

**CHAPTER xxiv.**

An Act to incorporate and confer powers upon the Lyme Regis District Water Company to authorise them to construct waterworks and to supply water in Lyme Regis and the neighbourhood thereof and for other purposes. A.D. 1933.

[28th June 1933.]

WHEREAS the Lyme Regis District Water Company Limited (hereinafter referred to as "the limited company") was on the eighteenth day of June one thousand nine hundred and thirty-two incorporated under the Companies Act 1929 for the purpose (inter alia) of establishing and carrying on in the neighbourhood of Lyme Regis in the counties of Devon and Dorset the business of a water supply company in all its branches :

And whereas by deed of grant set forth in the First Schedule to this Act the limited company have acquired the right to take water from portions of the Pinhay Estate in the parishes of Uplyme and Axmouth in the county of Devon :

And whereas the mayor aldermen and burgesses of the borough of Lyme Regis have entered into an agreement with the limited company whereby that company should supply and distribute water within a portion of the said borough and should afford a supply of water in bulk to the said mayor aldermen and burgesses for distribution by them within the remaining portion of the said borough :

A.D. 1933.

And whereas the share capital of the limited company consists of twenty thousand pounds divided into two thousand shares of ten pounds each of which sum ten thousand pounds has been issued and raised :

And whereas it is expedient that the limited company should be dissolved and that the members thereof should be reincorporated as in this Act provided into a Company (hereinafter referred to as "the Company") with power to supply water within the limits defined by this Act :

And whereas it is expedient that the Company should for the purpose of affording such supply be empowered to construct the works described in this Act :

And whereas a plan and sections of the works by this Act authorised and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the county council of the county of Devon and are in this Act referred to as the deposited plan sections and book of reference :

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Lyme Regis District Water Act 1933.

Act divided into Parts.

2. This Act may be divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Incorporation of Company.

Part III.—Limits of supply.

Part IV.—Works and lands.

Part V.—Supply of water &c.

A.D. 1933.

Part VI.—Financial provisions.

Part VII.—Administrative provisions.

Part VIII.—Miscellaneous.

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

Incorporation of Acts.

(1) The Lands Clauses Acts :

Provided always that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Minister of Health on the application of either party;

(2) 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;

(3) The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

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

Interpretation.

“The Company” means the Lyme Regis District Water Company incorporated by this Act;

“The limited company” means the Lyme Regis District Water Company Limited;

“The Minister” means the Minister of Health;

A.D. 1933.

“The limits of supply” means the area within which the Company are from time to time authorised to supply water;

“The appointed day” means the first day of July one thousand nine hundred and thirty-three;

“The undertaking” means the undertaking of the Company as from time to time authorised; and

“Shareholder” includes stockholder;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878.

Scheduled deed of grant confirmed.

5.—(1) The deed of grant made the twenty-eighth day of October one thousand nine hundred and thirty-two between Ormsby Allhusen of the one part and Lyme Regis District Water Company Limited of the other part set forth in the First Schedule to this Act is hereby confirmed and made binding on the parties thereto.

(2) Nothing in this Act shall confer upon the limited company or the Company as against the said Ormsby Allhusen any powers or rights not conferred upon the limited company by the said deed of grant.

PART II.

INCORPORATION OF COMPANY.

Incorporation of Company.

6. As from the appointed day the limited company shall be dissolved and the several persons who immediately before the appointed day were members of the limited company and all other persons who have subscribed to or shall become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and shall be and are hereby incorporated by the name of the “Lyme Regis District Water Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to take hold and dispose of lands and other property for the purposes of this Act and of the undertaking.

7. The Company shall be established for the purposes of supplying water to and within the limits of supply and generally of carrying on the business of a water company and for other the purposes of this Act.

A.D. 1933.
—
General purposes of Company.

8. Subject to the provisions of this Act all the lands waterworks erections buildings property rights and easements which immediately before the appointed day are vested in the limited company or any person in trust for them or to which the limited company are in anywise entitled and all pipes plant apparatus stocks matters and things which have been purchased or provided by and are immediately before the appointed day the property of the limited company and all moneys securities credits effects and other property whatsoever which immediately before the appointed day belong to the limited company or to any trustee on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the limited company and immediately before the appointed day in force (including the deed of grant set forth in the First Schedule to this Act) and the undertaking of the limited company shall on and from the appointed day be by virtue of this Act transferred to and vested in the Company to the same extent and for the same estate and interest as the same were previously to the appointed day vested in the limited company or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed and dealt with by the Company as they think fit.

Property of limited company vested in Company.

9. Subject to the provisions of this Act as from the appointed day the memorandum and articles of association of the limited company shall as to any prospective operation be wholly void :

Avoidance of memorandum and articles of association of limited company.

Provided that nothing in this Act shall affect the previous operation of the said memorandum and articles or anything done or suffered or any right obligation or liability acquired accrued or incurred thereunder and with respect to all such rights obligations and liabilities the Company and the proprietors thereof and the property of the Company shall to all intents and purposes represent the limited company and the members thereof as such and the property of the limited company.

A.D. 1933.

Contracts
prior to
appointed
day to be
binding.

10. All purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the appointed day by to or with the limited company or any trustee or person acting on behalf of the limited company or by to or with any person to whose rights and liabilities they have succeeded and in force at the appointed day shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the limited company or the trustee or person acting on behalf of the limited company the Company had been a party thereto.

Actions &c.
not to abate.

11. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the limited company or any member thereof in relation to the affairs of the limited company or to which the limited company or any member thereof in relation to such affairs were parties immediately before the appointed day and any such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the limited company or any member thereof if this Act had not been passed the Company and the proprietors thereof being in reference to the matters aforesaid in all respects substituted for the limited company and their members respectively.

Indemnity.

12. Every person who (being authorised so to do) before the appointed day entered into any bond covenant contract or engagement on behalf of the limited company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

Company to
satisfy lia-
bilities of
limited
company.

13. Subject to the provisions of this Act from and after the appointed day the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the appointed day were subject and shall indemnify the members directors officers and servants of the limited

company and their respective representatives from all such obligations and liabilities and from all expenses and costs in connection therewith. A.D. 1933.

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

As to payment of debts owing before appointed day.

15. Notwithstanding the avoidance of the memorandum and articles of association of the limited company all certificates for shares in the limited company (until cancelled under the provisions of this Act) and all sales transfers and dispositions of any such shares made or executed but not registered before the appointed day shall be valid and have due effect given to them as if they were respectively (a) certificates for stock of the Company of the designations and to the amounts allocated by this Act to the holders of the shares referred to in such certificates or (b) sales transfers or dispositions of stock of the Company of the designations and to the amounts allocated by this Act to the holders of shares in the limited company of the designations and to the amounts of the shares sold transferred or disposed of.

Certificates &c. to remain in force.

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

Books &c. continued evidence.

17. The books kept by the limited company for entering the names and designations of the members thereof with the numbers of their shares and the proper distinguishing number of each share and the register of mortgages of the limited company shall until a new register of shareholders and a new register of mortgages shall respectively be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders or

Present registers of members to be continued.

A.D. 1933. register of mortgages (as the case may be) required to be kept by the Companies Clauses Consolidation Act 1845 as amended (in its application to the Company) by this Act.

Officers to continue until removed.

18. All officers and servants of the limited company who shall be in the employ of the limited company at the appointed day shall as from the appointed day hold under the Company the same respective offices and employments on the same terms and conditions as they held under the limited company on that day and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed by the Company.

Saving rights of limited company until appointed day.

19. Nothing in this Act shall prejudice or affect the exercise or enjoyment by the limited company of any of their rights powers or privileges during the period between the passing of this Act and the appointed day but all such rights powers and privileges may be exercised and enjoyed by the limited company during the said period as if this Act had not been passed.

PART III.

LIMITS OF SUPPLY.

Limits of supply.

20. The limits within which the provisions of this Act shall be in force and have effect shall be—

In the county of Dorset—

The borough of Lyme Regis ;

The parishes of Catherston Leweston Charmouth and so much of the parish of Wootton Fitzpaine as lies to the south of Monkton Wyld Lane and Monkton Wyld Brook in the rural district of Bridport.

In the county of Devon—

The parishes of Axmouth Combpyne Musbury Rousdon and Uplyme in the rural district of Axminster :

Provided that the Company shall not except with the consent of the corporation or district council concerned (which consent may be either absolute or

upon conditions and shall specify the area to which it relates) supply or be under any obligation to supply water within— A.D. 1933.
—

- (a) so much of the borough of Lyme Regis as is coloured blue upon a map which has been signed in duplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which map has been deposited in the Parliament Office of the House of Lords and the other in the Committee and Private Bill Office of the House of Commons;
- (b) the parishes of Catherston Leweston and Charmouth;
- (c) so much of the parish of Musbury as lies within a radius of three-quarters of a mile from the junction in the village of Musbury of Axminster Road Combyne Road and Whitford Road; or
- (d) so much of the parish of Uplyme as is coloured pink upon the signed map referred to in paragraph (a) of this section.

