CHAPTER lxxviii.

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An Act for dissolving the Farnborough (Surrey and Hants) District Waterworks Company Limited and re-incorporating the members thereof with others and for enabling them to construct Waterworks and supply Water and for other purposes. [5th July 1887.]

WHEREAS by the Farnborough District Waterworks Order 1883 (being a provisional order made by the Board of Trade and confirmed by the Water Orders Confirmation Act 1883 and hereinafter referred to as "the provisional order") certain undertakers named therein (in this Act referred to as "the undertakers") were authorised to construct a well and pumping station and water tower with pumping engines and other waterworks therein described and to supply and sell water within the limits of supply therein defined being Farnborough Crondall Fleet Cove Hawley and Blackwater in the county of Southampton and Frimley Ash Cambridge Town and York Town in the county of Surrey and the capital of the undertakers was declared to be thirty thousand pounds subject to increase as therein mentioned and the borrowing powers of the undertakers were limited to seven thousand five hundred pounds with a maximum rate of interest (unless with the consent of the Board of Trade) in respect of the moneys borrowed:

And whereas in order more effectually to carry out the powers conferred upon the undertakers by the provisional order the Farnborough (Surrey and Hants) District Waterworks Company (Limited) (in this Act called "the Limited Company") was formed for the purpose of constructing waterworks and supplying water within the parishes mentioned in the provisional order and for carrying on the business of a water company and the said Company was duly registered on the thirtieth day of May one thousand eight hundred and eighty-five under the Companies Acts 1862 to 1883

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and the undertaking under the provisional order is now vested in the Limited Company or in the undertakers as trustees for them:

And whereas the authorised capital of the Limited Company consists of thirty thousand pounds divided into three thousand shares of ten pounds each and the Limited Company have not borrowed any money on mortgage:

And whereas the waterworks authorised by the provisional order have been in part constructed but are found not to yield a supply of water sufficient for the requirements of the places within the limits of supply:

And whereas it is expedient that the Limited Company should be dissolved and the members thereof re-incorporated and that the Company so to be incorporated (in this Act called "the Company") should be authorised to construct further waterworks as by this Act provided and to supply water within the parishes of Farnborough Crondall and Cove and the portions herein-after described of the parish of Yateley in the county of Hants and the parishes of Frimley and Ash in the county of Surrey and that such other powers should be conferred upon the Company and such other provision made with respect to their undertaking as herein-after contained and expressed:

And whereas by the Woking Water and Gas Act 1881 the Woking Water and Gas Company (herein-after called "the Woking Company") were incorporated and were authorised to supply water in divers parishes and places in the county of Surrey near to and adjoining the limits of supply of the Company as prescribed by this Act and by the Woking Water and Gas Act 1885 further powers were conferred upon the Woking Company:

And whereas it is expedient that provision be made as herein-after mentioned for the sale and transfer of the Company's undertaking to the Woking Company and that the Woking Company be authorised to raise further money for the purpose of such sale and transfer:

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

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

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

Short title.

1. This Act may be cited as the Surrey and Hants District Waterworks Act 1887.

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 powers of this Act) are hereby incorporated with this Act (namely):—the Companies Clauses Consolidation Act 1845 Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 the Waterworks Clauses Acts 1847 and 1863 and 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 the provisions of the last-mentioned Act as incorporated in this Act shall apply only to the reservoir by this Act authorised and that in construing such provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said reservoir and the boundaries thereof.

Interpretation.

3. In this Act the several words and expressions herein-after mentioned have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction that is to say words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective meanings The expressions "the undertaking" "the works" and "the waterworks" respectively mean and include the undertaking under the provisional order and the undertaking under this Act and the waterworks and the works connected therewith by this Act vested in and those authorised to be made or maintained by the Company and any improvements thereof respectively which they may construct under the powers of this Act and the lands buildings estate right title property powers privileges and effects of the Company and every part thereof respectively and the expression "superior courts" or "court of competent jurisdiction"

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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 with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of Company.

