



CHAPTER xxiv.

An Act to authorise the Gosport Waterworks Company to make additional waterworks to acquire the undertaking of the Lee-on-the-Solent Waterworks Company Limited and to raise additional capital to extend the limits of supply of the Company to confer further powers upon the Company and for other purposes.

A.D. 1904.

[24th June 1904.]

WHEREAS by the Gosport Waterworks Act 1858 (in this Act called "the Act of 1858") the Gosport Waterworks Company (in this Act called "the Company") were incorporated and authorised to supply water within the limits of supply defined by that Act :

And whereas by the Gosport Water Order 1872 confirmed by the Gas and Water Orders Confirmation Act 1872 the Company were authorised to raise additional capital :

And whereas by the Gosport Water Order 1883 confirmed by the Water Orders Confirmation Act 1883 the Company were authorised to raise further additional capital :

And whereas by the Gosport Water Order 1897 confirmed by the Water Orders Confirmation Act 1897 the limits of supply of the Company were extended and the Company were authorised to raise further additional capital :

And whereas the authorised capital of the Company under the recited Act and Orders amounts to seventy-four thousand pounds of which sixty-three thousand five hundred pounds has been raised and expended and the Company are authorised to borrow eighteen thousand two hundred and fifty pounds of which they have borrowed and now owe seventeen thousand and sixty pounds :

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And whereas it is expedient that the Company be authorised to construct the works hereinafter described :

And whereas it is expedient that the limits of the Company for the supply of water be further extended :

And whereas it is expedient that the Company be authorised to acquire the undertaking of the Lee-on-the-Solent Waterworks Company Limited (hereinafter referred to as "the limited company") in manner hereinafter provided :

And whereas it is expedient that the Company be authorised to raise additional capital :

And whereas the holders of more than three fourths of the existing preference stock of the Company have assented in writing to the creation and issue of further preference stock to rank *pari passu* with the existing preference stock as in this Act proposed :

And whereas it is expedient that the Company be authorised to discontinue their present pumping station and works at Foxbury in the parish of Alverstoke and their present pumping station and works at Bury Cross in the same parish and dispose of the respective sites thereof :

And whereas it is expedient to amend the said recited Act and Orders respectively to the extent and in the manner hereinafter provided :

And whereas it is expedient that further powers be conferred on the Company as hereinafter provided :

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

And whereas plans and sections describing the lines situations and levels of the works by this Act authorised and the lands which may be taken for the purposes thereof and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been duly deposited with the clerk of the peace for the county of Southampton and a copy of so much of the said plans sections and book of reference respectively as relates to each of the areas hereinafter mentioned in, or through which the said works or any part thereof are or is intended to be made or will be situate or in which any lands to be taken compulsorily under the powers of this Act are situate has been duly deposited as follows (that is to say) In the case of the parish of Fareham with the clerk of the urban district of Fareham in the case of the parish of Alverstoke with the clerk of the urban district of Gosport and Alverstoke and in the

case of the parishes of Soberton Bishop's Waltham Swanmore Shedfield and Wickham with the clerk or (in those of the said parishes in which there is no clerk) with the chairman of the parish council for the respective parish and the said plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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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 (that is to say) :—

1. This Act may be cited as the Gosport Water Act 1904.

Short title.

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

Incorporation of general Acts.

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

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 ;

The giving of notices ; and

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

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

Interpretation.

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

Power to make water-works.

4. Subject to the provisions of this Act the Company may wholly in the county of Southampton and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say) :—

Work No. 1 A pumping station with well headings and other works and conveniences connected therewith to be situate wholly in the parish of Soberton in the rural district of Droxford to be constructed in and upon land forming part of a field which abuts on the Alton and Fareham main road numbered 443 on the $\frac{1}{2500}$ Ordnance map second edition 1897 of the said parish of Soberton at a point 13 chains or thereabouts measured in a south-westerly direction from Soberton Mill :