21. For the protection of Maud Elizabeth Sanders Sanders Stephens or other the owner for the time being of the existing waterworks forming part of the estate in the parishes of Axmouth and Colyton in the rural district of Axminster known as "the Stedcombe Manor Estate" (all of whom are in this section referred to as "the estate owner") the following provisions shall unless otherwise agreed in writing between the estate owner and the Company apply and have effect (that is to say):—

For protec-
tion of Miss
Sanders
Stephens.

- (1) (a) Notwithstanding anything in this Act the Company shall not supply water for consumption or use on the Stedcombe Manor Estate (which estate is coloured red on the plan signed in duplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and of which plan one copy has been deposited in the Parliament Office of the House of Lords and the other copy in the

A.D. 1933.
—

Committee and Private Bill Office of the House of Commons) if and so long as the estate owner is able and willing on reasonable notice to supply water proper and sufficient for the domestic use and other reasonable requirements of the occupiers of premises on the said estate who shall require a supply and be willing to pay a reasonable price for the supply;

(b) Any dispute which shall arise between the Company and the estate owner under this subsection shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other) 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:

(2) Nothing in the section of this Act of which the marginal note is "Power to lay pipes in streets not dedicated to public use" shall apply to any street on the Stedcombe Manor Estate.

Power to local authority to supply water in case Company fails to supply.

22.—(1) If after the expiration of five years from the passing 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 limits of supply (other than the areas described in the proviso to the section of this Act of which the marginal note is "Limits of supply") the local authority of that district may provide a supply in accordance with the provisions of the Public Health Act 1875 or may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Company and for the repeal of the powers of the Company in that behalf.

(2) If any difference shall arise between the Company and any such local authority as to the sufficiency of the supply of water in any part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister.

PART IV.

A.D. 1933.

WORKS AND LANDS.

23.—(1) Subject to the provisions of this Act the Company may in the parish of Axmouth in the rural district of Axminster in the county of Devon make and maintain in accordance with the deposited plan and sections and upon the lands delineated on that plan and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plan relating thereto and described in the deposited book of reference (that is to say):—

Power to
construct
waterworks.

- (a) A conduit or line or lines of pipes (Work No. 1) with intake commencing at or near the Harts-tongue Spring adjoining the disused fish pond in the enclosure numbered 552 on the 1/2500 Ordnance map of Devonshire sheet LXXXIV.10 (second edition 1904) and terminating at the pumping station (Work No. 2) hereinafter described;
- (b) A pumping station (Work No. 2) situate in the said enclosure one hundred and fifty yards or thereabouts south of the said fish pond;
- (c) A conduit or line or lines of pipes (Work No. 3) commencing at (Work No. 2) and terminating at the service reservoir (Work No. 5) hereinafter described;
- (d) A well and pumping station (Work No. 4) situate in the south-east corner of the enclosure numbered 542 on the said Ordnance map;
- (e) A service reservoir (Work No. 5) situate in the south-west corner of the enclosure numbered 489 on the said Ordnance map.

(2) In addition to the foregoing works the Company may make and maintain within the limits of deviation shown on the deposited plan all such other wells shafts machinery works and apparatus as may be necessary or convenient in connection with or subsidiary to any of the works authorised by this Act.

A.D. 1933.

—
Limits of
deviation.

24. 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 plan and they may also deviate vertically from the levels shown on the deposited sections in the case of Work No. 5 to any extent not exceeding five feet upwards and five feet downwards and in the case of the other works authorised by this Act to any extent upwards or downwards Provided that no deviation either lateral or vertical below high water mark of ordinary spring tides shall be made without the consent in writing of the Board of Trade.

Works
below high
water mark
not to be
constructed
without
consent of
Board of
Trade.

25. The Company shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Abatement
of work
abandoned
or decayed.

26.—(1) Where any work constructed by the Company under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below high water mark of ordinary spring tides or any

portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

A.D. 1933.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

27. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the undertaking all streams springs and waters which will be or may be intercepted by means of the works authorised by this Act.

Power to
take waters.

28. The powers granted by this Act for the compulsory purchase of lands shall cease on the first day of October one thousand nine hundred and thirty-six.

Period for
compulsory
purchase of
lands.

29. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Devon for the correction thereof and if it appear to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate or a

Correction
of errors in
deposited
plan and
book of
reference.

A.D. 1933.

copy thereof shall be deposited with the clerk of the county council of the county of Devon and a duplicate thereof with the clerk of the Axminster Rural District Council and with the clerk of the Axmouth Parish Council respectively and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plan or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Extinction
of private
rights of
way.

30.—(1) All private rights of way over any lands which the Company are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands be extinguished.

(2) The Company shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts (as modified by this Act) with reference to the taking of lands otherwise than by agreement.

As to cer-
tain public
right of
way.

31. Notwithstanding anything in this Act the Company shall not at any time interfere with the public right of way leading along the cliff side from Seaton to Lyme Regis except that if for any authorised purpose of the Company it be found necessary to interfere with the said right of way they may do so temporarily. Provided that during such interference they provide or make arrangements for providing a reasonable alternative way.

Power to
certain per-
sons to
grant ease-
ments &c.
by agree-
ment.

32. 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 or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

33.—(1) In this section the expression “the corporation” means the mayor aldermen and burgesses of the borough of Lyme Regis and the expression “the Lyme Regis waterworks” means the interests of the corporation in the springs and collecting pipes situate in the borough of Lyme Regis in the enclosures numbered 47 49A 49B 49C 53 54 56 59 and 59B on the 1/2500 Ordnance map of Dorset sheet XXXVII.5 (edition 1929) and in the reservoirs and hydraulic rams connected therewith and in the spring and collecting pipes situate in the enclosure numbered 97A on the 1/2500 Ordnance map of Dorset sheet XXXVI.12 (edition 1929) and in the reservoirs connected therewith and the reservoirs mains pipes and other works of the corporation used for the purpose of supplying water in the portion of the said borough supplied by them and the interests of the corporation in the respective sites of such springs collecting pipes and works.

(2) The Company may by agreement with the corporation purchase and the corporation may sell and transfer the Lyme Regis waterworks or any part thereof upon such terms and conditions pecuniary or otherwise as may be agreed between the Company and the corporation.

(3) On the completion of the purchase of the Lyme Regis waterworks or any part thereof the Company may maintain hold and use the same for the purposes of the undertaking and may extend enlarge alter and renew the same in and under the said enclosures and may also pump collect divert take and use all or any of the waters which will or may be taken or intercepted by the said works or any of them and the provisions of the Acts and Orders from time to time relating to the Company shall so far as applicable apply to the Lyme Regis waterworks or any part thereof so purchased in all respects as if the same had been constructed or laid down under the authority of those Acts and Orders.

(4) Any sum payable to the corporation under this section shall be applied by the corporation in the discharge of any outstanding mortgages securities debts or liabilities on capital account incurred by them for the purposes of their waterworks undertaking and after such discharge shall be applied to such capital purposes as the Minister may approve or shall be invested by the corporation in

A.D. 1933.

—
Power to
purchase
Lyme Regis
waterworks
by agree-
ment.

A.D. 1933.

—

any securities in which trustees are authorised to invest trust moneys and the interest dividends or other annual proceeds of such investments shall be credited to their general rate fund.

Power to
purchase
Charmouth
waterworks
by agree-
ment.

34.—(1) In this section the expression “the council” means the Bridport Rural District Council and the expression “the Charmouth waterworks” means the interests of the council in the springs collecting pipes and tanks situate in the parishes of Charmouth and Wootton Fitzpaine in the rural district of Bridport in the county of Dorset in the enclosures numbered 3 758 784 and 786 on the 1/2500 Ordnance map of Dorset sheet XXXVII.5 (edition 1929) and in the reservoirs mains pipes and other works of the council used for the purpose of supplying water in the parishes of Catherston Leweston and Charmouth and the interests of the council in the respective sites of such springs collecting pipes tanks and works.

(2) The Company may by agreement with the council purchase and the council may sell and transfer the Charmouth waterworks or any part thereof upon such terms and conditions pecuniary or otherwise as may be agreed between the Company and the council.

