



CHAPTER xxxvii.

An Act to confer further powers on the East Grinstead Gas and Water Company and for other purposes. A.D. 1910.

[26th July 1910.]

WHEREAS by the East Grinstead Gas and Water Act 1878 (hereinafter called "the Act of 1878") the East Grinstead Gas and Water Company (hereinafter called "the Company") were incorporated:

And whereas under the powers conferred upon them by the Act of 1878 and by the East Grinstead Gas and Water Act 1892 (hereinafter called "the Act of 1892") the Company are authorised to supply gas and water within the urban district of East Grinstead and the parish of Forest Row in the rural district of East Grinstead in the county of Sussex:

And whereas it is expedient that the construction by the Company of the waterworks in this Act mentioned in that behalf be sanctioned and confirmed and that the Company be empowered to make and maintain additional waterworks and to acquire additional lands:

And whereas the following is a statement of the share capital which the Company are by the said Acts authorised to raise and of the amounts of such capital which have been issued by them and of the maximum dividends respectively payable on such capital:—

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Act authorising Capital.	Amount authorised to be raised.	Description and Amount of Capital issued.	Maximum Dividend.
Act of 1878	Capital A 12,814 <i>l.</i> (nominal)	(1) 5,814 <i>l.</i> A capital stock - (2) 7,000 <i>l.</i> A share capital in shares of 10 <i>l.</i> each -	} 10 per cent.
Act of 1892	Capital B 5,000 <i>l.</i> (nominal). 40,000 <i>l.</i> (inclusive of premiums).	5,000 <i>l.</i> B share capital in shares of 10 <i>l.</i> each. 23,000 <i>l.</i> C share capital in shares of 10 <i>l.</i> each.	

And the whole of the share capital so issued by the Company is fully paid up and the Company have received two thousand nine hundred and twenty-nine pounds fifteen shillings and sixpence by way of premiums on the shares issued under the powers of the Act of 1892:

And whereas the following is a statement of the loan capital which the Company are by the said Acts authorised to borrow and of the amounts of such capital which have been borrowed by them:—

Act authorising Borrowing.	Capital in respect of which Borrowing Powers exerciseable.	Amount authorised to be borrowed.	Amount borrowed.
Act of 1878	Capital stock 5,814 <i>l.</i> -	£ 4,453	£ 4,453
Act of 1892	Share capital 12,000 <i>l.</i> -	s. 10	s. 10
	40,000 <i>l.</i> -	0	0
		10,000	5,204
			0
			5

And whereas it is expedient that the Company be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and that further powers be conferred upon the Company as provided by this Act:

And whereas plans and sections showing the lines situations and levels of the works by this Act sanctioned or authorised and plans of the lands by this Act authorised to be acquired or used compulsorily and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the respective clerks of the peace for the counties of Sussex and Surrey and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

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1. This Act may be cited as the East Grinstead Gas and Water Act 1910 and the Act of 1878 the Act of 1892 and this Act may be cited together as the East Grinstead Gas and Water Acts 1878 to 1910.

Short and
collective
titles.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of the Act of 1878 and the Act of 1892 as amended by this Act and this Act) are hereby incorporated with this Act (namely):—

Incorpora-
tion of gene-
ral Acts.

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the Waterworks Clauses Act 1847
“ with the consent in writing of the owner or reputed
“ owner of any such house or of the agent of such
“ owner ” ;

The Lands Clauses Acts ;

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The consolidation of the shares into stock ;

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

The making of dividends ;

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The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

Parts I. II. and III. (relating respectively to cancellation and surrender of shares additional capital and debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts ; 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 but in the application of those provisions to this Act the term "railway" shall mean only the service reservoir and water tower by this Act authorised and the expression "the centre of the railway" shall mean the boundaries thereof respectively.

Interpretation.

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 repugnant to such construction ;

The expression "the undertaking" means the undertaking of the Company authorised by the East Grinstead Gas and Water Acts 1878 to 1910 ;

The expression "the water undertaking" means so much of the undertaking as relates to the supply of water ;

The expression "the gas undertaking" means so much of the undertaking as relates to the supply of gas ;

The expression "the Hackenden Works" means the wells adit and pumping station (No. 1) and the aqueducts (No. 1 and No. 2) the construction of which is by this Act sanctioned and confirmed ;

The expression "the new works" means the new works by this Act authorised to be constructed ; and

The expression "the urban council" means the East Grinstead Urban District Council.

Confirmation of works.

4. The construction by the Company of the Hackenden Works hereinafter described which are shown upon the deposited plans and sections relating thereto is hereby sanctioned and

confirmed and the Hackenden Works shall be deemed to have been lawfully constructed and the Company may maintain and use and from time to time alter improve enlarge extend renew reconstruct or discontinue the same together with all incidental and ancillary pipes filters works and apparatus and may retain hold and use for the purposes of the water undertaking all or any of the lands or any interest in the lands already acquired by the Company for the purposes of or in connection with the Hackenden Works which lands are shown upon the deposited plans relating to the Hackenden Works Provided that the said lands so acquired by the Company shall for the purposes of section 3 of the Housing of the Working Classes Act 1903 be deemed to have been acquired under the powers of this section. A.D. 1910.