Work No. 2 An aqueduct conduit or line or lines of pipes commencing at or near the said pumping station intended Work No. 1 in the said parish of Soberton thence passing in a south-westerly direction along the Alton and Fareham road to Mislingford thence in a north-westerly direction along the road leading through Bishop's Enclosure to Waltham Chase and terminating within the same road in the parish of Swanmore in the said rural district of Droxford at a point 19 chains or thereabouts measured along the said road in an easterly direction from the building known as Forest Farm :

Work No. 3 An aqueduct conduit or line or lines of pipes to be situate wholly in the said parish of Swanmore and in the parish of Shedfield in the said rural district of Droxford commencing in the parish of Swanmore by a junction with the intended Work No. 2 at the point of termination thereof passing thence in a southerly direction along the road from

Hill Pound towards Shirrell Heath and terminating in the said parish of Shedfield at the covered service reservoir intended Work No. 4:

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Work No. 4 A covered service reservoir to be situate wholly in the said parish of Shedfield to be constructed on a piece of land known as Gravel Hill forming part of the field numbered 124 on the $\frac{1}{2500}$ Ordnance map second edition 1897 of the said parish of Shedfield which field abuts on the said road from Hill Pound towards Shirrell Heath:

Work No. 7 An aqueduct conduit or line or lines of pipes to be situate wholly in the said parish of Shedfield in the parish of Wickham in the rural district of Fareham and in the parish and urban district of Fareham and in the parish of Alverstoke in the urban district of Gosport and Alverstoke commencing by a junction with the said reservoir intended Work No. 4 thence passing in a southerly direction along the main roads through Shirrell Heath Shedfield Common Wickham and Fareham and terminating in the said parish of Alverstoke within the Gosport and Fareham Road by a junction with the Company's existing mains at a point 8 chains or thereabouts measured in a northerly direction from the entrance gateway to Bridgemary House.

5. The Company in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts telegraphs telephones drains sluices hatch boxes byewashes shafts wells bores water-towers overflows discharge pipes wastewater channels gauges filter-beds tanks banks walls bridges roads ways embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either 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 Provided that any telegraphs and telephones made and maintained under the provisions of this Act shall not be used for the purpose of sending telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1899.

Power to
make subsi-
diary works.

6. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where

Limits of
deviation.

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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 reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding three feet upwards and ten feet downwards Provided as follows (that is to say) :—

(A) 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 :

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

Provided also that notwithstanding anything hereinbefore contained where such works cross the River Meon at Wickham and Misingford such limits may exceed three feet upwards but shall not exceed eight feet upwards.

Power to
take lands.

7. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for any of the purposes which the Company are by this Act authorised to execute or for the general purposes of their undertaking.

Provision
where water
supply
affected
within mile
and a half
of Soberton
Well.

8.—(A) If during or by reason of the pumping by the Company from the well (Work No. 1) (hereinafter called “the Soberton Well”) any existing well within a radius of one mile and a half from the Soberton Well or the River Meon within such radius shall be depleted or diminished and it is proved that such depletion or diminution is caused by the pumping by the Company from the Soberton Well the Company shall upon the written request of the owner of any such well or of water rights in such river within such radius (hereinafter called “the owner” which term shall also include any lessee or occupier) afford at the like cost or rate at which at the passing of this Act he obtained his full supply a supply of water to the owner equal to the amount of such depletion or diminution of supply as so proved and upon such terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided And the provisions of the Company’s Acts

and the Acts incorporated therewith shall subject as aforesaid and so far as applicable apply to the supply by the Company to any owner under this section. A.D. 1904.

(B) The Company may if they think fit in lieu of making good the depletion or diminution of supply from any such well deepen the affected well or make such borings or headings therein as will increase the supply so as to make good the said depletion or diminution and the owner shall without making any charge give the Company access and every facility for carrying out such deepening borings or headings and also for the purpose of testing the level and flow of the water in the well or in the said river.

(c) If the Company do not afford a supply equal to the depletion or diminution as aforesaid they shall make compensation in money to any such owner for such depletion or diminution the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(D) Any matters in difference arising under this section shall be determined by an arbitrator to be agreed upon in writing by the parties or failing agreement to be nominated at the request of either party by the president of the Institution of Civil Engineers.