(3) On the completion of the purchase of the Charmouth waterworks or any part thereof the Company may maintain hold and use the same for the purposes of the undertaking and may extend enlarge alter and renew the same in and under the said enclosures and may also pump collect divert take and use all or any of the waters which will or may be taken or intercepted by the said works or any of them and the provisions of the Acts and Orders from time to time relating to the Company shall so far as applicable apply to the Charmouth waterworks or any part thereof so purchased in all respects as if the same had been constructed or laid down under the authority of those Acts and Orders.

(4) Any sum payable to the council under this section shall be applied by the council in the discharge of any outstanding mortgages securities debts or liabilities on capital account incurred by them for the purposes of their waterworks undertaking and after such discharge shall be applied to such capital purposes as the Minister may approve or shall be invested by the council in any

securities in which trustees are authorised to invest trust moneys and the interest dividends or other annual proceeds of such investments shall be credited to their general rate fund.

A.D. 1933.

35.—(1) In this section the expression “the council” means the Axminster Rural District Council and the expression “the Uplyme waterworks” means the pumping station situate in the parish of Uplyme in the rural district of Axminster in the county of Devon in the enclosure numbered 246 on the 1/2500 Ordnance map of Devon sheet LXXII.14 (second edition 1905) and the boreholes and adits connected therewith and the reservoirs mains pipes and other works of the council used for the purpose of supplying water in the parish of Uplyme and the respective sites of such pumping station and works.

Power to
purchase
Uplyme
waterworks
by agree-
ment.

(2) The Company may by agreement with the council purchase and the council may sell and transfer the Uplyme waterworks or any part thereof upon such terms and conditions pecuniary or otherwise as may be agreed between the Company and the council.

(3) On the completion of the purchase of the Uplyme waterworks or any part thereof the Company may maintain hold and use the same for the purposes of the undertaking and may extend enlarge alter and renew the same in and under the said enclosure and may also pump collect divert take and use all or any of the waters which will or may be taken or intercepted by the said works or any of them and the provisions of the Acts and Orders from time to time relating to the Company shall so far as applicable apply to the Uplyme waterworks or any part thereof so purchased in all respects as if the same had been constructed or laid down under the authority of those Acts and Orders.

(4) Any sum payable to the council under this section shall be applied by the council in the discharge of any outstanding mortgages securities debts or liabilities on capital account incurred by them for the purposes of their waterworks undertaking and after such discharge shall be applied to such capital purposes as the Minister may approve or shall be invested by the council in any securities in which trustees are authorised to invest trust moneys and the interest dividends or other annual

A.D. 1933. — proceeds of such investments shall be credited to their general rate fund.

Exercise of powers of section 12 of Waterworks Clauses Act 1847.

36. The Company may on all or any of the lands from time to time held by them execute for the purposes of or in connection with the undertaking any of the works mentioned in section 12. of the Waterworks Clauses Act 1847 other than wells and works for the taking and intercepting of water :

Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Application of Waterworks Clauses Act 1847 to discharge pipes telephones &c.

37. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Company may and which accordingly they are hereby authorised to construct lay down or erect for the purposes of the undertaking.

For protection of Postmaster-General.

38. Any telegraphs telephones posts wires conductors or apparatus made constructed laid down or erected under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

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

39. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with this Act :

Provided that the Company shall not exercise the powers of this section in respect of any street for the time being belonging to and forming the approach to any station or depot of the Southern Railway

Company without the consent of that railway company but such consent shall not be unreasonably withheld nor shall the Company unreasonably obstruct or interfere with the access to any such street. A.D. 1933.
—

40.—(1) For the purpose of constructing enlarging extending altering repairing emptying cleansing or examining any of the waterworks of the Company as from time to time existing the Company may cause the water in any such works to be temporarily discharged into any available stream or watercourse and for that purpose the Company may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish. Temporary discharge of water into streams &c.

(2) In the exercise of the powers conferred by this section the Company shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by the exercise of such powers the amount of such compensation to be settled in default of agreement by arbitration and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(3) The powers of this section shall not be exercised so as to damage or injuriously affect the railways or works of the Southern Railway Company.

41. The Company in addition to any lands or any easement right or privilege over or in respect of lands vested in them by this Act and any lands which they are otherwise authorised by this Act to acquire may from time to time by agreement purchase take on lease or otherwise acquire and hold for the purposes of the undertaking any lands (not exceeding in the whole ten 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) over or in respect of lands which the Company may deem necessary for those purposes Provided that the Company shall Power to take additional lands by agreement.

A.D. 1933.

not create or permit a nuisance on such lands and shall not erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking.

Dwelling-houses for persons in Company's employ.

42. The Company may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the undertaking and may erect maintain and let dwelling-houses for and to such persons upon any lands for the time being belonging to the Company for the purposes of the undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Company for the purposes of the undertaking.

Powers for protection of waters and water-works.

43.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Company are from time to time empowered to take the Company may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which they may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Company.

(2) The Company may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Company are from time to time empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses

Act 1847 with respect to the breaking up of streets for the purpose of laying pipes. A.D. 1933.

44.—(1) Notwithstanding anything in the Lands Clauses Acts the Company may retain hold and use for the purposes of the undertaking for such time as they think fit any lands for the time being belonging to them 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 respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to
retain sell
&c. lands.

(2) Nothing in this section contained shall release the Company or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Company or any person from or through whom the Company may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

PART V.

SUPPLY OF WATER &C.

45. The water supplied by the Company need not at any time be delivered at a pressure greater than that afforded by gravitation from the service reservoir or tank from which the supply is given.

Limits of
pressure.

A.D. 1933.

—
Amendment
of section 35
of Water-
works Clauses
Act 1847.

Rates for
supply
of water for
domestic
purposes.

46. Section 35 of the Waterworks Clauses Act 1847 shall in its application to the Company be read and construed as if the words "one eighth part" were substituted therein for the words "one tenth part."

47.—(1) So soon as the Company are in a position to supply water in any area within the limits of supply the Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at such rates as the Company may from time to time determine not exceeding the rates specified in the Second Schedule to this Act and so in proportion for any shorter period than a half-year :

Provided that the Company shall not be required to afford a supply of water for domestic purposes to any premises at a less rate than twopence per week.

(2) The net annual value of any such premises shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or by any alterations in or additions to such list made during such period. Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing rates the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises supplied with water a sum not exceeding seven shillings and sixpence per annum and in respect of every fixed bath capable of containing not more than fifty gallons and in respect of every bath having an emptying aperture and capable of containing more than twenty gallons but not more than fifty gallons a sum not exceeding twelve shillings and sixpence per annum and in respect of every bath capable of containing more than fifty gallons such sum as the Company may think fit.

(4) Any sums charged under subsection (3) of this section shall be recoverable at the like dates and in the same manner as other water rates leviable by the Company under this section can be recovered.

A.D. 1933.

48. In the event of the Minister being satisfied that the cost of labour and materials or other circumstances affecting the undertaking has substantially altered he may if he think fit on the application of the Company or of a local authority having jurisdiction within the limits of supply made at any time after the expiration of five years from the passing of this Act by order vary either by way of increase or decrease the rates and charges for the supply of water or any of them authorised by this Act or any order made under this section and the Minister may also on the like application at any time and irrespective of any alteration of circumstances by order alter or revoke any charges for baths by this Act authorised and in either case the order may fix the date on which the rates and charges as varied shall come into force :

Revision of rates and charges.

Provided that the rates and charges in operation after the making of any such order shall be of such respective amounts as to provide (after paying all proper expenses of and in connection with the working management and maintenance of the undertaking and making adequate provision for depreciation and contingencies and paying all other costs charges and expenses (if any) properly chargeable to revenue) a reasonable return on the share capital of the Company :

Provided also that the rates and charges for the time being in force may in the like event be varied in like manner at any time after but not earlier than the expiration of any or every period of five years after they were last altered.

49.—(1) Notwithstanding anything in the Waterworks Clauses Act 1847 or in this Act the rates rents and charges leviable by the Company shall if the Company so determine be paid half-yearly one quarter in arrear and one quarter in advance at Christmas Day and Midsummer Day or at Lady Day and Michaelmas Day.

Rates payable half-yearly.

(2) Every person liable to the payment of such rate or charge who shall remove from the premises

A.D. 1933.

in respect of which the rate is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises provided that he shall have given to the Company seven days' previous notice in writing of his intention to quit the same and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Company. Notice of the effect of this subsection shall be endorsed on every demand note for any such rate or charge.

(3) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

Supply of water by Company to premises outside limits of supply.

50.—(1) If the owner or occupier of any premises outside the limits of supply desires to obtain from the Company a supply of water the Company may with the approval of the Minister and subject to the provisions of this section and to such conditions (if any) as the Minister may impose supply water to those premises.

(2) Before an application is made to the Minister for an approval under this section the Company shall obtain the consent of the council of the borough or district within whose area the premises are situate and of any undertakers authorised by an Act or Order to supply water within whose limits of supply the premises are situate.