The Hackenden Works hereinbefore referred to are—

Work No. 1 Wells adit and pumping station (No. 1) situate partly in the parish and urban district of East Grinstead in the county of Sussex and partly in the parish of Lingfield in the rural district of Godstone in the county of Surrey upon the plot of land now in the occupation of the Company near Hackenden which plot of land contains by admeasurement four acres and twenty-nine perches or thereabouts and abuts on the south-easterly side of the Croydon Oxted and East Grinstead Railway and comprises the northern portion of the enclosure numbered 1121 on the Ordnance map (scale $\frac{1}{2500}$ second edition 1899) in the said parish of East Grinstead and the enclosure numbered 1637 and the south-westerly portion of the enclosure numbered 1638 on the Ordnance map (scale $\frac{1}{2500}$ second edition 1897) in the said parish of Lingfield:

Work No. 2 An aqueduct or line of pipes (No. 1) wholly in the said parish and urban district of East Grinstead commencing at the said pumping station (No. 1) and terminating at the existing water tower of the Company near London Road East Grinstead:

Work No. 3 An aqueduct or line of pipes (No. 2) wholly in the said parish and urban district of East Grinstead commencing at the said pumping station (No. 1) and terminating in and under High Street East Grinstead at the junction with that street of Church Street.

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Power to
make new
works.

5. Subject to the provisions of this Act the Company may make and maintain the following new works in the situations and according to the lines and levels shown on the deposited plans and sections and they may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for those purposes. The new works hereinbefore referred to and by this Act authorised will be situated in the county of Sussex and are—

Work No. 4 A well and pumping station (No. 2) in the parish of Forest Row in the rural district of East Grinstead to be situate on lands comprising the enclosure numbered 767 and the northern portion of the enclosure numbered 768 on the Ordnance map (scale $\frac{1}{2500}$ second edition 1899) in that parish :

Work No. 5 An aqueduct or line of pipes (No. 3) commencing in the said parish of Forest Row at the said pumping station (No. 2) and terminating in the parish and urban district of East Grinstead in the service reservoir hereinafter described :

Work No. 6 A service reservoir in the said parish of East Grinstead to be situate in the south-easterly corner of the enclosure numbered on the Ordnance map (scale $\frac{1}{2500}$ second edition 1899) 610 in that parish :

Work No. 7 An aqueduct or line of pipes (No. 4) wholly in the said parish of East Grinstead commencing by a junction with the said aqueduct or line of pipes (No. 3) in and under the main road leading from East Grinstead to Forest Row at a point 42 yards or thereabouts south-east of the junction with that road of Windmill Lane and terminating at the water tower hereinafter described :

Work No. 8 A water tower in the said parish of East Grinstead to be situate at or near the south-easternmost corner of the property numbered on the Ordnance map (scale $\frac{1}{2500}$ second edition 1899) 934 in that parish and known as the Playfield :

Work No. 9 An aqueduct or line of pipes (No. 5) wholly in the said parish of East Grinstead commencing by a junction with the before-mentioned aqueduct or line of

pipes (No. 2) (Work No. 3) at or about the point of junction of College Lane with De la Warr Road and terminating in the said water tower (Work No. 8). A.D. 1910.

6. In addition to the Hackenden Works and the new works the Company may upon the lands shown on the deposited plans and described in the deposited book of reference in connection with the Hackenden Works and the new works respectively make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the Hackenden Works or the new works or any of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. Power to make subsidiary works.

7. In the construction of the new works the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the service reservoir (Work No. 6) three feet upwards and five feet downwards and in the case of other works three feet upwards and to any extent downwards Provided as follows (that is to say):— Limits of deviation.

The Company shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition:

Except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

8. The acquisition by the Company of the plot of land in the parish of Lingfield in the county of Surrey abutting on the westerly side of the Croydon Oxted and East Grinstead Railway and shown upon the deposited plans and containing by Confirmation of purchase of lands at Lingfield.

A.D. 1910. admeasurement seven acres one rood and thirty-eight perches and comprising the enclosure numbered 1630 and the easterly portions of the enclosures respectively numbered 1631 and 1595 on the Ordnance map (scale $\frac{1}{2500}$ second edition 1897) in the said parish of Lingfield is hereby sanctioned and confirmed and the Company may retain hold and use such plot of land for the purposes of protecting their waterworks or water supply against pollution fouling and contamination and for the general purposes of the water undertaking Provided that nothing in this Act shall authorise the Company to construct in or upon such plot of land any well or other works for taking or intercepting water Provided also that the said plot of land shall for the purposes of section 3 of the Housing of the Working Classes Act 1903 be deemed to have been acquired under the powers of this section.

Power to acquire easements for purposes of Aqueducts Nos. 1 and 2.

9.—(1) The Company for the purposes of the aqueducts or lines of pipes Nos. 1 and 2 (Works Nos. 2 and 3) the construction of which is by this Act sanctioned and confirmed may enter upon the lands road and property in the said parish and urban district of East Grinstead shown on the deposited plans and described in the deposited book of reference and included within “the limits of easements to be acquired” marked on the said plans which lands road and property are also described in the schedule to this Act and may subject to the provisions of this Act break up and open the site and soil of the said lands road and property and may in under over or along the same maintain and from time to time enlarge repair renew and inspect the said aqueducts or lines of pipes and any apparatus in connection therewith and from time to time lay down and maintain new water mains pipes and apparatus and for all or any of such purposes may have the right of access to and over any such lands road and property.