9. Subject to the provisions of this Act the Company may collect impound take use divert and appropriate for the purposes of their waterworks all such springs streams and waters as will or may be intercepted by the works by this Act authorised. Powers to take waters.

10. The works by this Act authorised shall subject to the provisions of this Act for all purposes whatsoever form part of and be comprised in the undertaking of the Company. New works to be part of undertaking of Company.

11. If any works by this Act authorised are not completed within the period of three years from the passing of this Act then on the expiration of such 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 Act shall restrict the Company from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus filter beds mains pipes or other works or plant at any time and from time to time as occasion may require. Period for completion of works.

12. 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 after the passing thereof. Period for compulsory purchase of lands.

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For protec-
tion of Lon-
don and
South West-
ern Railway
Company.

13. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall unless otherwise agreed between the South Western Company and the Company apply and have effect (viz.) :—

(A) In laying down repairing and removing any mains pipes or conduits or executing any other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the railways works or lands of the South Western Company or any of the bridges over or under such railways or the approaches or abutments to any such bridge liable to be maintained by the South Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the chief engineer of the South Western Company and according to plans sections and specifications and except in case of urgent necessity at such times as shall be previously submitted to and reasonably approved in writing by him or in the event of disapproval then in such manner as shall be determined by arbitration in manner hereinafter provided All such works shall be executed by and at the expense of the Company and so as to cause as little injury as may be to the said railways or to any such bridge or the approaches or abutments thereto liable to be maintained as aforesaid and so as to interfere with or impede as little as possible the passage or conduct of traffic Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within one month after the same have been submitted to him he shall be deemed to have approved thereof :

(B) If any injury or damage to the railways works or property of the South Western Company or any interruption of the South Western Company's traffic shall be in any way occasioned by the Company or arise from failure or want of repair of any mains or pipes of the Company they shall forthwith make full compensation to the South Western Company in respect thereof the amount of such compensation to be determined by arbitration in the manner hereinafter provided :

- (c) All mains pipes conduits and other works of the Company upon across over under or in any way affecting the said railways works or lands or any bridge over or under the same or the approaches or abutments thereto liable to be maintained as aforesaid shall be at all times maintained in good repair by the Company and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the principal office for the time being of the Company require the Company to forthwith put in good repair any such main pipe conduit or other work as aforesaid as may be in want of repair and if the Company for fourteen days after the receipt of such notice refuse or neglect to proceed to repair the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Company repair the same and all expenses properly incurred by them in or about such repairs shall be repaid to them by the Company Provided that if by reason of any accident to any main pipe or conduit of the Company crossing under or over the railways of the South Western Company immediate danger to such railways be apprehended the South Western Company may if they think fit at once execute such repairs as may be immediately necessary Provided that they shall forthwith give notice to the Company of their intention to commence the same and any reasonable costs and expenses to which the South Western Company may be put by reason of any such repairs shall be repaid to them by the Company the amount of such costs and expenses if disputed to be settled by arbitration as hereinafter provided:
- (d) The Company shall bear and on demand pay to the South Western Company all costs of the superintendence by them of the construction of the works and repairs thereof and all costs of watching lighting and protection of the said railways with reference to and during such construction and repairs but such superintendence by the South Western Company shall not relieve the Company from liability for any accident which may be occasioned by or through the operations of the Company or by their contractors agents or workmen:

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(E) Any difference which may arise between the South Western Company and the Company touching any of the matters referred to in this section or any works to be carried out in pursuance thereof or the costs thereof or the expenses relative thereto shall unless otherwise arranged be settled by arbitration by an engineer to be agreed upon between the Company and the South Western Company or failing agreement by an engineer to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers.

For pro-
tection of
Southampton
County
Council.