(3) The charge made by the Company for any water supplied for any purpose in pursuance of this section shall not be less than the charge which would be made by the Company for water supplied for a similar purpose within the limits of supply.

(4) Where the Minister has given his approval to a supply of water to any premises by the Company under this section the provisions of the Acts and Orders from time to time relating to the Company shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply

to those premises and otherwise for the purposes of and in relation to that supply as if the limits of supply extended as far as and so as to include the premises in respect of which a supply approved by the Minister is to be given. A.D. 1933.
—

51.—(1) The Company shall not be bound to supply with water otherwise than by meter— Supply to
houses
partly used
for trade
&c.

(a) any buildings used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or

(b) any public institution mental or other hospital (whether public or private) sanatorium school club hotel assembly hall restaurant public-house or inn; or

(c) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein.

(2) The minimum quarterly charge for a supply of water by meter to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

52.—(1) Where the net annual value of a house supplied with water does not exceed fifteen pounds or the house 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 of water but the rate may be recovered by the Company from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or agreement be deducted by the occupier from the rent from time to time due from him to the owner: Rates pay-
able by
owners of
small
houses.

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.

A.D. 1933.
—

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall *mutatis mutandis* extend and apply to any payments made under this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the passing of this Act.

As to net annual value of two or more houses in one occupation.

53. Where two or more houses or buildings or parts of a house or building or of two or more houses or buildings connected by any means of communication not being a public highway are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of water rate chargeable by the Company in respect of any supply of water for domestic purposes furnished by the Company to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having a net annual value equal to the aggregate of the net annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Special terms for supplies to caravans shacks &c.

54.—(1) Notwithstanding anything in this or any other Act relating to the Company a person shall not be entitled to demand or continue to receive from the Company a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Company to take a supply of water by meter and to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Company by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall

be paid and the decision of the justices shall be final and binding on all parties. A.D. 1933.

55. Where a person who takes a supply of water for domestic purposes from the Company desires to use water for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water or for or in connection with any apparatus used for softening water which requires water for cleaning cooling regenerating or for motive power or similar purposes the Company shall be entitled to require that all water so used shall—

Charges for supplies for refrigerating apparatus &c.

- (a) be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or
- (b) be paid for at such rates as may be agreed between the consumer and the Company.

56.—(1) Where a person who takes a supply of water for domestic purposes from the Company desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if a hosepipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

Charges for horses and washing vehicles.

(2) Any sums chargeable under this section shall be in addition to the rates authorised by this Act for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(3) Where water supplied by the Company to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if they think fit require that all water so used by

A.D. 1933.

means of any such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

As to supply
to farm-
houses.

57.—(1) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Company to refuse a supply of water for domestic purposes to a farmhouse at the rate for the time being payable for water supplied for domestic purposes.

(2) The amount to be paid for a supply of water under the provisions of this section (exclusive of meter rent) shall not in any one quarter be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

Supply by
meter.

58. 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 meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the like manner as water rates are recoverable by the Company :

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.

Price of
supply by
meter.

59. The price to be charged by the Company for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons. Provided that the Company shall not be required to afford any supply of water by meter for a less sum (exclusive of meter rent) than fifteen shillings per quarter.

Mainten-
ance of com-
mon pipe.

60. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Company in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Company.

61.—(1) In the case of all premises connected after the passing of this Act with the mains of the Company the Company may in cases where the communication pipes are laid by the person requiring the supply or by the Company at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position as near as is reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters any premises in or under the street whichever of those points is the nearer to the main of the Company from which the supply is given to the said premises and if such person fails to comply with such requirement the Company may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

A.D. 1933.
—
Stopcocks
&c. to be
fitted in
communica-
tion pipes.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the limits of supply the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Company may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the limits of supply execute such works on behalf of such person and any expenses incurred by the Company in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

62.—(1) The Company shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Separate
communi-
cation pipes
may be
required.

A.D. 1933.

(2) If the owner of any house supplied with water by the Company when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Company may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

Power to
Company to
repair com-
munication
pipes.

63. If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Company are not under obligation to maintain it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as water rates are recoverable by the Company. Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of the said house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Company to
connect
communica-
tion pipes
with mains.

64. Notwithstanding anything contained in any Act relating to the Company the Company shall have the exclusive right of executing any works on any of the water mains of the Company for connecting any communication or service pipes therewith and the Company shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Company execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for

the purpose of laying pipes) any work and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Company in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

A.D. 1933.
—

65. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company or be given personally at the office of the Company:

Notice of
discontinu-
ance.

66. The Company may enter into and carry into effect agreements with any authority water board company or person for the supply of water beyond the limits of supply to any such authority board 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 :

Contracts
for supply-
ing water in
bulk.

Provided that—

(a) such supply shall not be given except with the consent of any authority water board company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic or other purposes within the limits of supply;

(b) nothing in this section shall authorise the Company to lay any mains or pipes beyond the limits of supply.

67. The Company may enter into and carry into effect agreements with any authority water board company body or person supplying water under parliamentary authority and with the approval of the Minister in the case of any water intended for domestic consumption with any other authority company body or person for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any

Purchase
of water in
bulk.

A.D. 1933. — water so purchased may be used by the Company for the purposes of the undertaking.

Power to
sell meters.

68. The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

As to
register of
meters.

69.—(1) Where water is supplied by meter the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate rent or charge is charged and sought to be recovered by the Company. Provided always that if the Company and the person to whom the water is supplied 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 whom the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as water rates are recoverable by the Company.

Power to
supply
fittings.

70.—(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 byelaws and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such 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

landlords' 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. A.D. 1933.

71. The Company by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Company is laid or fixed and through or in which the supply of water is from any cause other than the default of the Company discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal. Power to remove meters and fittings.

72. Before any person connects or disconnects any meter or other instrument 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 or other instruments 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. Notice to Company of connection or disconnection of meters.

73.—(1) 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 Injuring meters.

A.D. 1933. 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 fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained.

(2) 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 ensuring the proper registering by such meter or other instrument 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 recoverable in the like manner as water rates are recoverable by the Company.

(3) 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 prima 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.

Byelaws for preventing waste of water.

74.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements

and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

A.D. 1933.
—

(2) Such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(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 sixpence for each copy.

(5) The Company shall on or before the date upon which notice of any such byelaws is first given in any local newspaper in pursuance of section 184 of the Public Health Act 1875 send a copy of the byelaws to the local authority for every district in which the byelaws are intended to be in force.

(6) 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 and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company in the like manner as water rates are recoverable by the Company.

A.D. 1933.

—
Extension
of powers
for pre-
venting
waste &c.
of water.

75.—(1) In addition to the powers conferred by the section of this Act of which the marginal note is “Byelaws for preventing waste of water” the Company may make byelaws as to the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus and prescribing the charge to be made for such testing and stamping.

(2) 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.

(3) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any pipes or fittings used on any premises which form part of the railway of a railway company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Company.

(4) Any person who shall forge or counterfeit any stamp or mark used by the Company or by the authority of the Company for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

Meters &c.
to measure
water or
detect
waste.

76. Subject to the provisions of the Waterworks Clauses Act 1847 the Company may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Company and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets

roads lanes footways courts passages tramways sewers pipes wires and apparatus Provided that the Company shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 or with any works or apparatus of the Central Electricity Board except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 :

A.D. 1933.

Provided also that the Company shall not exercise the powers of this section in respect of any street road footway pipe wire or apparatus belonging to the Southern Railway Company without the consent of that railway company but such consent shall not be unreasonably withheld.

77.—(1) For the purposes of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Opening of ground by persons liable to maintain pipes &c.

(2) The Company may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Company shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

78. Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on conviction to a penalty not exceeding five pounds and the Company may in addition thereto recover the amount of any damage sustained by them Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for closing valves and apparatus.

A.D. 1933.

—
Extension of
section 60
of Water-
works
Clauses Act
1847.

79. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Company who shall without the authority of the Company turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Company and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Cisterns to
be provided
for high
level sup-
plies.

80. The Company may require that any dwelling-house the erection of which is commenced after the passing of this Act and situate on land at a higher level than fifty feet below any part of the service reservoir from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Company shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Extension
of power
to inspect
premises.

81. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Company may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering under the said section 57 or under this section or for making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds :

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Guarantees
&c. by
district
councils.

82.—(1) Any district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing

payment to the Company of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between that council and the Company for the purpose of or with respect to the providing or laying down by the Company of any main pipe or works for the supply of water within any part of such district. A.D. 1933.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions of any such general Act any money which may become payable to the Company under this section.