(2) The Company shall make to the owners lessees and occupiers and other parties having any estate or interest in such lands road and property compensation for the rights or easements of so laying down maintaining enlarging repairing renewing and inspecting such aqueducts or lines of pipes mains pipes or apparatus and may give notice to treat in respect to such rights or easements and the provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to the purchase of such rights or easements.

as if such purchase were a purchase of land within the meaning of such Acts. A.D. 1910.

10. And whereas in the construction of the new works or otherwise in exercise of the powers of this Act it may happen that a portion only of the premises numbered on the deposited plans 20 in the parish and urban district of East Grinstead may be sufficient for the purposes of the same and that such portion may be severed from the remainder of the said premises without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the said premises may if such portion can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such premises without material detriment thereto be required to sell and convey to the Company the portion only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portion required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Owners may be required to sell part only of certain premises.

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

Period for compulsory purchase of lands.

12. If the new works are 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 except as to so much thereof as is then completed but nothing in this section contained shall restrict the Company from at any time extending enlarging altering renewing or removing any of their waterworks plant and other incidental works and increasing or improving their supply of water or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require.

Period for completion of works.

13.—(1) The Company may in lieu of acquiring any lands for the purposes of the new works where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may

Company may acquire easements only in certain cases.

A.D. 1910. give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

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

Persons
under dis-
ability may
grant ease-
ments &c.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
acquire well
at Place
Land by
agreement.

15. The Company may for the purposes of the water undertaking purchase take on lease or acquire by agreement from Arthur Hepburn Hastie the well and waterworks now in course of construction near the Moat Pond on the estate in the parish and urban district of East Grinstead known as Place Land and the Company may by agreement with the said Arthur Hepburn Hastie complete the construction of the said well and waterworks and from time to time alter improve enlarge extend renew or reconstruct the same and the Company may hold and use the same for the purposes of the water undertaking.

16. In addition to the lands now held by the Company and any other lands which they may acquire or hold under the powers of any former Act or this Act the Company may for the purpose of protecting their waterworks or water supply against pollution fouling and contamination and for the purposes hereinafter in this section mentioned purchase take on lease or acquire by agreement and hold any lands not exceeding in the whole thirty-five acres and may on all or any of such additional lands execute for the purposes of or in connection with the water undertaking any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 and the Company may also purchase by agreement any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) in under or over such additional lands which they may think requisite. Provided that so long as any lands acquired by or leased to the Company under this section are held by them the Company shall not on any such lands cause or permit a nuisance or erect or authorise or permit the erection of any buildings other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the water undertaking.

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Power to acquire additional lands by agreement.

17. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the works by the Act of 1878 or this Act sanctioned or authorised with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by the Act of 1878 or this Act authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivatively into such works.

Power to agree as to drainage of lands &c.

18. The Company may hold any lands for the time being vested in them which it may in their opinion be necessary to hold for the purpose of protecting their waterworks or water supply against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Company shall not create or permit a nuisance on

Power to hold lands for protection of waterworks.

A.D. 1910. any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the water undertaking.

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

19. The Company may demise and lease for any terms not exceeding twenty-one years 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 and property for the time being belonging to the Company which they do not require for the purposes of the undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable) and on the lease or sale by the Company of any such lands 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.

Power to take waters.

20. Subject to the provisions of this Act the Company may from time to time for the purposes of the water undertaking collect impound take and divert and may use and appropriate all such springs and waters as will or may be intercepted by the Hackenden Works or the new works or if and when the same shall be acquired by the Company the well and other waterworks referred to in the section of this Act of which the marginal note is "Power to acquire well at Place Land by agreement."

Limiting powers of Company to abstract water.

21. The Company shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them unless the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Discharge of water into streams.

22.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any reservoir conduit or line of pipes or other works of the Company the Company may

cause the water in any such work to be discharged into any available stream or watercourse. A.D. 1910.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

23. The Company may enter into and carry into effect agreements with any local authority or any company or person supplying or authorised to supply water within any area adjoining the limits of supply of the Company for the supply of water by the Company to any such local authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given to any local authority or to any company or person supplying water without parliamentary authority within any such area or any part thereof except with the written consent of any company or person supplying or authorised to supply water under parliamentary authority within that area nor to any company or person supplying or authorised to supply water within any such area except with the written consent of the local authority of the district comprising that area nor in any case if such supply would interfere with the supply of water for domestic purposes within the limits of supply of the Company.

Agreements
for giving a
supply in
bulk.

24. The Company may enter into and carry into effect agreements with any company supplying water under parliamentary authority within limits of supply adjoining the limits of supply of the Company (in this section referred to as an "adjoining company") for the supply of water to the Company by such adjoining company in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that nothing in this section shall authorise any adjoining company to supply water to the Company if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply of such adjoining company.

Agreements
for taking a
supply in
bulk.

A.D. 1910.

For protec-
tion of East
Sussex
County
Council.