4. From and after the passing of this Act the Limited Company shall be dissolved and the several persons and corporations who immediately before the passing of this Act were members of that company and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and they are hereby united into a Company for the purposes herein-after mentioned and shall be incorporated by the name of "The Surrey and Hants District Waterworks Company" and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Limits of Act.

5. The limits of this Act for the supply of water herein-after referred to as "the limits of this Act" shall be the parishes of Farnborough Crondall and the tithings or chapelries of Cove and Hawley and the village of Blackwater in the parish of Yateley all in the county of Hants and the parishes of Frimley and Ash in the county of Surrey The said limits being defined and included within a red line upon copies of the Ordnance map which have been signed by Leonard Henry Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was in its passage through Parliament referred and have been deposited respectively in the Private Bill Office of the House of Commons and the Office of the Clerk of the Parliaments.

General purposes of the Company.

6. The Company shall be established for the purpose of supplying water to and within the limits of this Act and for other the purposes of this Act Provided always that if in any part of the district of any local authority within the limits of this Act adequate provision for the supply of water shall not have been made by the Company within ten 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 such part of such district apply to or be binding on the local authority (as defined by that Act) of such district.

Present property of Limited Company

7. Subject to the provisions of this Act all the undertaking works lands buildings property stock plant interest rights powers privileges easements licenses and agreements and benefits of licenses

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vested in Company incorporated by this Act.

and agreements which immediately before the passing of this Act (herein-after referred to as "the time of vesting") were vested in the Limited Company or any person or persons in trust for them or to which the Limited Company were in anywise entitled (herein-after referred to collectively as "the undertaking of the Limited Company") shall be and the same are hereby vested in the Company as from the time of vesting to the same extent and for the same estate and interest as the same may then be vested in the Limited Company or any trustee on their behalf and may subject to and in accordance with the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

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

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

Nothing to affect previous rights and liabilities.

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

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purposes as from the time of vesting represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to vesting to be binding.

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

Actions, &c. not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which was pending by or against the Limited Company or any member thereof in relation to the affairs of that company or to which that company or any member thereof in relation to such affairs were parties immediately before the time of vesting but such action suit or other proceeding may thereafter be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company or any member thereof if the vesting had not happened the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted as from the time of vesting for the Limited Company and its members respectively.

Trustees of Limited Company to be indemnified.

12. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belonging to the Limited Company were vested immediately before the time of vesting and who (being authorised so to do) before the time of vesting entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the Limited Company and for or in respect of which the Company are by this Act as from the time of vesting substituted for the Limited Company shall be

indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of Limited Company.

13. From and after the time of vesting but subject to and in accordance with the provisions of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the time of vesting were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of water rates, &c.

14. All water rates and rents and sums of money which immediately before the time of vesting were due or accruing to the Limited Company shall subject to and in accordance with the provisions of this Act be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before the time of vesting.

15. All persons who immediately before the time of vesting owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the time of vesting were due or recoverable from the Limited Company or for the payment of which the Limited Company were or but for this Act would at the time of vesting be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates, &c. to remain in force.

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

Books, &c. continued evidence.

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

Officers to continue until removed.

18. All officers and servants of the Limited Company who were in office immediately before the time of vesting shall hold and enjoy their respective offices and employments together with the salaries

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and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company or their period of service shall in accordance with notice duly and lawfully given in that behalf by the Limited Company before the time of vesting or otherwise be determined and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

19. The books kept by the Limited Company for entering the names and designations of the members thereof shall and may continue to be kept by the Company for the same purpose in relation to the capital stock by this Act vested in the shareholders in the Limited Company and shall until some other register of holders of that stock shall be provided by the Company be taken and considered as the register of stockholders required to be kept by the Companies Clauses Consolidation Act 1845.

Capital.

