CHAPTER cxvii.

An Act to authorise the construction of additional Water-works at Swanage in the county of Dorset and for other purposes. [14th July 1884.] A.D. 1884.

WHEREAS George Burt of Purbeck House Swanage in the county of Dorset in or about the year 1864 established water-works for supplying the inhabitants of Swanage with water for public and private purposes and he is the owner of such works and has for some years past supplied and now supplies the town and parish of Swanage with water:

And whereas by the Swanage Gas and Water Order 1883 confirmed by the Gas and Water Orders Confirmation Act 1883 the said George Burt (herein-after called "the Proprietor" or "the said Proprietor" which expressions respectively in this Act include also his heirs and assigns) was authorised amongst other things to continue and maintain his existing waterworks at Swanage aforesaid and to supply water for public and private purposes within the parish of Swanage:

And whereas for the purposes of such supply it is expedient that the Proprietor should be authorised to make and maintain the additional works in this Act described and to purchase additional lands and to raise further money and that the powers of the Proprietor should be otherwise extended as in this Act is provided:

And whereas plans and sections of the works by this Act authorised showing the lines and levels thereof the plans showing also the lands houses and property intended to be compulsorily taken under the powers of the Bill and a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands to be taken under the powers of this Act have been deposited with the clerk of the peace for the county of Dorset and are in this Act referred to as the deposited plans sections and book of reference:

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

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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:—

Short title.

1. This Act may be cited for all purposes as the Swanage Water Act 1884.

Incorporation of general Acts.

2. The provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 as 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 roads near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act. The provisions herewith incorporated of the last-mentioned Act shall apply only to the reservoirs and pumping station by this Act authorised and in construing those provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the reservoirs and pumping station and the boundaries thereof respectively.

Interpretation of terms.

3. In 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 thereof repugnant to such construction. The expression "court of competent jurisdiction" or any other like expression in this Act or any Act incorporated herewith shall 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 and the expression "superior courts" shall include county courts in all cases where the amount of debt or demand is within the jurisdiction for the time being of county courts.

Power to make works shown on the deposited plans and sections.

4. Subject to the provisions of this Act the Proprietor may make and maintain in the lines and according to the levels shown upon the deposited plans and sections the several waterworks and other works shown on those plans and sections. The works herein-before referred to and authorised by this Act will be wholly situated in the parish of Swanage in the county of Dorset and are as follows:—

Work No. 1.—An impounding reservoir situate partly in a piece of rough or waste land lying on the north side of the public carriage road leading from Swanage to Studland and adjoining such road at a distance of 275 yards or thereabouts from the junction of the road leading from Herston with the said first

mentioned road and partly in a field belonging or reputed to belong to the feoffees or trustees of Streche's Almshouse Charity Wareham and numbered 139 on the tithe map of the said parish.

Work No. 2.—A pumping station to be situate wholly in the said field numbered 139 upon the said tithe map immediately adjoining and to the north and east of the northern extremity of the said Work No. 1.

Work No. 3.—A rising main conduit or line of pipes commencing at the northern side of the before-mentioned pumping station passing thence in a northerly direction through the said field No. 139 and terminating in the down or land belonging or reputed to belong to the feoffees or trustees of Streche's Almshouse Charity Wareham and numbered 138 on the said tithe map in the reservoir or Work No. 4 herein-after described.

Work No. 4.—A storage reservoir situate wholly in the said down or land numbered 138 on the said tithe map commencing at a point on the east side of and 13 yards or thereabouts measured in an easterly direction from the centre of a cut or trench in the said down or land numbered 138 and 226 yards or thereabouts measured in a northerly direction from the point where the said cut or trench intersects the hedge or fence dividing the said fields numbered 138 and 139.

Work No. 5.—An aqueduct conduit or line of pipes commencing at or in the impounding reservoir (Work No. 1) proceeding thence in a southerly direction through the said rough or waste land lying on the north side of the said public carriage road leading from Swanage to Studland to the said public carriage road and terminating in the existing storage tank of the pumping station of the waterworks belonging to the said Proprietor.

Work No. 6.—A conduit or line of pipes commencing at or in the before-mentioned intended reservoir (Work No. 4) thence passing through the said down or land No. 138 and the said land No. 139 in a southerly direction and across the said rough or waste land herein-before mentioned in the description of Work No. 2 to the said public carriage road adjoining thereto and terminating in the existing high level water tank of the waterworks belonging to the said Proprietor.

Together with all proper wells shafts drifts adits engines pumps machinery buildings mains pipes sluices standpipes tanks culverts cuts drains approaches and other works and conveniences ancillary or subsidiary to the works above described or any or either of them or connected therewith and the Proprietor may enter upon take and use such of the lands described in the deposited plans and book of

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reference as he may require for the purposes of this Act and he may also by means of the works by this Act authorised or otherwise under the powers of this Act divert impound take appropriate store use and distribute all water found in or under any of the lands for the time being belonging to him and the spring or stream known as Ulwell spring and stream.

Water for watering cattle.