25. For the protection of the county council of East Sussex (in this section referred to as "the council") the following provisions shall have effect (that is to say):—

- (1) All mains pipes and works to be laid in or along any main road or in upon or across any county or main road bridge or the roadway over the same or approaches thereto shall be laid in such position in or at the side thereof and at such depth as the council in writing under the hand of their surveyor may reasonably direct:
- (2) The notice required by section 30 of the Waterworks Clauses Act 1847 shall (except for laying connecting or repairing consumers' service pipes as to which three days' notice shall be given and except in cases of emergency arising from defects in any of the pipes or other works) be not less than in the case of a bridge or the approaches thereto one month instead of three days and in all other cases seven days instead of three days:
- (3) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and shall (except as aforesaid) be delivered to the council or their surveyor by the Company not less than in the case of a bridge or the approaches thereto one month and in all other cases seven days before the Company commence to open or break up any main road or interfere with any county or main road bridge or roadway over the same or approaches thereto or other property of the council for the purpose of executing the works:
- (4) If the Company in the execution of any works in or affecting any such main road bridge or approaches shall cause any damage injury or disturbance to such main road bridge or approaches and shall have failed to properly make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then it shall be lawful for the council after reasonable notice to the Company of the alleged failure and of the works which they propose to execute to do all works necessary for

making good all such damage injury or disturbance and the Company shall repay to the council all costs charges and expenses which the council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence: A.D. 1910.

- (5) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the council which consent shall not be unreasonably withheld and may be given upon such conditions as the council or such surveyor may reasonably determine:
- (6) Nothing in this Act contained shall interfere with the right of the council to alter the level of deviate or improve in any manner they think fit any main road in or along which any mains pipes or works of the Company shall have been laid and the Company shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the council so to do alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the council shall not make any compensation to the Company for any expense to which the Company may be put in effecting any such alteration of any mains pipes or works so far as such alteration was necessary for enabling the alteration deviation or improvement of the main road to be carried out but save as aforesaid the council shall repay to the Company any expense to which the Company may be put in effecting any alteration of any mains pipes or works which the Company are required to effect under this subsection:
- (7) Nothing in this Act contained shall prejudice or affect the right of the council at any time to remove alter rebuild widen or repair any county or main road bridge or the approaches thereto or the roadway over the same over or near or attached to which any mains pipes or works of the Company are carried in the same manner as they might have removed altered

A.D. 1910.

rebuilt widened, or repaired such bridge or the roadway over the same or the approaches thereto if this Act had not passed and such mains pipes or works had not been laid over or near or attached to such bridge and the council shall not make any compensation to the Company for any expense or loss to which the Company may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same or the approaches thereto over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Company shall if in the opinion of the council or their surveyor it is necessary so to do for the purpose of such removal alteration rebuilding widening or repairing at their own cost in all things alter the position of any works by which such mains or pipes are carried over or near or attached to such bridge or the roadway over the same or the approaches thereto as aforesaid Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same or the approaches thereto as aforesaid the council shall afford all reasonable facilities for temporarily carrying such mains and pipes across any stream or river so as not to interrupt the continuous supply of water or gas or to diminish the pressure of such supply through such mains or pipes and that the Company shall reimburse the council all reasonable expenses incurred by the council in affording such facilities Provided also that in case any such alteration deviation improvement removal rebuilding widening or reparation as is mentioned in this subsection shall be required for the accommodation of any light railway or tramway belonging to the council the council shall repay to the Company the expense which the Company reasonably incur in altering the position of any works by which the mains or pipes of the Company were carried over or near or attached to the bridge or the roadway over the same or the approaches thereto and the facilities to be afforded by the council under this subsection

shall be afforded by the council at their own expense: A.D. 1910.

- (8) All work shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto:
- (9) The Company shall pay to the council the reasonable expenses incurred by them in relation to the reasonable superintendence by the council or their surveyor of any works to be done by the Company under the provisions of this section:
- (10) If any difference at any time arises between the council and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the president of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration as aforesaid:
- (11) The council shall not be liable for or in respect of any damage or injury done to any work of the Company (A) by reason of such work being laid at a depth below the surface of any main road or the roadway over a county or main road bridge or the approaches thereto insufficient for its protection from injury arising from the use by the council of any steam or other roller not exceeding fifteen tons in weight for the repair of such road or of any traction engine not exceeding the weight aforesaid or (B) from the passage of the traffic in such road or (C) in repairing any county or main road or county or main road bridge or the roadway over the same or the approaches thereto or (D) by reason of the non-repair of any such road bridge roadway or approaches.

26. For the protection of the urban council the following provisions shall have effect unless otherwise agreed in

A.D. 1910. writing between the urban council and the Company (that is
Urban Dis- to say) :—
trict Council.