20. The capital of the Company shall be seventy six thousand pounds in seven thousand six hundred shares of ten pounds each Provided always that the Company shall not issue any shares in their capital beyond those vested by this Act in shareholders of the Limited Company except with the consent of the Woking Company under their common seal until (in any event) after the expiration of the period of one month from the passing of this Act during which that company have under this Act the option of giving notice to the Company of their desire to acquire the undertaking of the Company nor (if the Woking Company give such notice) at any time after such notice shall have been given.

Original capital stock to vest in shareholders of Limited Company.

21. Shares in the capital of the Company are by this Act vested in the several persons who immediately before the time of vesting were the registered members of the Limited Company in proportion to their respective holdings in and in substitution for their shares in the Limited Company and every share so vested shall be deemed to be paid up to the same extent as the share for which it is substituted and shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the time of vesting affected the share for which the same is substituted and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same.

Company shall call in and cancel existing

22. The Company shall as soon as conveniently may be after the passing of this Act call in and cancel the certificates of shares in the Limited Company and issue in lieu thereof certificates under

the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the time of vesting or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

share certificates and issue new certificates in lieu thereof.

23. Subject to the provisions of this Act no share in the Company's capital shall vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof and one fifth of the amount of such share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fourths of the amount of such share shall be the utmost aggregate amount of the calls made in any year upon any such share.

Shares not to be issued until one fifth paid. Calls.

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

Receipt in case of persons not sui juris.

25. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half-shares of which one shall be called "preferred half-share" and the other shall be called "deferred half-share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half-share (being the whole of the amount payable thereon) and the residue to the credit of the preferred half-share.

Power to divide shares.

26. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half-shares in manner following (that is to say) first in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half-share and the remainder (if any) in payment of dividend on the deferred half-share and the Company shall not pay any greater amount of dividend on the two half-shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on half shares.

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Dividends on preferred shares to be paid out of the profits of the year only.

27. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half-shares to be registered and certificates issued.

28. Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half-share until the certificate of the existing entire share shall be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

29. The terms and conditions on which any preferred half-share or deferred half-share created under this Act is issued shall be stated on the certificate of each such half-share.

Forfeiture of preferred shares.

30. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half-shares created under the authority of this Act and every such preferred half-share shall for that purpose be considered an entire share distinct from the corresponding deferred half-share and until any forfeited preferred half-share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

31. No preferred half-share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half-shares to be half-shares in capital.

32. The several half-shares under this Act shall be half-shares in the capital of the Company and every two half-shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

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Representation of the Company in bankruptcy, &c.

33. In proceedings under any bankruptcy or liquidation by arrangement or deed of composition or arrangement the secretary of the Company or any person appointed on his behalf by writing under his hand may represent the Company and shall be competent to act for the Company and his acts and omissions shall bind the Company in all respects as if the claim or demand of the Company in such proceedings were the personal claim or demand of such secretary or person and not of the Company.

Power to borrow.

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

As to conversion of borrowed money into capital.

35. 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 borrowing or to convert into capital any money borrowed under the provisions of this Act unless in either case all dividends upon the shares or stock are limited to a rate not exceeding five pounds per centum per annum.

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For appointment of a receiver.

36. 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 of the undertaking comprised in their respective mortgages In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one tenth part of the whole amount for the time being owing by the Company upon mortgage of the undertaking.

Debenture stock.

37. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and charged upon the same undertaking.

Priority of mortgages and debenture stock over other debts, &c.

38. All moneys raised on mortgage by the Company under this Act and the interest due thereon and the interest due on debenture stock created and issued under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act but this priority shall not affect any claim against the Company in respect of any rentcharge to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease to be granted or made to the Company by any person in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividends on the mortgages or debenture stock nor shall anything herein-before contained affect any claim for land taken used or occupied by the Company for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

Application of moneys.

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

First ordinary meeting.

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

Votes at meetings.

41. At all general meetings of the Company every shareholder shall have one vote for every share held by him and every holder of stock (not being debenture stock) shall have one vote for every ten pounds of such stock held by him.

Number of directors.

42. The number of directors shall be five but the Company may from time to time reduce or again increase the number provided that the number be not less than three or more than five.

Qualification of directors.