(3) Subject to the provisions of the Local Government Act 1929 any expenses incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

(4) Nothing in this section shall be deemed to authorise any such district council to use any water supplied by the Company under any such guarantee or contract as aforesaid in any part of their district which is beyond the limits of supply and within the limits for the supply of water of any other company or person supplying water under parliamentary authority without the consent of such other company or person.

PART VI.

FINANCIAL PROVISIONS.

83.—(1) The capital of the Company shall be thirty thousand pounds of which capital ten thousand pounds nominal capital is in this Act called “the original capital” and shall be substituted for the existing issued share capital of the limited company ten thousand pounds nominal capital is in this Act called “the further original capital” and ten thousand pounds nominal capital is in this Act called “the additional capital” The further original capital and the additional capital may be raised in manner in this Act mentioned. Capital.

A.D. 1933.
—

(2) On the appointed day there shall be created by virtue of this Act and without any further or other authority ten thousand pounds of ordinary stock.

Allocation
of original
capital.

84.—(1) Forthwith after the appointed day the ordinary stock created by virtue of this Act shall be allocated as follows:—

The said ordinary stock shall be divided among and vested in the several persons who immediately before the appointed day were registered as holders of the ordinary shares of the limited company in the proportion of ten pounds of such stock for each existing share bearing a maximum dividend of ten per centum per annum held by them respectively.

(2) All stock so created and vested shall be deemed to be fully paid up.

As to mort-
gages and
debentures
of limited
company.

85.—(1) The mortgages and debentures of the limited company outstanding at the appointed day shall as from that day become and be mortgages and debentures of the Company charged upon the undertaking in all respects as if those mortgages and debentures had been granted or issued by the Company on the dates on which they were respectively granted or issued by the limited company and as if the Company had been named therein in lieu of the limited company.

(2) If and when the Company pay off or redeem the said mortgages or debentures or any of them they may re-borrow on mortgage the amount of the said mortgages or debentures so paid off or redeemed or (if and to the extent to which they do not so re-borrow) the said amount shall be deemed to be an amount which (in addition to any other borrowing powers for the time being exerciseable by them) they may raise by the creation and issue of debenture stock and such debenture stock shall be deemed to have been created by virtue of this Act and may be issued by the directors at such times to such persons and upon and subject to such terms and conditions as they may think fit.

Trustees to
accept
substituted
stock.

86. Trustees executors or administrators and all other holders in any representative or fiduciary capacity of any share or shares in the limited company are hereby expressly authorised and required to accept any stock

vested in them pursuant to this Act and to hold dispose of or otherwise deal with the same as they might have held disposed of or otherwise dealt with the share or shares in the limited company for which such stock is substituted and are hereby indemnified in respect of all acts bona fide done by them in pursuance of this Act.

A.D. 1933.
—

87. The ordinary stock referred to in the section of this Act of which the marginal note is "Allocation of original capital" shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the appointed day affected the share or shares for which the same are respectively substituted and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any agreement deed or other instrument or any testamentary disposition made before the appointed day and affecting any such share or shares and every such agreement deed or other instrument or testamentary disposition shall take effect with reference to the whole or a proportionate part as the case may be of the ordinary stock substituted for such share or shares.

Stock to be held on same trusts &c. as shares of limited company.

88. The Company shall call in and cancel the existing certificates of shares in the limited company and issue in lieu thereof certificates of the stock to which the holders of such shares are by this Act respectively entitled but no holder of any such shares shall be entitled to any certificate of proprietorship under this Act until he shall have delivered up to the Company to be cancelled the existing certificate of proprietorship of the share or shares in the limited company issued to him before the appointed day or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof but if any holder of any such existing share neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address of such holder appearing in the shareholders' address book of the limited company the Company may retain any dividend declared or made payable upon or in respect of the stock substituted under the provisions of this Act for such share or shares until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved

Exchange of certificates &c.

A.D. 1933. — to the reasonable satisfaction of the directors to have been lost or destroyed and an indemnity is given against any claim in respect of such lost or destroyed certificate or certificates to the satisfaction of the directors.

Additional capital.

89. The Company may from time to time raise the further original capital and the additional capital by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of such modes respectively :

Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the sum of twenty thousand pounds.

Limit of dividend.

90. The Company shall not in any year pay out of their profits any larger dividend on the original capital than ten pounds in respect of every one hundred pounds of original capital and ten pounds in respect of every one hundred pounds actually paid up of further original capital as shall be issued as ordinary capital and seven pounds in respect of every one hundred pounds actually paid up of additional capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend of the Company which shall have fallen short of the said sums of ten per centum or seven per centum as the case may be in which case such larger dividend shall be paid at an equal rate on all ordinary capital of the Company so long as there is any deficiency of any previous dividend on the additional capital of the Company nor shall the Company pay out of their profits any larger dividend than six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Dividends on different classes of ordinary capital.

91. If in any year or (if the Company declare a dividend half-yearly) in any half-year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital of the Company those revenues shall be applied firstly in payment of dividend on all ordinary

capital of the Company at an equal rate up to seven per centum on the nominal value of that capital and the balance (if any) in payment of dividend on the original capital and the further original capital up to the authorised maximum rate of dividend on that capital. A.D. 1933.
—

92.—(1) All ordinary or preference shares or stock issued by the Company shall subject to the provisions of this Act be issued in accordance with the provisions of this section. Sale of
shares or
stock by
auction or
tender.

(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 directors shall from time to time determine :

Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the town clerk of the borough of Lyme Regis to the clerk to the council of each rural district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven 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 limits of supply ;
- (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 Minister 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 ;
- (c) In the case of a sale by auction 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 except that the offer by tender of any holder of shares or stock of the Company may be accepted in

A.D. 1933.
—

preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the Company or consumer of water supplied by the Company;

- (e) In the case of a sale by auction a bid (other than a first bid) shall not be recognised unless it is in advance of the last preceding bid; and
- (f) 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 to 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such proportions as the directors may think fit or to one or more of those classes of persons only :

Provided that in the case of an offer to holders of shares or stock if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered 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) of this section and are not sold may be disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Minister 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 each class of shares or stock.

93. The Company when ordinary or preference shares or stock is to be offered for sale may with the approval of the Minister and subject to such conditions as the Minister may think fit to impose pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such shares or stock or procuring or agreeing to procure subscriptions whether absolute or conditional for such shares or stock :

A.D. 1933.

—
Provisions
as to pay-
ment of
commission
on sale of
capital.

Provided that—

(a) the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the offer for sale of the shares or stock ;
and

(b) nothing in this section contained shall affect any power of the Company to pay brokerage.

94.—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of the original capital any sum or sums not exceeding in the whole the sum of five thousand pounds.

Power to
borrow.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the further original capital and the additional capital any sum or sums not exceeding in the whole one-half of that 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 section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the stock in respect of which it is proposed to borrow together with the premium (if any) realised or after allowing for the discount (if any) given on the sale thereof has been fully paid up.

95. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding

Debenture
stock.

A.D. 1933. — anything therein contained the interest of the debentures and mortgages referred to in the section of this Act of which the marginal note is "As to mortgages and debentures of limited company" and of all debenture stock and mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and the mortgages were authorised) and shall subject as is mentioned in the section of this Act of which the marginal note is "Priority of mortgages debentures and debenture stock over other debts" have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages debentures and debenture stock over other debts.

96. All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act or secured by the mortgages or debentures referred to in the section of this Act of which the marginal note is "As to mortgages and debentures of limited company" 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 that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted by the limited company or to be granted by the Company 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 or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages debentures or debenture stock.

Appointment of receiver.

97. 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. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand five hundred pounds in the whole.

98.—(1) In this section unless the context otherwise requires— A.D. 1933.

“stock” means and includes preference shares or stock and debenture stock;

“issue” includes re-issue;

“redeemable stock” means any stock issued under the powers of this section so as to be redeemable;

“redeemed stock” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

—

Redeem-
able prefer-
ence shares
or stock
and debenture
stock.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act :

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of the Company passed at a special meeting convened for the purpose.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Company may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit :

Provided that—

(a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Company are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the

A.D. 1933.
—

stock of such particular class is proposed to be so created or issued; and

(b) during such interval as aforesaid the amount raised by means of any preference shares or stock so created or issued shall not be deemed to be paid up share capital for the purposes of any enactment regulating the borrowing powers of the Company.

(4) When any redeemable stock has been redeemed the amount (exclusive of any sum obtained by way of premium) which was last raised by its issue shall cease to be taken into account in calculating the extent to which the powers of the Company of raising money by the creation and issue of share capital or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock have been or may be exercised but nothing contained in this subsection or done in pursuance thereof shall affect the validity of any mortgage or debenture stock of which the grant or issue by the Company was lawful in the circumstances existing at the date of such grant or issue :

Provided that the nominal amount of any stock issued solely in substitution for other stock shall be deemed to be the amount raised by such issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Company shall not redeem out of revenue any redeemable stock except to the extent of any discount allowed on the issue or any premium payable on the redemption thereof.