(1) The provisions of the section of this Act of which the marginal note is "For protection of East Sussex County Council" in relation to main roads except subsection (6) of that section shall enure and have effect for the protection of the urban council and of all roads in the urban district of East Grinstead (in this section referred to as "the district") which are vested in and repairable by the urban council as if those provisions had been expressly re-enacted herein with reference to the urban council and the said roads respectively :

(2) Subject as hereinafter provided all water supplied by the Company for domestic use within the district shall before the same be put into their pipes for distribution be properly and efficiently filtered so as to render the same pure and wholesome for domestic purposes and so as to prevent it acting in such a manner as to endanger or be liable to endanger the health of consumers :

Provided always that as regards water supplied from the Hackenden Works it shall be deemed to be properly and efficiently filtered if it is filtered in the same manner in all respects as it has been filtered by the Company immediately prior to the twenty-fifth day of March one thousand nine hundred and ten. Provided further that water supplied from the well and pumping station (No. 2) Work No. 4 by this Act authorised shall not be required to be filtered unless and until the urban council and the Company agree that filtration is necessary or in the event of the urban council deeming such filtration to be necessary and the Company being of opinion that it is not necessary until an arbitrator to be appointed by the Local Government Board has determined that such filtration is necessary. Provided further that as regards water from the existing town well of the Company they shall not be required to make provision for filtering the same until the expiration of three years from the passing of this Act :

If the Company fail to comply with any of the provisions of this subsection they shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which such default shall continue:

- (3) The urban council may take proceedings to enforce the provisions of this section and may duly appoint and authorise any person to enter at all reasonable times on the property of the Company for the purpose of inspecting any filter beds or other apparatus and appliances used for filtering and treating the water of the Company and of taking such samples of the water as he may think fit from any part or parts of the works of the Company and any person who hinders or obstructs any such person in the performance of his duty under this subsection shall be liable to a penalty not exceeding five pounds for every such offence:

Provided that before any samples of water are taken under this subsection the person appointed for that purpose by the urban council shall give two hours' previous notice in writing to the Company of his intention to take such samples so as to enable the manager or other representative of the Company to be present at the taking of such samples and to take duplicate samples of the water at the same time and it shall not be lawful for the urban council or the person so appointed as aforesaid to publish or make public the result of any samples taken by such person unless such notice as aforesaid shall have been duly given:

- (4) The Company shall not purchase or acquire for the purposes of the water tower Work No. 8 by this Act authorised any greater area of land of the urban council known as the playing field than is necessary for the construction of the water tower and for providing a space of not more than six feet in width round the base of the water tower and the land to be so acquired shall be on such part of the said playing field as shall be approved by the urban council:
- (5) The Company shall serve notice to treat for the lands to be acquired for the purposes of the water tower within three months from the passing of this Act and

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shall proceed as rapidly as possible to complete the purchase and to erect the water tower:

The water tower shall be constructed of such a height that the top water level shall be not less than five hundred and twenty feet above Ordnance datum and shall be of such design and materials and elevation as shall be reasonably approved by the urban council. The Company shall submit to the urban council plans and particulars showing the proposed design materials and elevation of the water tower and if the urban council fail for a period of three months after such submission to signify their disapproval of such design materials and elevation they shall be deemed to have approved thereof:

- (6) Any difference which may arise between the Company and the urban council as to the design materials or elevation of the water tower shall be determined by an architect to be appointed on the application of either party by the president of the Royal Institute of British Architects:
- (7) As from the expiration of a period of two years from the passing of this Act or of eighteen months from the completion of the purchase of the lands required for the construction of the water tower and of the approval of the design materials and elevation of the water tower by the urban council whichever event shall first happen section 71 of the Act of 1878 shall by virtue of this Act be repealed so far as it relates to the district and thereafter the provisions of sections 35 and 36 of the Waterworks Clauses Act 1847 shall apply and have effect in relation to the Company and their waterworks undertaking within the district:
- (8) The Company shall at all times maintain in good and efficient order and condition at their Hackenden pumping station duplicate pumping plant and shall also provide and at all times maintain in good and efficient order and condition duplicate pumping plant at the pumping station (No. 2) Work No. 4 by this Act authorised:
- (9) The Company shall before supplying outside the district water obtained by means of the existing works within

the district provide for the use of the inhabitants of the district for the time being requiring and taking a supply of water from the Company in accordance with the provisions of section 35 of the Waterworks Clauses Act 1847 such a supply of water so obtained as may from time to time be lawfully required by such inhabitants for sanitary domestic and trade requirements.

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27.—(1) Notwithstanding anything in this Act contained the Company shall within a period of three years from the passing of this Act unless prevented by strikes or other unavoidable cause or accident complete the construction of the Works Nos. 4 5 and 6 by this Act authorised and fully equip the same with all necessary pumps and other appliances and shall at the expiration of the same period upon the demand of any inhabitant of the parish of Forest Row demanding a supply in accordance with the provisions of the Waterworks Clauses Act 1847 commence to supply water therefrom as hereinafter provided Such supply shall be given from the said Work No. 5 and the cost of such work shall not be included in arriving at the expense of providing and laying down pipes for the purpose of affording a supply in accordance with the provisions of section 35 of the Waterworks Clauses Act 1847.

As to
affording a
supply to
parish of
Forest Row.

(2) The Company shall before supplying water obtained by means of the Work No. 4 by this Act authorised outside the parish of Forest Row provide for the use of the inhabitants of such parish for the time being requiring and taking a supply of water from the Company in accordance with the provisions of this section such a supply of water so obtained as may from time to time be reasonably required by such inhabitants for their sanitary domestic and trade requirements The said supply shall in the case of insufficiency take precedence of the supply of water to be afforded under the provisions of the section of this Act the marginal note whereof is "Provisions where existing wells affected" and shall subject to the provisions of subsection (5) of that section be in addition to the supply to be afforded under that section.