43. The qualification of a director shall be the possession in his own right of not less than twenty shares or not less than two hundred pounds of original capital or other stock (not being debenture stock).

Quorum of directors.

44. The quorum of a meeting of directors so long as the number of directors be four or five shall be three but if the number of directors be reduced to three the quorum shall be two.

First directors.

45. Frank Irvine Richard Baker and William Irvine and two other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held in the year next after the passing of this Act At that meeting the shareholders present in person or by proxy may subject to the power of reducing the number of directors herein contained either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to fill up the number of directors or to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year thereafter the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Contracts not to disqualify for office of director.

46. Any contract to be made under this Act with any local board corporation or public body shall not disqualify any of the members of such local board corporation or public body for the office of director of the Company and no director or shareholder of

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Power to make waterworks.

47. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the waterworks herein-after described with all necessary and convenient approaches embankments roads works and conveniences connected therewith for collecting pumping filtering storing and distributing water and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose.

The waterworks herein-before referred to and authorised by this Act are wholly situate in the parish of Crondall in the county of Hants and are:—

(1.) A well and pumping station (No. 1) at or near the north-eastern corner of the field numbered 563 on the $\frac{1}{2500}$ scale Ordnance map of the said parish of Crondall;

(2.) An aqueduct conduit or line of pipes (No. 1) commencing in the road on which the said field numbered 563 abuts towards the north at a point opposite or nearly opposite the north-eastern corner of the said field and terminating in the reservoir herein-after described;

(3.) An aqueduct conduit or line of pipes (No. 2) commencing at the well and pumping station (No. 1) above described and terminating by a junction with the aqueduct conduit or line of pipes (No. 1) above described at or near its intended commencement as above described;

(4.) A well and pumping station (No. 2) to be situate at a point about thirteen and a half chains south-westward from the north-eastern corner of the field numbered 563 as aforesaid and about two and three-quarter chains southward from the southern boundary of the said field;

(5.) An aqueduct conduit or line of pipes (No. 3) commencing at the well and pumping station (No. 2) above described and terminating by a junction with the aqueduct conduit or line of pipes (No. 1) above described at or near its intended commencement as above described;

(6.) A reservoir to be situate in a field numbered 690 on the said Ordnance map at or near the easternmost side thereof and

the northern side of which reservoir will be four chains or thereabouts from the fence forming the northern boundary of the said field.

Limits of deviation.

48. In the construction of the works authorised by this Act and subject to the provisions thereof the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

Period for compulsory purchase of lands.

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

Period for completion of works.

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

Power as to maintenance and renewal of waterworks.

51. Subject to the provisions of this Act the Company may from time to time maintain improve and renew or discontinue their existing waterworks upon the lands on which the same are erected or any part thereof and they may also upon the same lands or upon any lands acquired or to be acquired by them erect lay down provide and from time to time maintain improve and renew or discontinue additional waterworks wells cuts shafts mains pipes engines tunnels meters machinery and other works and apparatus and conveniences in connexion with or in addition to their existing waterworks and may do all such acts as they may think proper for storing and supplying water within the limits of this Act and may store and supply water accordingly including any water which they may purchase from the Woking Company which water they are hereby authorised to purchase accordingly.

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Power to take easements, &c. by agreement.

52. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege in over or affecting any lands (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 last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants or to such easements rights or privileges as aforesaid.

Purchase of land by agreement.

53. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their water undertaking any lands within their limits of supply not exceeding in the whole ten acres in extent or any easement (not being an easement of water) in over or under any such lands Provided that no buildings shall be erected on such lands except such as are required for the purposes of the Company's waterworks.

For the protection of the South-eastern Railway Company.