(7) Any preference shares or stock issued solely in substitution for redeemable stock shall not be

subject to the provisions of the section of this Act of A.D. 1933.
which the marginal note is "Sale of shares or stock —
by auction or tender."

99. All moneys raised under this Act or any other Act or Order relating to the Company including premiums (after deducting from such moneys the expenses of and incidental to the issue of shares or stock under the provisions of any such Act or Order) 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 such shares or stock 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 raise money by borrowing or to create a reserve or other fund is made proportionate to the paid-up or nominal capital the premium received from the sale of shares or stock shall for such purpose be reckoned as part of the paid-up or nominal capital.

100. It shall not be lawful for the Company to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum exceeding the total of the following amounts (that is to say) :— Limitation on carry forward.

- (a) The amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year ;
- (b) An amount equal to the total sum which the Company would be lawfully entitled to distribute as dividends on their preference and ordinary capital in respect of the next following year ; and
- (c) An amount equal to the total sum which the Company will be required to pay during the next following year as interest on any mortgages debentures or debenture stock.

101.—(1) The directors may (if they think fit) in any year set apart out of the clear profits of the undertaking such sum as they may determine (subject to the provisions of subsection (2) of this section) and any sums so set apart may from time to time be Reserve fund.

A.D. 1933. — invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest. The fund so formed shall form a reserve fund to answer any deficiency which may at any time happen in the amount of divisible profits or to meet any extraordinary claim or demand which may at any time arise against the Company and if such fund be at any time reduced it may thereafter be again restored within the limit prescribed by the said subsection (2) and so from time to time as often as such reduction shall happen. Provided that no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim or demand unless it be first certified by two justices that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim or demand within the meaning of this section.

(2) The amount standing to the credit of the reserve fund shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised other than loan capital and whenever and so long as the reserve fund amounts to such sum the interest and dividends on the reserve fund shall no longer be invested but shall be applied to any of the general purposes of the undertaking to which the profits of the Company are applicable.

Limit on
contingency
fund.

102. The amount standing to the credit of any contingency fund formed under section 122 of the Companies Clauses Consolidation Act 1845 shall not at any time exceed a sum equal to ten per centum of the capital of the Company for the time being authorised other than loan capital.

Minimum
holdings of
shares or
stock and
debenture
stock.

103.—(1) Any shares or stock or debenture stock of the Company may be issued and be held in amounts of one pound or any multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of any such shares or stock or debenture stock which may reduce the holding of shares or stock or debenture stock of that class of the transferor below or make the holding of shares or stock or debenture stock of that class of the

transferee less than one pound or a multiple of one pound. A.D. 1933.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary shares or stock preference shares or stock or debenture stock of the Company as the case may be.

104. The Company shall not be bound to see to the execution of any trusts whether express implied or constructive to which any stock or debenture stock may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any stock or debenture stock of the Company as if the same were shares in the capital of the Company. -

Company not bound to regard trusts.

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

Receipt in case of persons not sui juris.

PART VII.

ADMINISTRATIVE PROVISIONS.

106. The first ordinary meeting of the Company shall be held within six months after the appointed day and all subsequent ordinary meetings of the Company shall be held yearly in the month of March in every year at the principal office of the Company or in such other month or at such other place as shall be from time to time appointed for that purpose by an order of the directors.

Ordinary meetings.

107. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each shareholder instead of by public advertisement Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder prepaid and posted not later than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was

Notices of meetings.

A.D. 1933. — properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Quorum of general meetings.

108. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five shareholders (of whom at least one shall be a director) present in person or by proxy and holding in the aggregate not less than one twentieth of the issued capital of the Company.

Defining right of voting.

109.—(1) At all general meetings of the Company every holder of ordinary shares or ordinary stock shall be entitled to one vote in respect of every amount of one pound of such shares or stock held by him :

Provided always that no shareholder shall be entitled to vote at any meeting in respect of any share or stock on which any call remains unpaid.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share or stock to which a preferential dividend shall be assigned.

As to appointment of proxies.

110. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder and for that purpose may execute on behalf of the shareholder the necessary form of proxy Provided that except in cases where the instrument appointing the attorney shall have been previously registered with the Company the same or (in the case of an instrument deposited with the Central Office of the Supreme Court) an office copy thereof shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

Joint holders.

111. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any share or stock any one of those persons may vote at any meeting (at which holders of shares or stock of the same class are entitled to vote) either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons

so present whose name stands first on the register in respect of the share or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share or stock stands shall for the purposes of this section be deemed joint holders thereof. A.D. 1933.
—

112. If and so long as the ordinary meetings of the Company shall be held once only in each year— Interim dividends and annual accounts.

(a) it shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company on the ordinary capital of the Company without the sanction of a general meeting Provided that the amount of any interim half-yearly dividend shall not as the case may be exceed one-half of the amount of the maximum dividend on the ordinary capital in respect of which the interim dividend is declared;

(b) the balance sheet and accounts made up by the Company in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall so far as the same relate to the profit and loss of the Company relate to the transactions of the Company in the course of the preceding year.

113. The number of directors shall be three but the Company may vary the number provided that the number be not at any time more than five or less than three. Number of directors.

114. The qualification of a director shall be the possession in his own right of shares or stock of the Company of the nominal value of two hundred pounds and every director who is not qualified at the time of his appointment as a director shall obtain his qualification within two months after his appointment and if any director do not within such two months obtain his qualification he shall vacate his office as director and shall be incapable of being re-appointed a director until he has obtained his qualification. Qualification of directors.

115. The quorum of a meeting of directors shall be two but if the number of directors be increased the quorum shall be three. Quorum for directors' meeting.

A.D. 1933.

—
First and
subsequent
directors.

116. Arthur Cadlick Pain Ormsby Allhusen and Claude Pain shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act Subject to the provisions of this Act at the first ordinary meeting of the Company one of the directors appointed by this Act shall retire from office and the shareholders present in person or by proxy may either re-elect the director so retiring (if he continues qualified) or may elect a new director to supply the place of the director not so re-elected and at the ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 The several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Contracts
&c. not to
disqualify
for office of
director.

117. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his or any partners of his being or becoming interested in any contract with the Company either on his own behalf or as a member of any other company corporation local authority or partnership nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or of his or any partners of his becoming interested in any such contract Provided that in the case of his or any partners of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract or of the interests of any such partners of his shall be disclosed by him at the meeting of the directors at which the contract is determined on if his or their interest then exists or in any other case at the first meeting of the directors after the acquisition of his or their interest or after his appointment and that no

director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

A.D. 1933.

118. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than the minimum number prescribed by this Act the directors shall not except for the purpose of filling vacancies and allotting shares or stock to any proposed director or directors act so long as the number is below such minimum.

Continuing directors.

119.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election or except in the case of a director being elected by the directors to fill a casual vacancy no person shall be capable of being elected a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the principal office of the Company fourteen days at least before the day of election and the secretary of the Company shall during such fourteen days and on the day of election fix a copy of every such notice so delivered in some conspicuous place in such office.

Notice of candidature of or of opposition to re-election of director.

(2) In the case of a retiring director or directors notice of opposition to his or their re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of shares or stock for at least two months prior to his election.

120.—(1) The directors of the Company may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

As to appointment of managing director.

A.D. 1933.
—

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he cease to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this section.

Remunera-
tion of
secretary.

121. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

Closing of
transfer
books.

122.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the registers of transfers of mortgages and debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper circulating in the limits of supply.

(2) Any transfer of shares or stock or mortgages or debenture stock made during the time when the register of transfers of such shares stock or security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequent to the declaration of any such dividend or the payment of any such interest as the case may be.

123. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

A.D. 1933.

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

Register of shareholders and shareholders' address book.

(b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

124. The prescribed number of auditors shall be two or the Company may at any time and from time to time appoint any firm to be the auditors of the Company. The auditors or in the case of a firm being so appointed as auditors the members of such firm need not hold shares or stock of the Company. If and so long as a firm appointed under the provisions of this section are the auditors of the Company the provisions of this Act and of any Act incorporated herewith relating to the prescribed number of auditors shall not apply to the Company.

Auditors.

PART VIII.

MISCELLANEOUS.

125. Any electrical works or apparatus made or maintained under the provisions of this Act shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For further protection of Postmaster-General.

126.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they may think fit to any employee or the personal representative of any employee or (where in any particular case no adequate provision is in their opinion otherwise made) to the widow or family or any dependant of an employee and they may establish and

Power to grant pensions &c.