(3) The supply of water to be afforded to the inhabitants of the parish of Forest Row as aforesaid shall be afforded at the same rate and upon the same conditions as the Company from time to time supply water under like circumstances within

A.D. 1910. the urban district of East Grinstead provided that notwithstanding section 71 of the Act of 1878 such supply shall be continuously laid on at such pressure as can be afforded by gravitation from the Work No. 6 by this Act authorised.

(4) The well forming part of Work No. 4 by this Act authorised shall be lined with watertight material for a depth of fifty feet from the surface thereof.

(5) The Company shall at the request and cost of the Forest Row Parish Council provide fix and maintain at all times in thorough working order in or upon any mains which may be laid by the Company in such parish at such points as such council shall from time to time determine suitable fire hydrants with chambers and surface boxes complete and shall at all times unless prevented by frost unusual drought or other unavoidable cause or accident or during necessary repairs provide and keep under such constant pressure as aforesaid in such mains and permit to be taken therefrom by means of any hydrants so provided an adequate supply of water for the purpose of extinguishing fire without requiring any payment whatever in respect thereof.

(6) Any question or dispute arising under this section shall be referred to and determined by arbitration in the manner provided by the Arbitration Act 1889 or any statutory modification thereof for the time being in force.

Provisions
where exist-
ing wells
affected.

28.—(1) If it shall be proved that the pumping by the Company at the pumping station Work No. 4 by this Act authorised has caused any diminution or depletion of the supply in any well in the parish of Forest Row existing at the time of the passing of this Act as an effective source of supply such well being situate within a radius of two miles from the said station the Company shall upon the written request of the owner of such well as aforesaid (in this section referred to as "the owner" which term shall include any lessee or occupier and the parish council of Forest Row) afford to the owner a supply of water equal to the amount of such diminution or depletion as so proved at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same after as before the construction of such pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

(2) The Company may if they think fit in lieu of making good the diminution or depletion of any such supply deepen.

the affected well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution or depletion and the owner shall without making any charge therefor give the Company access and every facility for carrying out such deepening borings or headings and in the event of such deepening borings or headings increasing the cost to the owner of obtaining or continuing to obtain such supply the Company shall pay to the owner the amount of such increase. A.D. 1910.

(3) If the Company do not afford a supply equal to the diminution or depletion they shall make compensation in money to the owner for such diminution or depletion so far as the same is not made good by the Company and they shall also make the like compensation for any injury caused to the owner by the exercise by the Company of the powers conferred by the last preceding subsection the amount of compensation to be settled in case of difference by arbitration as hereinafter provided.

(4) The Company shall not be liable in respect of any claim made by the owner under this section if he shall have failed to afford to the officers servants or other representatives of the Company at all reasonable times after the passing of this Act access to the well in respect of which the claim is made for the purpose of ascertaining particulars thereof and the level of the water therein.

(5) If and so long as the Company are affording a supply of water to the owner of any such affected well in accordance with the provisions of the section of this Act of which the marginal note is "As to affording a supply to parish of Forest Row" the Company shall not be under any liability to afford a supply of water under the provisions of subsection (1) of this section so far as such supply is required for any purpose for which a supply is being afforded under the first-mentioned section or to make any compensation in money to the owner under the provisions of subsection (3) of this section in respect of the insufficiency of water in the affected well for any such purpose.

(6) Any question or dispute arising under this section shall be referred to and determined by arbitration in manner provided by the Arbitration Act 1889 or any statutory modification thereof for the time being in force.

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For protection of London Brighton and South Coast Railway Company.

29. For the protection of the London Brighton and South Coast Railway Company (hereinafter referred to as "the Brighton Company") the following provisions shall have effect:—

(1) All works executed in pursuance of this Act or of any Act incorporated therewith and involving interference with the railways bridges roads approaches level crossings works lands and property of the Brighton Company (hereinafter together referred to as "the railways of the Brighton Company") or in any way affecting the safety or stability of any railways bridges approaches and works of the Brighton Company and all works of maintenance repair renewal and removal involving such interference or affection (the said works executed in pursuance of this Act or of any incorporated Act and the said works of maintenance repair renewal or removal being hereinafter referred to as "the said works") shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company (hereinafter referred to as "the engineer") and also (except in cases of urgency) according to plans to be previously submitted to and approved by him in writing or in case he does not give his approval thereto in writing within one month after such submission to be settled by arbitration in manner hereinafter provided:

(2) The said works shall be done by and at the expense of the Company who shall restore and make good to the reasonable satisfaction of the engineer any portion of the railways of the Brighton Company which may be disturbed or interfered with and the said works shall be carried out so as to cause as little injury as may be to the railways of the Brighton Company and so as not to cause any interference with the passage or conduct of traffic thereover. Provided nevertheless that if the engineer shall think it necessary that the said works or any of them shall be done or carried out by the Brighton Company and shall notify such desire to the Company the said works in respect of which the engineer shall have notified such desire shall be done or carried out by the Brighton Company accordingly to the satisfaction of and at the cost of

the Company Provided further that if the Brighton Company do not carry out such works with all reasonable dispatch and to the satisfaction of the Company it shall be lawful for the Company notwithstanding any such notification to carry out such works themselves :