54. In laying down or executing or in effecting the repairs or renewals of any mains pipes conduits or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used by the South-eastern Railway Company (in this section referred to as "the railway company") or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the railway company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in the event of such engineer failing to signify his approval or disapproval or to give such other direction within twenty-eight days after the submission of such plans as aforesaid in such manner as shall unless otherwise agreed be determined by an engineer to be appointed by the Board of Trade on the application of either the railway company or the Company and the decision of such engineer shall be final and conclusive between both parties Provided always that nothing herein contained shall authorise the Company to occupy or use permanently with their works the surface of any land or property of the railway company All such works shall be done by and at

the expense of the Company who shall also restore and make good to the reasonable satisfaction of the railway company's engineer the roads over any bridges level crossings or approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operation of the Company and all such works and operations and all other works of the Company and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or in any way be owing to any of the works or operations and matters aforesaid or the failure of any such mains pipes conduits or works the Company shall make compensation to the railway company in respect thereof the amount of such compensation to be determined by arbitration in the manner hereinafter provided and such compensation together with full costs of suit shall be recoverable by the railway company from the Company by all and the same means as any simple contract debt of the like amount is recoverable.

The Company shall acquire only such an easement across over or under any of the railways works and property belonging to the railway company as may be necessary for constructing and maintaining any of their works and shall pay to the railway company for any such easement to be so acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands In the event of any dispute arising between the engineer for the time being of the railway company and the engineer for the time being of the Company the same shall be determined by an engineer to be appointed by the Board of Trade at the request of either party and the costs of such arbitration shall be in the discretion of the arbitrator.

For protection of Surrey county bridges.

55. For the protection of Surrey county bridges and approaches thereto and other property be it enacted as follows:—

(A.) No works at any time affecting any bridge belonging to or under the control of Her Majesty's justices of the peace for the county of Surrey or the approaches to any such bridge shall be placed or constructed and no alteration or disturbance

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of any county bridge or approach road thereto shall be begun except in accordance with plans and specifications previously submitted to and signed by the surveyor for the time being of the county of Surrey and the said works shall be executed under the superintendence of the said surveyor and to his reasonable satisfaction and shall be thereafter maintained by the Company at their own expense and under such superintendence as aforesaid Provided that if the said surveyor omit to signify his approval or disapproval to the said plans and specifications during two months after the same shall have been submitted to him such omission shall be deemed an approval.

Except in the case of the before-mentioned omission of the county surveyor if the Company commence any works in contravention of this section they shall pay to the said justices by way of liquidated damages a sum of twenty-five pounds and a further sum of ten pounds for every day in which the works shall be continued which sums may be recovered with costs of action in any court of competent jurisdiction.

(b.) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the said justices all costs losses damages and expenses to which they may be put or sustain by reason of the execution or failure of any of the intended works or of any act or omission of the Company or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Company will effectually indemnify and hold harmless the justices from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission.

(c.) The costs charges and expenses of the said surveyor of and incident to the approval of the said plans and specifications and the superintendence of the works shall be paid by the Company.

Restriction on displacing persons of the labouring class.

56. The Company shall not under the powers of this Act without the consent of the Local Government Board 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 after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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.

Company may lease, &c. spare lands of undertaking.

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

Reservation of water rights, &c. on sale.

Constant supply and pressure.

58. The water to be supplied by the Company need not be constantly laid on under pressure and the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the works of the Company from which the supply is taken.

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

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

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

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

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

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

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

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

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

Rates for watercloseted and private baths.

In addition to the rates computed as above specified the Company may charge for a supply of water to every watercloset beyond the first the sum of seven shillings and sixpence per annum and to every bath the sum of twelve shillings and sixpence per annum:

Provided that the Company shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rate rent or charge is paid for the whole of such dwelling-house and premises:

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor:

Provided that when the water rate is chargeable on the annual value of a part only of any premises entered in the valuation list or poor rate such annual value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

For preventing the fouling of water.

60. The Company shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Company nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Company not bound to supply

61. Where any part of a dwelling-house is used by the occupier thereof for any trade or business purpose or pursuit for which water

is required in addition to the ordinary supply for domestic purposes the Company shall not be bound to supply water to such dwelling-house otherwise than by special agreement.

water for trade purposes.