14. In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county or main road bridges of the county of Southampton the following provisions for the protection of the county council of the administrative county of Southampton (in this section called "the county council") shall have effect (that is to say):—

- (1) All pipes to be laid in or along any main road or in upon or across any main road bridge shall be laid in such position in or at the side thereof (provided the metalling on or over such side be sufficient and of sufficient depth to effectually protect such pipes) as the county council in writing under the hand of their surveyor may reasonably direct:
- (2) In the application of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by the thirtieth section of that Act shall be not less than seven days instead of three days but this shall not apply to cases of emergency:
- (3) The plan required by the thirty-first section of the said Act shall be accompanied by a description of the proposed works in the case of any main roads and by a section in the case of any county or main road bridges and shall be delivered to the county council or their surveyor by the Company not less than fourteen days before they commence to open or break up any main road or interfere with any county or main road bridge for the purpose of executing the works:
- (4) Nothing in this Act shall authorise the Company to interfere with the structural part of any county or main road bridge drain or culvert without the consent

in writing of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine. Provided that the county council shall be deemed to have given such consent if within one month after plans showing such interference and containing express reference to this section have been submitted to their surveyor he shall not have given notice to the Company objecting thereto:

- (5) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve in any manner they think fit any main road in or along which any pipes of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor of the county council so to do proceed to alter the position of any such pipes 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 expenses of any such alteration shall be paid to the Company by the county council:
- (6) Nothing in this Act contained shall interfere with the right of the county council at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over near or attached to which any pipes of the Company are carried in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Act had not been passed and such pipes had not been laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such pipes are laid being removed altered or rebuilt as aforesaid the Company shall at their own cost in all things alter the position of such pipes and any works by which the same are carried over or near or attached to such bridge or the approaches thereto as aforesaid. Provided that the county council shall afford all reasonable facilities to the Company for such alteration. Provided also that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at their own

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expense afford all reasonable facilities for temporarily carrying such pipes across the stream river or other place over which such bridge is carried so as not to interrupt the continual supply of water or to diminish the pressure of such supply through such pipes :

- (7) All works of the Company so far as they affect any main roads and county or main road bridges 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 and the Company shall not open or break up at any one time a greater length than one hundred and fifty yards of any main road where during the execution of the works only one vehicle can pass at a time :
- (8) The county council shall not be liable for or in respect of any damage or injury done to any work of the Company by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use of any steam or other roller up to fifteen tons for the repair of such road or from the passage of the traffic in such road or by reason of the non-repair of any county or main road bridge or approaches :
- (9) The provisions of the thirty-second section of the Waterworks Clauses Act 1847 with reference to the reinstatement and making good of the road or pavement of any street or bridge opened or broken up shall extend to any part of a street or bridge which may be damaged (by other than ordinary wear and tear) by or in consequence of the works of the Company although such part itself may not have been opened or broken up Provided that ordinary wear and tear shall not be deemed to include damage done to any part of a street or bridge owing to the concentration of traffic thereon caused by the works of the Company :
- (10) If any of the conditions in this section contained be not observed to the satisfaction of the county council the county council may do such work as may be necessary and the cost thereof shall be repaid to them upon demand by the Company :

- (11) If any difference arises at any time between the county council and the Company touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the county council and the Company and failing agreement to be appointed by the president of the Institution of Civil Engineers on the application of either party.

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15. For the protection of the Fareham Urban District Council (in this section called "the council") the following provisions shall unless otherwise agreed between the Company and the council have effect in relation to the district of the council (that is to say) :—

For protection of Fareham Urban District Council.

- (1) Notwithstanding anything in this Act contained the Company shall not without the consent of the council in writing break up any street or road within the district of the council save for the purpose of laying repairing or renewing the aqueduct conduit or line of pipes (Work No. 7) mentioned in the section of this Act whereof the marginal note is "Power to make waterworks" and hereinafter in this section called "the aqueduct" :
- (2) The council may prescribe times (hereinafter called "the prescribed times") within which the Company may lay the aqueduct through the following streets or portions of streets (hereinafter called "the agreed lengths") :—
- (i) That portion of Quay Street which extends from West Street for a distance of one hundred and fifty yards in a southerly direction ;
- (ii) That portion of Quay Street which extends from a point one hundred and fifty yards south of West Street to a point one hundred and seventy feet or thereabouts south of the southern end of the bridge carrying the Fareham and Portsmouth Branch of the London and South Western Railway over Gosport Road ;
- (iii) That portion of the Town Quay which extends from the northern corner of the electric lighting works in a north-easterly direction for a distance of one hundred yards ;