- (3) The Company shall bear and on demand pay to the Brighton Company all proper costs of the superintendence by the engineer of the said works when the same are done or carried out by the Company and all proper costs of watching lighting and protection of the railways of the Brighton Company during the carrying out of the said works but such superintendence by the Brighton Company shall not relieve the Company from liability for any accident which may be occasioned by or through the said works or by their contractors agents or workmen :
- (4) If any injury or interruption of traffic shall arise from or be in any way owing to the said works or to the bursting leakage or failure of any conduits mains pipes apparatus or works of the Company the Company shall make full compensation to the Brighton Company in respect thereof :
- (5) The Company shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may be put to in effecting any repair renewal widening alteration or extension of the railways of the Brighton Company by reason of the existence of any conduits mains pipes apparatus or works of the Company in over upon across or under the railways of the Brighton Company :
- (6) The Brighton Company may at any time or times hereafter upon giving to the Company not less than seven days' notice thereof in writing signed by the engineer call upon the Company to temporarily divert or alter the level of any conduit main pipe apparatus or other work of the Company passing in over upon across or under any bridge or permanent way of the Brighton Company if it is necessary so to divert or alter the same in order to admit of any repairs renewals widenings alterations or extensions of such

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bridge or permanent way of the Brighton Company which they may think necessary without being liable to pay the costs of such diversion or alteration or to pay any compensation in respect thereof:

(7) Notwithstanding anything contained in this Act or in any Act incorporated therewith the Company shall not except in the case of the properties respectively numbered on the deposited plans 13 in the parish of East Grinstead in respect of Work No. 3 and 3 in the parish of Forest Row in respect of Work No. 5 enter upon take or use for any purpose the railways of the Brighton Company or any part thereof without the consent in writing of the Brighton Company first obtained:

(8) Any dispute or difference which may arise between the Company and the Brighton Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Company and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of the Company and the Brighton Company or either of them and the Arbitration Act 1889 shall apply to any such reference.

For protec-
tion of
Marriott
estates.

30. For the protection of Randolph Charles Marriott and Arthur Hepburn Hastie the trustees for and the owners or reputed owners of one undivided moiety and of Cordelia Isabella Marriott the owner or reputed owner of the other undivided moiety in the estates known as the Marriott estates in the parish and urban district of East Grinstead and their respective successors in title the following provisions shall unless otherwise agreed in writing between the Company and the said owners or their respective successors in title apply and have effect:—

The rights and powers by this Act vested in the Company with respect to Work No. 3 the construction of which is sanctioned and confirmed by this Act shall be subject in all respects to the provisions so far as applicable of an agreement dated the twenty-ninth day of April one thousand nine hundred and nine and made between the

said Randolph Charles Marriott and Arthur Hepburn A.D. 1910.
Hastie of the first part the Reverend George Herbert
Marriott of the second part the said Cordelia Isabella
Marriott of the third part and the Company of the
fourth part except the provision thereof restricting the use
of the said work for the distribution of water derived
from sources therein specified.

31. In the event of any footpath not repairable by the Provisions
inhabitants at large in which any mains or pipes of the Com- as to diverted
pany are laid being lawfully diverted the Company may and footpaths.
shall if reasonably required so to do by any owner of the lands
upon which such footpath is situate remove such mains or pipes
from the lands of such owner and shall to the reasonable satis-
faction of such owner make good any damage caused to such
lands by or consequent upon the removal of the mains or pipes
In the event of any difference arising as to the reasonableness
of the requirement of any such owner or otherwise under this
section such difference shall be determined by arbitration under
the Arbitration Act 1889.

32. The Company may apply to the purposes of this Act Power to
to which capital is properly applicable any moneys they may raise addi-
have already raised or are authorised to raise and may from tional
time to time raise (in addition to any capital which they may capital.
have at present power to raise) additional capital to such nominal
amount as shall be sufficient to produce including the premiums
if any which may be obtained on the sale thereof the sum of
forty 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
Company shall not issue any share of less nominal value than
ten pounds Provided that the Company shall not create a
greater amount than twenty thousand pounds (nominal value)
of such additional capital as preference capital.

33. The additional capital from time to time raised by the Privileges
Company under this Act by shares or stock shall be part of the &c. of
general capital of the Company and save as otherwise provided holders of
in respect of such capital by this Act the holders of shares or additional
stock in such additional capital shall be entitled to the like capital.
rights of voting and other rights qualifications and privileges
in proportion to the amount of their shares or stock from time

A.D. 1910. to time paid up and be subject to the like provisions forfeitures and liabilities as the holders of shares or stock in the present capital of the Company Provided that 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.

Limits of profit on additional capital.

34. The Company shall not in any one year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on any ordinary capital which may have fallen short of the said sum of seven pounds per centum per annum.

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

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

Shares or stock in additional capital to be sold by auction or tender.

36.—(1) All shares or stock created under the powers of this Act shall be issued in accordance with the provisions of this section.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows:—

(A) Notice of the intended sale shall be given in writing to the clerk to the urban council and to the clerk to the East Grinstead Rural District Council and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said urban and rural districts:

- (B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be: A.D. 1910.
- (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water or gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

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(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

Power to borrow.

37. The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premiums (if any) realised on the sale thereof have been fully paid up.

Borrowed money not to be converted into capital.

38. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the conversion of the borrowed money into capital shall cease to apply to the Company.