62. Subject to the provisions of this Act the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes Provided that a supply for domestic purposes shall not include a supply for any of the purposes mentioned in section 12 of the Waterworks Clauses Act 1863 Provided also that such supply for other than domestic purposes shall not at any time interfere with the supply for domestic purposes.

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

63. The Company shall not be bound to supply water to any workhouse hospital or other large public institution except upon such terms as may be from time to time agreed between them and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate.

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

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

Power to sell or let meters.

65. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Notice to Company of putting up meters, &c.

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

Register of meter to be primâ facie evidence.

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Repair of meters.

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

Power to remove meters and fittings.

68. The Company after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal and every notice required by this section shall be served by being delivered to the person for whom it is intended or left at his usual or last known place of abode or business in England or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry then by being affixed on some conspicuous part of such building or lands.

Power for Company to supply materials, &c.

69. The Company may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soilpans and waterclosets apparatus receptacles fittings and appliances as are required or permitted by their regulations in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such works shall be paid by the person requiring the same.

Company not bound to supply several houses by one pipe.

70. The Company shall not be bound to supply more than one house by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

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Where several houses supplied by one pipe each to pay.

71. When several houses or parts of houses in the occupation of several persons are supplied 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 from a distinct pipe.

Supply of water to tenements in a row.

72. 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 or 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.

Regulations for preventing waste of water, &c.

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

(1.) The Company may from time to time make regulations for the purpose of preventing the waste undue consumption or misuse or contamination of water and amongst other things 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 soilpans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which in their judgment may lead to such waste or undue consumption misuse erroneous measurement or contamination ;

(2.) No such regulations shall be of any force or effect except within such part or parts of the district which the Company are for the time being under the provisions herein-after in that behalf contained bound to supply and shall in fact supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to every sanitary authority within the limits of supply and any such authority may within the said period of

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one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient;

(3.) All such regulations shall be subject to the provisions contained in sections 182 to 184 both inclusive of the Public Health Act 1875 and all penalties imposed for the breach of any such regulations shall be recoverable in manner provided by that Act for the recovery of penalties as if the Company were a local authority and the regulations were byelaws within the meaning of those sections and the secretary of the Company were the clerk of the Local Authority;

(4.) A copy of all such regulations in force for the time being shall be kept at the office of the Company. 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 shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof;

(6.) In case of failure of any person to observe such regulations as are for the time being in force the Company may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soilpan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable;

(7.) Any person who shall offend against any such regulations 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 such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

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

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

Form and service of notices by Company.

75. Any notice to be served on a person supplied with water may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Incoming tenant not liable for arrears.

76. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Notice of discontinuance.

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

Contracts for supplying water for public purposes.

78. The Company may from time to time enter into and carry into effect agreements with any sanitary authority company corporation public body officers or persons for the supply by the Company to any such sanitary authority company corporation public body officers or persons respectively of water in bulk whether within or

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beyond the limits of supply and the agreements respectively may be for such times and for such remuneration and on such terms and conditions whatsoever as the contracting parties think fit Provided that such supply of water do not at any time interfere with the supply of water for domestic purposes within the limits of supply for the time being of the Company exercising the powers of this Act and provided further that the powers of this section shall not be exercised within the limits of supply of any Company authorised by Act of Parliament or provisional order confirmed by Act of Parliament to supply water without the consent in writing of such Company.

Liability to water rent not to disqualify justices, &c.

79. No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of summons,&c.

80. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of distress.

81. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

Penalties not cumulative.

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

Power to Woking Company to purchase undertaking.

83. If the Woking Company at any time within one month from the passing of this Act give to the Company by registered letter addressed to the Company at their registered office notice in writing under their common seal of their desire to acquire the undertaking of the Company the Company shall within six months from the passing of this Act sell and transfer their undertaking to the Woking Company and the Woking Company may and shall purchase the same Provided always that if the Woking Company do not within the said period of one month from the passing of this Act give notice as aforesaid to the Company of their desire to acquire the undertaking of the Company they shall pay to the Company if the Company shall have duly observed and performed the terms and conditions of any agreement with reference to the transfer or proposed transfer of their undertaking to the Woking Company which may have been or may be entered into between the two companies the sum of five hundred pounds.