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(iv) That portion of the High Street which extends from its junction with Wallington Hill for a distance of one hundred and sixty-six yards in a south-easterly direction ;

and the Company shall not break up the streets in any part of the agreed lengths for the purpose of laying the aqueduct save in the prescribed times Provided that a separate time of not less than thirty-six consecutive hours shall be prescribed for each of the agreed lengths Provided also that the time to be prescribed shall be after the plans and sections forwarded by the Company to the council have been approved or settled as herein provided and after not less than twenty-eight days' notice in writing has been given by the council to the Company fixing the prescribed time Provided also that if the Company are prevented starting on the said work at the prescribed time from the state of the weather or other unforeseen cause the council shall prescribe some other time as soon as conveniently may be after the first prescribed time for the Company to execute the said works as aforesaid :

(3) In the application of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by the thirtieth section of the said Act shall not be less than seven days instead of three days but this shall not apply to cases of emergency The plan required by the thirty-first section of the said Act shall be accompanied by a description and a section of the proposed works The approval of such plan description and section shall not be unreasonably withheld and the council shall be deemed to have approved of the same if within one month after such plan description and section have been submitted to them they have not given notice to the Company objecting thereto Any case of difference shall be determined by arbitration as hereinafter provided :

(4) Nothing in this Act shall authorise the Company to alter the level of any street or road or to interfere with the structural part of any bridge culvert sewer drain pipe water pipe electric wires or other property of the council without the consent in writing of the council

which consent shall not be unreasonably withheld and may be given upon such conditions as the council may reasonably determine :

- (5) Nothing in this Act contained shall interfere with the right of the council to alter the level or deviate or improve in any manner they think fit any road in or along which any pipes of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor of the council so to do proceed to alter the position of any such pipes 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 expenses of any such alteration shall be paid to the Company by the council :
- (6) Nothing in this Act contained shall interfere with the right of the council at any time or times to remove alter or rebuild any bridge or culvert or the approaches thereto over near or attached to which any pipes of the Company are carried in the same manner as they might have removed altered or rebuilt such bridge or culvert or the approaches thereto if this Act had not been passed and such pipes had not been laid over or near or attached to such bridge or culvert and in the event of any such bridge or culvert or the approaches thereto over or near or attached to which any such pipes are laid being removed altered or rebuilt as aforesaid the Company shall at their own cost in all things alter the position of such pipes and any works by which the same are carried over or near or attached to such bridge or culvert or the approaches thereto as aforesaid Provided that the council shall afford all reasonable facilities to the Company for such alteration Provided also that during the removal alteration or rebuilding of such bridge or culvert or the approaches thereto as aforesaid the council shall at their own expense afford all reasonable facilities for temporarily carrying such pipes across the stream river or other place over which such bridge or culvert is carried so as not to interrupt the continual supply of water or to diminish the pressure of such supply through such pipes :

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- (7) All works of the Company so far as they affect any roads and bridges and culverts shall be so executed by the Company as not to block the traffic and so far as reasonably practicable as not to impede or interfere with the traffic on any road or over any bridge or culvert or the approaches thereto and the Company shall not open or break up at any one time a greater length than one hundred and fifty yards of any road or street where during the execution of the works only one vehicle can pass at a time Provided always that this sub-section shall not relate to the laying of the aqueduct in the agreed lengths :
- (8) The council shall not be liable for or in respect of any damage or injury done to any work of the Company by reason of such work being laid at a depth below the surface of any road insufficient for its protection from injury arising from the use of any steam or other roller for the repair of such road not exceeding twelve tons in weight or from the passage of the traffic in such road or by reason of the non-repair of any road bridge or culvert or approaches :
- (9) The provisions of the thirty-second section of the Waterworks Clauses Act 1847 with reference to the reinstatement and making good of the road or pavement of any street or bridge or culvert opened or broken up shall extend to any part of a road street bridge or culvert which may be damaged (by other than ordinary wear and tear) by or in consequence of the works of the Company although such part itself may not have been opened or broken up Provided that ordinary wear and tear shall not be deemed to include damage done to any part of a road street bridge or culvert owing to the concentration of traffic thereon caused by the works of the Company :
- (10) The council may at any time after the completion of the reservoir (Work No. 4) and the aqueduct by six months' notice in writing require the Company to supply the council with such a supply of water in bulk as the council may require not exceeding the amount specified in such notice and the Company shall thereupon give such supply at such point or points on the aqueduct as the council may reasonably direct and the council shall