Power to create debenture stock.

39. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 28 of the Act of 1892.

Priority of mortgages and debenture stock over other debts.

40. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of the Act of 1878 the Act of 1892 or this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

41. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted under the authority of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

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Existing mortgages to have priority.

42. Section 26 (Appointment of receiver) of the Act of 1892 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act.

Appointment of receiver.

The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and 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 thousand pounds in the whole.

43. All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend:

Application of moneys.

Provided that in any case where a power to create a reserve or other fund is made proportionate to the nominal capital the premium received from the sale of shares or stock by auction or tender as hereinbefore provided shall for such purpose be reckoned as part of the nominal capital.

44.—(1) The Company shall keep separate annual accounts in respect of the gas undertaking showing the amounts from time to time expended on capital account in relation to such undertaking and such accounts shall in all other respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Separate accounts to be kept in respect of gas and water undertakings.

(2) The Company shall keep separate annual accounts in respect of the water undertaking showing the amounts from time to time expended on capital account in relation to such

A.D. 1910. undertaking and such accounts shall in all other respects be in accordance with the provisions of the Waterworks Clauses Act 1847.

(3) The Company shall within three months after the passing of this Act submit to the urban council a statement showing the manner in which they propose to allocate and apportion the amounts already expended on capital account to and between the gas undertaking and the water undertaking and if any difference shall arise between the Company and the urban council as to such allocation and apportionment such difference shall be referred to and determined by William Cash chartered accountant or failing him by an accountant to be agreed upon between the Company and the urban council or failing agreement to be appointed by the president of the Institute of Chartered Accountants.

Repeal of certain provisions of Acts of 1878 and 1892.

45. The following sections of the Act of 1878 and the Act of 1892 are hereby repealed (namely):—

Act of 1878—

Section 83 (Power to remove meters and fittings);

Section 84 (Notice to Company as to putting up meters &c.);

Section 85 (Repair of meters);

Section 86 (Register of meter to be primâ facie evidence);

Section 87 (Penalty for fraudulently injuring meters &c.);

Section 89 (Company may supply materials &c.);

Section 92 (Recovery of sums due);

Section 95 (Contents of summons &c.);

Section 96 (Costs of distress):

Act of 1892—

Section 34 (When several houses supplied with water by one pipe each to pay);

Section 35 (Supply of water to tenements in a row).

Notice to Company of connecting or disconnecting watermeters.

46. Before any person connects or disconnects any meter by means of 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 and the connecting and disconnecting of meters shall be done at his cost and under due

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 forty shillings. A.D. 1910.

47. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained : Injuring
water meters
&c.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

48. Where the Company supply water by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity consumed and in Register of
meter to be
evidence.

A.D. 1910. respect of which any water rate is charged and sought to be recovered by the Company Provided always that if the Company and the consumer differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Power to supply fittings.

49.—(1) The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Rates payable by owners of small houses.

50. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Supply to houses partly used for trade &c.

51. The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same.

occupier for any trade business or manufacturing purpose for which water is required. A.D. 1910.

52. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Company and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers of boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Company shall not break up or interfere with any electric lines wires or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Detection
of waste.

53. From and after the first day of January one thousand nine hundred and eleven the prescribed testing place for the purpose of section 28 of the Gasworks Clauses Act 1871 shall be in the offices of the urban council or at such other convenient place provided by the urban council as may be agreed upon between the Company and the urban council where gas can be obtained from a trunk main in constant use and such testing place shall be substituted for the prescribed testing place mentioned in section 61 of the Act of 1878 Testing apparatus shall be provided and maintained by the Company in good repair and working order at such new testing place but the urban council shall provide at their own cost the building for such apparatus and shall pay to the Company the sum of fifty pounds towards the cost of providing the apparatus.

New testing
place for
gas to be
provided.

54. Where the payment of more than one sum by any person is due under this Act or any of the Acts relating to the Company any summons or warrant issued for the purposes of such Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Contents of
summons or
warrant.

55. Proceedings for the recovery of any demand made under the authority of the Act of 1878 the Act of 1892 or this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter

Recovery of
demands.

A.D. 1910. provided that the demand does not exceed the amount recoverable in that court in a personal action.

Costs of Act. **56.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

LANDS ROAD AND PROPERTY IN RESPECT OF WHICH EASEMENTS
MAY BE ACQUIRED FOR PURPOSES OF AQUEDUCTS NOS. 1 AND 2.

IN THE PARISH AND URBAN DISTRICT OF EAST GRINSTEAD IN THE
COUNTY OF SUSSEX.

(1) A strip of land extending in a southerly direction from the south-west corner of the property of the Company on which the wells adit and pumping station (Work No. 1) are situate to the footpath leading from Hackenden to East Grinstead.

(2) A road on the north side of the Tunbridge Wells and Three Bridges Line of the London Brighton and South Coast Railway extending from the footbridge over the railway near "Place Land" to the public road known as College Lane.

(3) A strip of land on the east side of the London Brighton and South Coast Railway commencing at the bridge carrying Durkins Road over the said railway and extending in a south-westerly direction by the side of and parallel with the boundary fence of the said railway to the public footpath leading from the London Road to the road leading from Moat Road to St. Margaret's Convent.

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