Consideration for sale and transfer.

84. The consideration for such sale or transfer shall be the sum of four thousand pounds to be paid by the Woking Company to the Company in cash.

Saving for existing preference stock and shares of Woking Company.

85. Provided that any consideration given or made by the Woking Company to the Company or their nominees shall not prejudice or affect any preference or priority in the payment of interest or dividend on any stock or shares from time to time granted by the Woking Company and which is for the time being lawfully subsisting.

Transfer of undertaking by deed.

86. On and as from the date of the completion of the purchase the undertaking property interests agreements and benefit of agreements of or to which the Company are seized or entitled at that date and all the powers rights privileges and authorities vested in granted to or conferred upon the Company by this Act (other than their powers of raising money by shares stock debenture stock or borrowing) shall subject (except as between the Company and the Woking Company) to all obligations debts contracts and liabilities affecting the undertaking of the Company be transferred to and vest in the Woking Company and the date of such transfer and vesting is in this Act referred to as the "date of transfer":

Provided always that within three months from the date of transfer the Company shall produce to the Commissioners of Inland Revenue a deed of conveyance duly stamped in which the purchase money or consideration for the sale to the Woking Company shall be truly stated and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of transfer to the date of payment shall be recoverable from the Woking Company with full costs of suit and all costs and charges attending the same and the execution and delivery of such deed shall be conclusive evidence of the transfer of the undertaking of the Company to the Woking Company.

Receipt of three directors of Company for purchase money to be sufficient discharge.

87. A receipt under the hands of three of the directors of the Company for the purchase money or any part thereof or any other sum to be paid to them by the Woking Company under the provisions of this Act shall effectually discharge the Woking Company from the sum which in such receipt shall be acknowledged to have been received and from being answerable or accountable for the loss mis-appropriation or non-application thereof.

Application of purchase money.

88. The directors of the Company shall hold the purchase money for the undertaking when paid and all other money for the time being belonging to the Company on trust to pay and discharge

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thereout all the debts and liabilities of the Company and such compensation (if any) as they may think fit to any officers and servants of the Company and to distribute the residue among the stockholders and shareholders of the Company their executors administrators or assigns rateably and in proportion to their respective holdings and interests in the capital and undertaking of the Company and the directors of the Company may exercise all powers necessary for paying and discharging those debts and liabilities and such compensation (if any) and distributing the assets and winding up the affairs of the Company.

Dissolution of the Company.

89. The debts and liabilities of the Company shall be discharged their assets distributed and their affairs wound up as soon as conveniently may be after the date of transfer and when the affairs of the Company have been completely wound up the Company shall be dissolved.

Company's books evidence as to shareholders.

90. The persons who appear in the register of stockholders or other books of the Company to be proprietors of shares in the capital of the Company shall unless the contrary is proved to the satisfaction of the directors thereof be considered to be shareholders thereof for the purposes of the distribution of the Company's assets.

Receipts of executors of shareholders to be discharges.

91. The receipt of the executors or administrators of a shareholder in the Company shall be an effectual discharge to that Company and to the directors thereof for so much money as is therein expressed to be received and shall exonerate them from any obligation affecting the shares in respect of which such money is paid.

Payment into court by directors.

92. Where the directors of the Company are for twelve months after the date of transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given the directors may pay the same into the High Court of Justice under any Act for the time being in force for the relief of trustees.

Powers to continue works, &c. of Company.

93. From and after the date of transfer the Woking Company may hold all lands and property and may use maintain renew and repair all the reservoirs mains pipes waterworks and other works comprised in the undertaking of the Company and may subject to the provisions of this Act use employ and deal with the same in the same manner and to the like extent as the Company might have done before the date of transfer Provided that so much (if any) of the said lands and property of the Company as the Woking Company shall at any time consider not to be required for purposes of or connected with their undertaking may (subject to the provisions of

the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands where such provisions are applicable) be sold and disposed of by the Woking Company if they think fit at any time after the date of transfer.