5. If the present supply of water to the watering place for cattle in the field on Whitecliff Farm in the parish of Swanage belonging to the Earl of Eldon numbered 88 on the tithe map of the said parish at present supplied by Ulwell brook or stream be at any time hereafter in consequence of the works authorised by this Act diminished the Proprietor shall at his own cost forthwith provide and for ever thereafter maintain a supply of water from his water works to the said watering place by means of a three quarter inch supply pipe from one of the lines of pipes (Works Nos. 5 and 6) by this Act authorised along the Ulwell Road into the said watering place.

Lateral and vertical deviations.

6. Subject to the other provisions of this Act in executing the works shown on the deposited plans the Proprietor may deviate laterally from the lines thereof to any extent within the limits of deviation shown thereon (and where in any street or road no limits are shown the boundary of such street or road shall be deemed to be the limits) and vertically from the levels thereof shown in the deposited sections to any extent not exceeding five feet upwards or downwards. Provided always that the Proprietor shall not so deviate from the line of either of the reservoirs shown in the deposited plans as that any embankment or wall of either of the said reservoirs shall be of a greater height above the general surface of the ground than that shown on the deposited sections and five feet in addition. Provided that if in executing the works it be found desirable to exceed the height of any embankment or wall of either of the reservoirs as shown upon the deposited sections the work shall be correspondingly strengthened from the base throughout.

Power to purchase additional lands.

7. Subject to the provisions of this Act and in addition to the other lands which the Proprietor is by this Act authorised to acquire the Proprietor may enter upon take use and appropriate the whole or any part of the lands herein-after described and delineated on the deposited plans and described in the deposited book of reference that is to say:—

Certain lands in the said parish of Swanage called or known as "Ulwell Mill" situate on the south side of and adjoining to the Ulwell Road.

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For protection of the trustees of Streche's Almshouse Charity.

8. For the protection and benefit of the trustees of Streche's Almshouse Charity Wareham (herein-after called "the trustees") the following provisions shall have effect that is to say:

1. The Proprietor shall on the request in writing of the trustees by means of the works by this Act authorised from and after the completion thereof afford a sufficient supply of water for domestic purposes to the occupier of each dwelling-house or cottage now or hereafter being upon such of the lands belonging to the trustees in the parish of Swanage as are numbered 1 4 5 6 13 14 15 and 17 on a plan of the said lands signed by George Clavell Filliter on behalf of the said trustees and by Richard William Cooper on behalf of the Proprietor. Such supply shall be given in perpetuity at one half the rate or rates authorised by the Swanage Gas and Water Provisional Order 1883 (herein-after called "the provisional order") for a similar water supply. Provided that the service pipes and other necessary connexions and apparatus for supplying the said houses and cottages shall be provided laid and maintained at the expense of the trustees or the said occupiers respectively.
2. The Proprietor shall also at the request of the trustees so long as they may require him so to do at his own expense provide and maintain a suitable trough for the purpose of watering the cattle of the tenants of the said trustees at the site marked A on the said plan and shall furnish thereto gratis a sufficient supply of water for such purpose.
3. Save as in this section is otherwise expressly provided the provisions of the provisional order shall in all things extend and apply to the trustees and to the said occupiers and to the water supply to be afforded by the Proprietor and to the recovery of water rents under this section.

Power to owners to grant easements &c.

9. 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 this Act grant and demise and may by way of exchange convey to the Proprietor any lands or any easement or right (not being an easement or right of water required for the purposes of this Act) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants demises and conveyances and to such lands and rights as aforesaid respectively.

Period for compulsory purchase of lands.

10. The powers of the Proprietor 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.

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Lands for extra-ordinary purposes.

11. The Proprietor may from time to time for the purposes of his undertaking purchase by agreement in addition to the lands he is by this Act authorised to take by compulsion any lands not exceeding in the whole five acres.

Period for completion of works.

12. The works shown on the deposited plans and by this Act authorised shall be completed within ten years after the passing of this Act and on the expiration of that period the powers by this Act granted to the Proprietor for making the respective works or otherwise in relation thereto shall cease to be exercised except as to so much of the respective works as is then completed but without prejudice to the exercise by the Proprietor of any powers for or in respect of the execution and completion of such works as the Proprietor may be otherwise authorised to execute.

Power to raise further capital.

13. In addition to the original and additional capital of the water undertaking mentioned in and authorised by the Swanage Gas and Water Order 1883 the Proprietor may from time to time for the purposes of the water undertaking contribute any additional capital not exceeding in the whole six thousand pounds.

Power to borrow.

14. The Proprietor may in respect of the additional capital of six thousand pounds which he is by this Act authorised to contribute from time to time borrow on mortgage of his water undertaking any further sum of money not exceeding in the whole one thousand five hundred pounds at a rate of interest not exceeding five pounds per centum per annum.

Rate of dividend on additional capital.

15. The prescribed rate of dividend on any additional capital created under the powers of this Act shall not exceed seven pounds per centum per annum.

For appointment of a receiver.

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

Expenses of Act.

17. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Proprietor out of his capital.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884.