southampton as may be required for the purpose of laying down maintaining repairing and renewing water mains and pipes and hydrants stopcocks or fittings connected therewith and for access thereto respectively for any term not exceeding ninety-nine years from the time of making the grant in consideration of such annual or other sums by way of acknowledgment as the Commissioners or Commissioner think or thinks fit.

For protection of the commoners of the New Forest.

**13.**—(1.) If the Company under any such grant as is mentioned in the last preceding section open or disturb the surface of any open lands of the New Forest over which rights of common exist they shall as soon as may be at their own expense restore such surface to its original condition.

(2.) By way of acknowledgment of the rights of the commoners which may or might be interfered with by the exercise by the Company of their rights under any such grant the Company shall pay to the verderers of the New Forest such sum as may be agreed or settled by arbitration in manner provided by the Lands Clauses Acts in the case of lands taken otherwise than by agreement.

(3.) Any money to be received by the verderers by way of compensation for rights over lands leased as aforesaid or by way of acknowledgment as aforesaid shall be applicable by them to and for the purposes and in the manner to and for and in which the same would be applicable by them in case the same were money coming to their hands under or by virtue of the New Forest Act 1877.

Application of authorised capital.

**14.** The Company may apply for the purposes of the Act of 1876 and of the Act of 1878 and of this Act or any of them to which capital is properly applicable any money which they have raised or may be authorised to raise.

Power to Company to raise new capital.

**15.** The Company may from time to time raise any further capital (in this Act called "new capital") to such nominal amount as shall be sufficient to produce including the premiums if any which may be obtained on the sale thereof the sum of eighty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively.

As to voting in respect of preference capital.

**16.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Incidents of new capital.

**17.** Subject to the provisions of this Act the new capital created by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as otherwise expressly provided by this Act the holders of the shares or stock therein shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock and be subject to the like provisions liabilities and forfeitures as the holders of shares or stock in the existing capital of the Company.

As to nominal value and vesting of shares.

**18.** The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any share so created vest in the person accepting the same unless and until the full price of such share including any premium obtained upon the sale thereof shall have been paid in respect thereof.

Limit of dividend on new capital.

**19.** The Company shall not in any one year pay out of their profits any larger dividend on the new capital than at the rate of seven pounds per centum on the amounts actually paid up in respect of capital issued as ordinary capital or six pounds per centum on the amounts actually paid up in respect of capital issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds or as the case may be six pounds per centum per annum.

Dividends on different classes of ordinary capital to be paid proportionately.

**20.** In case in any half-year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class but it

A.D. 1894.

shall be lawful for the directors to vary such proportionate reduction to such extent not exceeding one-eighth per centum as they may think convenient in order to avoid the payment as part of the dividend due to any shareholder of fractions of sixpence.

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

**21.** Notwithstanding anything in this Act contained the Company shall when any shares or stock in the new capital created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of such shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price put upon such shares or stock 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 bid or tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

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

**22.** It shall be one of the conditions of any sale of shares or stock in the new capital created under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

As to notice to be given as to sale &c. of shares or stock.

**23.** The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to every urban sanitary authority within the limits of the Company for the supply of water and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of the Company for the supply of water.

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

**24.** When any shares or stock in the new capital created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock in the new capital created under the powers of this Act except that the reserved price put upon such shares or stock may upon such second sale (if the directors of the Company think fit) be less than the nominal amount thereof and the provisions of this section with respect to the offer of any shares or stock not sold by auction or tender to the holders of ordinary shares or stock of the Company shall apply to any shares or stock not sold at such second sale and so from time to time.

Application of premium arising on issue of shares or stock.

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

Power to borrow.

**26.** The Company may in respect of the new capital of eighty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum or sums not exceeding in the whole one-fourth part of the amount of the new capital at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock in the new capital at the time issued together with the premium if any realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Repeal of provisions of Act of 1878 as to receiver.

**27.** Section 18 of the Act of 1878 is hereby repealed but subject and without prejudice to any appointment made or proceedings

A.D. 1894.

taken under or by virtue of that section and in force or pending at the time of the passing of this Act.

As to appointment of a receiver.