Power to apply funds.

94. After the transfer the Woking Company may apply for any of the purposes of this Act to which capital is properly applicable including any payments as aforesaid to the Company any moneys which by any previous Act or Acts they are authorised to raise by shares stock debenture stock or borrowing and which are not by the Act or Acts under which they are authorised to be raised made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Power to Woking Company to raise additional capital.

95. After the transfer the Woking Company may from time to time raise (in addition to their present capital) any further capital not exceeding in the whole seventy-six thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively but the Woking Company shall not issue any share of less nominal value than ten pounds.

Additional capital to form part of general capital of Woking Company.

96. The additional capital by this Act authorised to be raised shall for all purposes form part of the general capital of the Woking Company.

Incidents of shares or stock.

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

Dividends on new shares or stock.

98. Subject to the provisions of this Act every person who becomes entitled to any such new shares or stock shall in respect of the same be a holder of shares or stock in the Woking Company and shall be entitled to a dividend proportioned to the amount from time to time called up and paid on such new shares or to the whole amount of such shares or stock as the case may be.

Profits of the Woking Company limited.

99. The Woking Company shall not in any one year make out of their profits any larger dividend on such part (if any) of the additional share capital to be raised by them under the powers of

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this Act as may be issued as preference capital than at the rate of five pounds in respect of every one hundred pounds actually paid up of such capital.

Dividends on different classes of shares or stock to be paid proportionately.

100. In case in any half year the net revenues of the Woking Company applicable to dividend shall be insufficient to pay the full amount of dividend on each class of ordinary shares or stock in the capital of the Woking Company a proportionate deduction shall be made in the dividend of each class.

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

101. 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.

Shares not to issue until one fifth part paid up.

102. The Woking Company shall not issue any share forming portion of the capital by this Act authorised to be raised nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such new share shall have been paid in respect thereof.

Power to borrow in respect of additional capital.

103. In addition to the sums which the Woking Company are authorised to borrow by any former Act or Acts they may from time to time borrow on mortgage of their undertaking in respect of the additional capital of seventy-six thousand pounds by this Act authorised to be raised any further sum or sums not exceeding in the whole nineteen thousand pounds and of that sum they may borrow not exceeding two thousand five hundred pounds in respect of each ten thousand pounds of the additional capital up to seventy thousand pounds and not exceeding one thousand five hundred pounds in respect of the balance of six thousand pounds of such additional capital but no part of any such sum of two thousand five hundred pounds or one thousand five hundred pounds shall be borrowed until shares for the portion of additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such portion of additional capital is paid up and the Woking Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof or until stock for one half of so much of the same portion

of additional capital as is to be raised by means of stock is fully paid up and the Woking Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the same portion of capital is raised by shares that such persons or corporations their executors administrators successors and assigns are legally liable for the same and upon production to such justice of the books of the Woking 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.

Priority of principal moneys secured by existing mortgages.

104. The principal moneys secured by all mortgages granted by the Woking Company in pursuance of the powers of any former Act or Acts and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages to be granted by virtue of this Act.

Repeal of section 21 of Act of 1881.

105. Section 9 (for appointment of a receiver) of the Woking Water and Gas Act 1881 is hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

For appointment of a receiver of Woking Company.

106. The mortgagees of the Woking 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 five thousand pounds.

Debenture stock.

107. The Woking 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 at any time created and issued by the Woking Company shall rank pari passu with the interest of all mortgages at any time granted by that Company and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages or debenture stock over other debts.

108. All money raised or to be raised by the Woking Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Woking Company and the property from time to time of the Woking Company over all other claims on

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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 Woking Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Woking Company in pursuance of any Act relating to the Woking Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Application of moneys.

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

As to conversion of borrowed money into capital.

110. The Woking 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 borrowing or to convert into capital the amount borrowed under the provisions of this Act unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Costs of Act.

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

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