pay to the Company for the water so supplied a price per one thousand gallons to be fixed failing agreement by arbitration but so that the price is in no event less than that paid by His Majesty's Admiralty Department for water supplied to them by the Company. Provided also that the Company shall not be bound to give such supply if the giving of such supply will endanger the supply within the Company's statutory area or a supply of at least twenty-five gallons per head per day to the consumers within such area and that all claims or requests of His Majesty's Admiralty and Military Departments are fully met. Provided also that all costs of connecting and of providing and maintaining any meter or meters shall be paid by the council :

- (11) If any difference arises at any time between the council and the Company touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer to be agreed on between the council and the Company and failing agreement to be appointed by the president of the Institution of Civil Engineers on the application of either party.

16. For the purpose of executing any necessary work or repair or of cleansing or examining any conduit or line of pipes by this Act authorised the Company may cause the water in such conduit or line of pipes to be temporarily discharged into any available stream or watercourse. 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.

Company may discharge water into streams.

17. 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

Power to take easements &c. by agreement.

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Power to take additional lands by agreement.

18. In addition to the lands which the Company are otherwise authorised to purchase or hold they may for any of the purposes of their undertaking from time to time by agreement purchase any additional quantity of land not exceeding in the whole fifteen acres or 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 or over any lands or otherwise which they may from time to time think requisite for any of the purposes of their undertaking. Provided that the Company shall not on any of such lands create or permit any nuisance or erect or authorise or permit the erection of any building other than buildings connected with or necessary for their undertaking.

Company may discontinue certain existing waterworks and dispose of sites.

19. At any time after the waterworks by this Act authorised have been constructed the Company may either wholly or in part discontinue their present pumping station situate at Foxbury in the said parish of Alverstoke and their present pumping station at Bury Cross in the same parish or either of the said pumping stations together with such of the incidental works connected with the said pumping stations respectively as may be rendered useless or unnecessary by or in consequence of such discontinuance or by the construction of the works authorised by this Act or any of them and notwithstanding anything in the Lands Clauses Acts contained may retain hold and use for such time as they think fit and may from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit the sites or any part of the sites of such pumping stations and works respectively and may execute and do any deed act or thing proper for effectuating any such sale lease exchange or disposition.

Company may sell spare lands of undertaking.

20. Notwithstanding anything in the Lands Clauses Acts contained the Company may retain hold and use for such time as they think fit any lands purchased by them or taken by them under the powers of this Act for the purposes of this Act or of their undertaking and may from time to time sell lease exchange or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease

exchange or disposition may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with regard to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

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21. From and after the passing of this Act the limits of the Company for the supply of water shall subject to the provisions of this Act extend to and include the parishes or places of Swanmore Shedfield Wickham Crofton Rowner and Alverstoke all in the county of Southampton and the Company shall have and may exercise within such extended limits (hereinafter called "the extended limits") all the powers rights privileges and authorities and shall be subject to the obligations in respect to the supply of water conferred or imposed upon them by the said recited Act and Orders as respectively amended by this Act with respect to the supply of water within their limits as defined by the said recited Act and Orders.

Limits of Company for supply of water extended.

22. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the extended limits the local authority of such district may provide a supply in the whole or any part of their district within the extended limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district within the extended limits not sufficiently supplied by the Company as if in either case this Act had not been passed.

Power of local authority &c. to supply water in case Company fails to supply.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district within the extended limits such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

23. Notwithstanding anything contained in section 31 of the Act of 1858 section 35 of the Waterworks Clauses Act 1847 shall extend and apply to the Company.