A.D. 1933. — maintain a fund out of which such gratuities pensions allowances and payments may be granted or made.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing gratuities pensions allowances or payments to any employee or the widow family or dependant of any employee.

(3) The directors may subscribe or make donations to any fund raised in case of national emergency or in connection with the industry of water supply and to infirmaries hospitals convalescent homes and other institutions and objects which would be for the benefit of the employees and to the benevolent and sick funds of the employees.

(4) The directors may apply the revenues of the Company for the purposes of this section.

Form and
service of
notices by
Company.

127. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the signature of the secretary to the Company being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the secretary or of a collector of the Company being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

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

128. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of
summons
&c.

129. Where the payment of more than one sum by any person is due under any one or more of the Acts or Orders from time to time relating to the

Company any summons or warrant issued for the purposes of any one or more of such Acts or Orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. A.D. 1933.]
—

130. Penalties imposed under any Act or Order from time to time relating to the Company for one and the same offence shall not be cumulative. Penalties not cumulative.

131. Save as otherwise by this Act expressly provided all offences against any Act or Order from time to time relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

132. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the Company 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 provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

133. The Company shall deliver to the Registrar of 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 a like penalty. Every penalty under this section shall be recoverable summarily. Copy of Act to be registered.

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 1929 on registration of any document other than a memorandum of association or the abstract required to be delivered to the registrar by a receiver or manager

A.D. 1933. or the statement required to be sent to the registrar
— by the liquidator in a winding up in England.

For protec-
tion of
Dorset
County
Council.

134. For the protection of the county council of the administrative county of Dorset (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Company and the council apply and have effect (that is to say):—

- (1) All lines of pipes (hereinafter in this section referred to as "the said lines of pipes") where the same are carried by the Company in along or over any road for the time being repairable by the council or in upon or across any county bridge (including the approaches to any county bridge) shall be laid in such position in or at the side of such road and at such depth as the council in writing under the hand of their surveyor may reasonably direct and the Company shall reinstate any road drain goit culvert or water table belonging to or under the control of the council which may be interfered with in the laying of the said lines of pipes :
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall (subject to the provisions of this section) in their application to the laying of the said lines of pipes in such road be read and construed as if the notice required by section 30 of that Act was in the case of any such road not less than seven days instead of three days :
- (3) All works of the Company so far as they affect any county road or county bridge shall be so executed by the Company as not unreasonably to impede or interfere with the traffic on any county road :
- (4) The Company shall as far as practicable construct maintain and keep watertight the said lines of pipes and works in connection therewith :
- (5) 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 of the Company to which the provisions of this section relate : A.D. 1933.
—

- (6) The council shall not enforce any of the provisions of this section so that the supply of water by the Company shall be unduly interrupted and if the council so interrupt the supply of water they shall repay to the Company any loss damages or expenses to which the Company may thereby be put or become subject :
- (7) 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 referred to and settled by an arbitrator to be agreed upon between them or failing agreement to be appointed on the application of either party after notice in writing to the other 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 as aforesaid :
- (8) Where any pipes of the Company have been laid at a depth below the surface of any county road of less than two feet the council shall not be liable except in cases of negligence for or in respect of any damage or injury caused to any apparatus of the Company by the use by or on behalf of the council of any steam or other roller for the repair of any county road or of any traction engine belonging to the council provided that such roller or engine does not exceed fifteen tons in weight.

135. For the protection of the Southern Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed in writing between the Company and the railway company apply and have effect with respect to the exercise by the Company of the powers conferred upon them by this Act (that is to say) :—

For protec-
tion of
Southern
Railway
Company.

- (1) In laying down and altering any mains pipes or other works over across or under the

A.D. 1933.
—

railways bridges roads and works of the railway company (in this section together referred to as "the railways of the railway company") the Company shall execute such works in accordance with plans and sections previously submitted to and reasonably approved in writing by the chief engineer of the railway company (in this section referred to as "the engineer") Such works and the renewal removal or (except in case of emergency) repair of any mains pipes or other works shall be executed after reasonable notice in writing to the railway company with all dispatch and under the superintendence (if given) and to the reasonable satisfaction of the engineer Provided that if the engineer does not express his approval or disapproval of the said plans and sections within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof :

- (2) The Company shall restore and make good to the reasonable satisfaction of the engineer the roads over any bridges level crossings and approaches (including in the case of a level crossing the railway thereon) which the railway company are liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all the works matters and things aforesaid shall be constructed executed and done so as to cause as little injury as may be to the railways of the railway company and so as not to cause any unnecessary interference with the passage or conduct of their traffic :
- (3) If the railway company so elect they may themselves in the case of any level crossing execute such works (other than the actual laying down and maintenance of mains or pipes) and may recover the costs reasonably incurred in so doing from the Company :
- (4) The Company shall bear and on demand pay to the railway company the reasonable expenses of the superintendence by the engineer of the

A.D. 1933.
—

said works when the same are carried out by the Company and all costs reasonably incurred of watching lighting and protecting the railways of the railway company during the carrying out of the said works :

- (5) If any such injury to the railways of the railway company or interference with their traffic as aforesaid shall arise from or be in any way owing to any of the acts or operations of the Company in connection with the matters and things aforesaid or the failure of any such mains pipes or works the Company shall make compensation in respect thereof to the railway company :
- (6) The Company shall from time to time pay to the railway company any additional expenses which the railway company may reasonably incur in effecting any repair or renewal of their railway or in effecting in the exercise of their existing powers any widening alteration or extension of their railway by reason of the existence of any mains pipes or works of the Company in over upon across or under the railways of the railway company :
- (7) Any difference which may arise between the Company and the railway company under the provisions of this section shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

136. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively

Crown
rights.

A.D. 1933. — without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Act. **137.** 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 SCHEDULES referred to in the
foregoing Act.

A.D. 1933.

FIRST SCHEDULE.

A DEED OF GRANT made the Twenty-eighth day of October one thousand nine hundred and thirty-two between ORMSBY ALLHUSEN of Pinhay near Lyme Regis in the County of Dorset esquire (hereinafter called "the Owner" which expression unless the context otherwise requires shall mean the said Ormsby Allhusen or other the owner or owners for the time being of the principal mansion house of Pinhay aforesaid) of the one part and LYME REGIS DISTRICT WATER COMPANY LIMITED a limited company having its registered office at 17 Victoria Street in the City of Westminster (hereinafter called "the Company" which expression unless the context otherwise requires shall mean the Lyme Regis District Water Company Limited or other the company corporate body or person in whom may be vested for the time being the rights hereby granted) of the other part.

Stamp.



Nine
pounds ten
shillings.

WHEREAS the Owner is seised in fee simple in possession free from incumbrances of the Pinhay Estate in the parishes of Axmouth and Uplyme in the county of Devon which estate is for the purpose of identity shown on the map hereunto annexed and thereon edged with a yellow verge line and more particularly described in the schedule hereunder written and which estate is hereinafter called "the Pinhay Estate";

And whereas the Owner has agreed with the Company in consideration of the royalty hereinafter reserved to grant to the Company the rights hereinafter contained on the terms hereinafter appearing.

Now this Deed witnesseth as follows :—

1. In pursuance of the said agreement and in consideration of the royalty hereinafter reserved and the covenants hereinafter contained the Owner as beneficial owner hereby grants unto the Company in fee simple :—

(a) A perpetual and exclusive right to take water from the Hartstongue and other springs and their tributaries

A.D. 1933.
—

and from other sources in upon and under the land belonging to the Owner part of the Pinhay Estate aforesaid and hatched in black (whether or not also hatched in red) on the map annexed hereto and more particularly described in the first part of the schedule hereunder written and from time to time to sink and make and at all times to maintain and use such wells boreholes adits and other works as the Company may think fit for tapping collecting storing treating and pumping the water from the said springs their tributaries and other sources and the said wells boreholes adits and other works (which terms shall subject as hereinafter expressed include buildings) and to do all things necessary to secure the continuance of the supply of water therefrom with liberty to use any of the water obtained and to return the same or any part thereof to the stream after use and with liberty from time to time to make and at all times to maintain such works as the Company may think necessary for the more effectual use of such water :

- (b) A perpetual wayleave for water pipes of such dimension or dimensions as the Company may from time to time desire with all necessary appurtenances and appliances for the purpose of collecting storing and delivering the water hereby authorised to be taken such pipes to be laid in the positions indicated by the blue lines on the map annexed hereto or in such other positions as may be hereafter agreed between the parties with liberty to lay and at all times maintain and conduct water through the said pipes Provided that the Company shall be at liberty in constructing their said water pipes appurtenances and appliances to deviate as they may find necessary to the extent of not more than thirty yards at any point from the blue lines indicated on the said map but so that none of the said water pipes appurtenances or appliances shall be laid or placed in or upon any of the land described in the second part of the schedule hereunder written :
- (c) A perpetual right to erect enlarge alter and maintain a reservoir or reservoirs and all necessary works (such reservoir or reservoirs and works including buildings and pumping electricity generating and other necessary machinery to be of such size as the Company may from time to time determine) upon each and to the extent of the plots marked A B and C respectively and coloured green upon the said map for the purpose of treating and storing the water hereby authorised to be taken with liberty to treat and store water therein and for

such other works as may be necessary in connection with the Company's operations : A.D. 1933.