**28.** 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 in the whole than four thousand pounds.

Existing mortgages to have priority.

**29.** All mortgages granted by the Company before the passing of this Act and subsisting at the passing thereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect the priority of the interest of any debenture stock created by the Company.

Debenture stock.

**30.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Acts or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be given on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

**31.** All money raised or to be raised by the Company on mortgage or debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made or to be granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

As to conversion of borrowed

**32.** 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 or stock instead of by borrowing or to convert into capital any money borrowed under the powers of this Act unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Conversion of money into capital.

**33.** All moneys raised under this Act whether by shares or stock or borrowing or debenture stock shall be applied only for the purposes of this Act and the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Application of new moneys.

**34.** The Company with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company duly convened with express notice of the special object may authorise the directors from time to time and at such times and in such mode and proportions and upon and subject to such rules regulations and conditions and to such an amount as the directors think fit to contribute towards funds for the benefit of persons in the service or employment of the Company.

Company may contribute towards funds of provident society.

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

Regulations for preventing waste of water.

(1.) The Company may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil pans water-closets baths tanks cisterns and other apparatus means contrivances receptacles or appliances whatsoever to be used on any premises supplied with water by them (which pipes and other things are in this section referred to as and included in the expression "fittings") and may forbid any arrangements or work and the use of any fittings which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination:

(2.) No such regulations shall be of any force or effect except within the district in which the Company is bound to give and does give or is prepared on demand to give a constant supply or unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same:

(3.) No such regulations shall be confirmed until after the expiration of one month after notice in writing to submit the

A.D. 1894.

same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every sanitary authority within the Company's limits of supply and any such authority may within the said period of one month make such representations to the Local Government Board as they see fit:

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Company and all persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy:

(5.) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Company and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proofs:

(6.) Section 57 of the Waterworks Clauses Act 1847 shall extend to authorise any duly authorised officer or servant of the Company to enter any premises supplied with water by the Company within the district in which any such regulations are for the time being in force for the purpose of ascertaining whether such regulations are complied with and all fittings prescribed by such regulations are in proper repair and in case of the failure of any person to observe such regulations or to keep such fittings in proper repair the Company may after twenty-four hours' notice in writing enter such premises and by and under the direction of their duly authorised officer or servant provide and place or replace or alter any fittings therein so as to cause compliance with such regulations and may repair any fittings prescribed by such regulations which may be out of repair and the expense of such provision placing replacement alteration or repair shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable:

(7.) The Company may refuse to supply water to any person being about to become a customer of the Company in respect of any premises situate within the district in which the Company is bound to give and does give a constant supply and within which any such regulations are for the time being in force until such regulations are complied with:

A.D. 1894.

(8.) Any person who shall fail to comply with or offend against any such regulations or shall wilfully or negligently cause or suffer any fittings prescribed by such regulations to be out of repair or shall hinder any officer or servant of the Company from entering any premises or doing any such works as aforesaid shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day or part of a day whereon such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

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

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

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

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

Where several houses supplied with water by one pipe each to pay.

**38.** When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

Supply of water to tenements in a row.

**39.** Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water.

Company may remove water pipes

**40.** If and whenever any house building or premises which shall have been supplied with water by the Company shall be unoccupied

A.D. 1894.

&c. from unoccupied premises.

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

Agreements with owners of private works.

**41.** The Company with the approval of the proprietors present in person or by proxy at a meeting convened with notice of the business to be transacted holding at least three-fourths of the paid up capital of the Company represented by the votes at such meeting such proprietors being qualified to vote at all ordinary meetings of the Company may from time to time enter into and carry into effect contracts agreements and arrangements with any owner or owners of any waterworks within the limits of supply as extended by this Act who shall be able and willing to sell or lease the same for the purchase or lease by the Company of all or any reservoirs tanks mains pumps pipes apparatus works and conveniences belonging to such owners or any of them and any lands buildings estates rights and easements whatsoever relating to or affecting such waterworks and may execute and do all such conveyances deeds matters and things as shall be necessary for vesting in them the works lands and property so agreed to be purchased or leased and may from and after such purchase or lease hold and use the same as part of their undertaking.

Expenses of Act.

**42.** The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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