Application of section 35 of Waterworks Clauses Act 1847.

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Limitation
of water rate.

24. The term "annual value or rent" in sections 32 and 34 of the Act of 1858 shall mean the gross estimated rental as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided always that where the water rate is chargeable on the gross estimated rental of a part only of a hereditament entered in the valuation list such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction. Nothing in this section shall entitle the Company in any case to demand for the water rate for any house or part of a house included in any division of the scale of charges authorised by the Act of 1858 a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum is chargeable.

Rates for
supply of
water for
domestic
purposes
within ex-
tended limits.

25. Notwithstanding anything contained in section 33 of the Act of 1858 the supply of water for domestic purposes shall include the supply to all waterclosets and fixed baths but the Company in substitution for the charges contained in section 34 of the Act of 1858 and in addition to any other charges may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the extended limits a sum of not exceeding five shillings per annum and for every bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Company may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Byelaws for
preventing
waste &c. of
water.

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

- (1) The Company may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and by such byelaws may prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks

cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and may forbid the use of the several things before mentioned or any or either of them and any arrangements which may lead to waste or undue consumption misuse erroneous measurement or contamination :

- (2) Such byelaws shall not be of any force or effect except within such part or parts of the district which the Company for the time being are bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure :
- (3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 186 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the secretary of the Company were the clerk of the local authority :
- (4) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy :
- (5) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by or under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Company by and may be recovered by them as part of the water rate from the person to whom the water is supplied :

Provided always that sections 37 38 and 41 of the Act of 1858 shall as from the coming into force of the byelaws made in accordance with the provisions of this section or on the expiration

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of one year after the passing of this Act whichever event shall first happen be repealed.

Supply of water for other than domestic purposes and by measure.

27. The Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes. Provided also that the price to be charged for a supply by measure shall not exceed one shilling and sixpence per thousand gallons.

Supply of water for Government purposes.

28. Where any building or place in or adjacent to any street or road in which any pipe of the Company is laid is for the time being in the occupation of His Majesty or any department of His Majesty's Government for public purposes or for the public service the Company shall if required by the person or department having control of the building or place furnish such supply of pure and wholesome water as may be required upon such terms as to payment and otherwise and on such conditions as may be agreed upon or as in default of agreement may be determined as fair and reasonable by the arbitration of a single arbitrator under the Arbitration Act 1889.

On any such arbitration the arbitrator shall proceed on the footing that if any person within the area of supply is entitled under similar circumstances to a supply corresponding to that required by any person or department under this section that person or department shall be entitled to a supply on terms not less favourable.

Application of authorised capital.

29. The Company may apply for the purposes of the said recited Act and Orders and this Act or any of them to which capital is properly applicable any money which they may have raised or may be authorised to raise.

Power to Company to raise new capital.

30. The Company may from time to time raise additional capital not exceeding in the whole fifty-six thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in

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respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including the amount of any premium after deducting therefrom the expenses of and incident to such issue which may be obtained on the sale thereof the sum of fifty-six thousand pounds Provided also that not more than one half of the total share capital or stock of the Company shall be preference shares or stock.

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

New shares or stock to be subject to same incidents as other shares or stock.

32. The profits of the Company available for dividend in any year shall be applied—

Application of profits of Company.

- (A) First in payment *pari passu* to the holders of the existing preference stock of the Company and of any new preference shares or stock created and issued under this Act of the fixed cumulative preferential dividend payable in respect of the nominal amount of their respective shares or stock :
- (B) Any balance of the profits of the Company available for dividend in any year shall be applied in or towards payment of dividends to the holders of the several classes of ordinary capital (whether already existing or to be created and issued under this Act) in accordance with the provisions of the said recited Act and Orders and this Act and the Acts incorporated therewith respectively :
- (C) Any ultimate balance of the profits of the Company available for dividend in any year which may remain after satisfying the foregoing purposes of this section shall be applied in accordance with the provisions of the said recited Act and Orders and this Act and the Acts incorporated therewith respectively.

33. The capital in new shares or stock so created shall form part of the capital of the Company.

New shares or stock to form part of capital of Company.

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Limit of
dividends on
new capital.

34. The Company shall not in any year pay out of their profits any larger dividend on the new capital than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

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

35. 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.

Dividends
on different
classes of
ordinary
capital to be
paid propor-
tionately.

36. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class but it shall be lawful for the directors to vary such proportionate reduction to such extent not exceeding one eighth per centum as they may think convenient to avoid the payment as part of the dividend due to any shareholder of fractions of sixpence.

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

37. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine :

Provided that at any such sale no single lot shall comprise more than fifty pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or the last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bid or offer

of such holder or holders of shares or stock shall be accepted in preference. A.D. 1904.

38. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale. Purchase money of capital sold to be paid within three months.

39. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of every district council whose district is wholly or partly included in the limits of the Company for the supply of water and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits. Notice to be given as to sale of shares or stock.

40. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same may be disposed of by the directors at a price not less than the reserved price put upon the same for the purpose of sale by auction or tender or may be offered at such reserved price to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock not so disposed of or so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act except that the reserved price put upon such shares or stock may upon such second sale if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold may be disposed of by the directors or offered to the holders of ordinary shares or ordinary stock at not less than the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold. Shares or stock not sold by auction or by tender to be offered to holders of ordinary shares or stock.

41. The Company may in respect of the additional capital of fifty-six thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any sum not exceeding in the whole one-fourth part of the amount of such capital as is for the time being created and issued but no part of the said sum shall be borrowed until the whole of the shares Power to borrow.

A.D. 1904. — or stock in respect of which the said borrowing powers are to be exercised together with the premium (if any) realised upon the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof For the purposes of this section there shall be added to the additional capital created and issued under the authority of this Act the amount of the premium (if any) after deducting therefrom the expenses of and incident to such issue which may be obtained upon the sale of the shares or stock representing such additional capital.

Appointment
of receiver.

42. The provisions of all former Acts and Provisional Orders relating to the Company with respect to the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing
mortgages to
have priority.

43. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament or Provisional Order before the passing of this Act and subsisting at the passing thereof shall during the continuance of such mortgages and subject to the provisions of the Acts or Provisional Orders under which such mortgages were respectively granted, have so far as regards the principal moneys secured thereby priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture
stock.

44. The Company may create and issue debenture stock subject to the provisions of section 8 of the Gosport Water Order 1883 and notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

45. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of any former Act or Provisional Order relating to the Company or under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act :

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Priority of mortgages or debenture stock over other debts.

Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made 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 purpose of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

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

Application of new moneys.

47. 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.

Rates payable by owners of small houses.

48.—(1) If the Company shall within three years after the passing of this Act signify to the limited company under their common seal their desire to purchase the undertaking and works of the limited company the limited company shall and they are hereby authorised to sell to the Company and the Company shall purchase the undertaking and works of the limited company for such price or consideration and on such terms and conditions as may be agreed upon between the limited company and the Company or as failing such agreement shall be determined by

Limited company to sell their undertaking to Company.

A.D. 1904. arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Company and the expression "lands" shall mean the undertaking and works of the limited company and for the purpose of determining such price or consideration the sale shall be deemed to be a sale by compulsion and not by agreement.

(2) The Company shall pay the purchase money to the limited company on such day as may be agreed between the Company and the limited company or failing agreement on the first day of April the first day of July the first day of October or the first day of January which shall first happen after the expiration of two months from the determination of the amount of the purchase money and upon such payment the undertaking and works of the limited company shall form part of the undertaking and works of the Company.

(3) The receipt in writing of three directors of the limited company for any money paid to them by the Company shall effectually discharge the Company from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Company are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Company by the cashier of the said Bank for the money which shall have the same effect as the receipt of three directors of the Company.

Contracts
for supply-
ing water in
bulk.

49. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons 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 except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

50. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty. Every penalty under this section shall be recoverable summarily.

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 Copy of Act
 to be regis-
 tered.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

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

Expenses of
 Act.

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