- (d) A perpetual wayleave for cables for the purpose of supplying electricity either overhead or underground together with such posts transformers and switch-gear as may be requisite to make available a supply of electricity at such of the works reservoirs and other sites as the Company may from time to time determine in positions south of the line Charton Whitlands and Smugglers' Lane on the said map and elsewhere in such positions as may reasonably be required by the Company and consented to by the Owner whose consent shall not be unreasonably withheld with liberty to lay and at all times maintain and conduct electricity through the said cables.

2. The Company shall have a right of entry to the Pinhay Estate for the authorised servants contractors and employees of the Company for the purpose of surveying and searching for water and executing and maintaining the works aforesaid and carrying out all such things as may be necessary to the objects of the Company and the Company shall provide that its servants contractors and employees so entering as aforesaid shall not be accompanied by dogs and shall take all reasonable precautions to avoid disturbing game.

3. The Company shall have the right to drain water from the several reservoirs before mentioned and to drain the undercliff and for such purposes to enter upon the Pinhay Estate and lay such drains as may be agreed by and between the parties hereto.

4. In the exercise of the rights and liberties hereby granted the Company shall do as little damage as may be to the said lands and to the stability of the cliffs and shall make good and reinstate the surface of the ground where the mains cables or other works shall from time to time be laid down or constructed and make satisfaction to the tenant or tenants of the said lands for all damage to be sustained by him or them by reason of the laying down or construction of the said mains cables or other works or the exercise of the rights other than the rights of taking water hereby granted.

5. In the exercise of the rights and liberties hereinbefore granted the Company shall not :—

- (a) Cut or remove any trees without the Owner's previous consent in writing :
- (b) At any time place or cause to be placed any permanent building or structure more than ten feet above the level of the surrounding ground (other than the said reservoirs and works on the sites indicated by the

A.D. 1933.
—

letters A B and C on the said map) without having first given to the Owner fourteen days' previous notice in writing specifying the situation and character of the proposed building and the materials proposed to be used in its construction and a plan two cross sections and elevations of such proposed work shall accompany such notice. In the event of the Owner objecting to such proposed building or structure he shall be at liberty to give to the Company within fourteen days of the service of the notice a counter-notice requiring a change of the situation or alterations or modifications of the elevation thereof and in the event of the Company not agreeing to such change alterations or modifications the matter shall be referred to arbitration. No permanent works above the level of the ground or poles or overhead wires or cables shall in any case be constructed on the area hatched in red as well as in black on the said map. All works shall be situated wherever possible in the corner of a field or up against the hedge :

- (c) At any time be entitled to exercise any of the rights and liberties hereinbefore granted upon any part of the land coloured pink on the said map (being the land described in the second part of the schedule hereunder written) or lay or construct any pipes cables or works of any kind under over or upon any land upon which any permanent building used and enjoyed in connection with the Pinhay Estate may have been erected after the date hereof. If at any time after the date hereof the Owner desires to sell or to erect any building (otherwise than for the use and enjoyment in connection with the estate as aforesaid) on any portion of the Pinhay Estate other than the said land coloured pink on the said map the following provisions shall have effect that is to say :—

(1) The Owner shall give to the Company notice in writing of his desire to sell or to build on such portion of the estate specifying the boundaries thereof ;

(2) At any time within three months after receipt of such notice the Company may give to the Owner a counter-notice in writing announcing its intention of executing under over or upon the land to which such original notice relates any of the works which the Company are entitled to execute under clause 1 hereof ;

(3) If no such counter-notice is given within the said period of three months or if a counter-notice is

A.D. 1933.
—

given but the works specified therein are not completely executed within twelve months after receipt of such counter-notice or such further time as may be agreed between the persons giving the notice and the counter-notice the Owner shall be at liberty to sell or to build on the land to which such original notice relates free from any rights of the Company under this deed but not free of the rights of the Company hereinbefore granted in respect of the blue lines marked on the said map and in respect of the reservoir sites and the sites of any other work executed by the Company;

(4) If within six months after the Owner has given such an original notice as aforesaid (no counter-notice having been given) or within six months after the Owner has become entitled under sub-paragraph (3) of this paragraph to sell or to build on any land free from any rights of the Company the Owner has not entered into a contract for the sale of or commenced to build upon the whole of the land to which such original notice relates then such original notice shall be void for all purposes as regards the whole or such part of the land comprised therein as has not been contracted to be sold or built upon and thereafter the Owner shall not be entitled to sell or to build upon the same free from the rights of the Company hereunder until he has served a new notice under sub-paragraph (1) of this clause and the procedure laid down by this clause has been gone through afresh;

(5) Provided always that if the Owner should at any time give notice in writing of his desire to sell or to build upon the portion of the estate hatched black south of the line Charton Whitlands and Smugglers' Lane it shall be open to the Company within three months to select any one plot as now demarcated upon the said map upon the portion of the estate hatched black south of the said line with the necessary access thereto to be agreed upon between the Owner and the Company and facilities for laying mains and cables for the conveyance of water therefrom and electricity thereto and thereafter the Owner shall be entitled to sell or to build upon the remainder of the said property south of the said line subject to the rights of the Company in reference to any existing works therein but the plot and access thereto selected by the Company as aforesaid shall be retained by the Owner for the benefit of the Company for the purposes of this deed:

A.D. 1933.

(d) Do anything which may interfere with or affect the railway unless the consent of the railway company is first had and obtained.

6. All sporting rights and rights of shooting are reserved to the Owner and all other persons authorised by him.

7. The Company shall not be answerable in damages to the Owner for any damage arising from the exercise by the Company of any of the rights and powers herein granted to the Company if the Company can show that such rights and powers have been exercised by the Company in agreement with the Owner or that the Company have acted with all due care and skill and (except as hereinafter set forth in the proviso at the end of this clause) the Company shall not be answerable in damages in respect of the affection of the level or flow of water within the confines of the Pinhay Estate in whomsoever the same or any part thereof shall from time to time be vested. Provided nevertheless that if it shall be proved by the Owner that as a result of the exercise by the Company of any of the rights powers and privileges hereby granted the existing source of water supply of the Owner on the land coloured pink on the said map has ceased or been seriously diminished the Company shall at its own cost in all things reinstate or augment the Owner's existing supply so that he may continue to have a supply of pure and wholesome water not exceeding ten thousand gallons per day to be delivered at the Owner's high level reservoir situate in the north-western corner of enclosure No. 493 through the existing standpipe. In order to facilitate any such proof proper records shall be taken of the flow of the existing source of water supply on behalf of the Owner and the Company at regular intervals before and after the exercise of the rights hereby granted and such records shall be prepared and signed in duplicate one copy being retained by the owner and the other by the Company and shall be binding on both parties.

8. The Company will keep the Owner indemnified against all actions claims demands costs and damages that may be lawfully brought made or claimed against the Owner by any person by reason of the escape from the reservoirs upon the sites marked A B and C respectively upon the said map or from the Company's pipes or other works of any water collected or impounded on the said lands by the Company or contained in any of the Company's works whether such escape be due to want of repair of the said works or to any other cause whatsoever (other than the negligence of the Owner or his servants or agents) or by reason of the diversion or impounding of the waters of any spring stream or water-course rising in or flowing through the Pinhay Estate or by reason of any other thing done or omitted by the Company upon or concerning the said estate or the said waters.

A.D. 1933.
—

9. The Company will pay and keep the owner and his tenants indemnified against all usual local rates upon their undertaking including any rates payable by reason of the exercise by them of the rights hereby granted whether such rates are charged in the first place upon the Company or upon the Owner or his tenants.

10. The Company shall provide maintain and keep in good order meters for computing and recording the quantity of water taken into supply by the Company so that all water so taken other than that used in the course of the construction of works shall pass through the said meters and the quantity thereof be duly registered thereby.

11. The meters shall be read at agreed intervals jointly by duly appointed representatives of the parties hereto and the readings shall be duly entered in a register and each entry so obtained shall be countersigned by them. The Company shall retain such register and the Owner and his duly authorised representative shall at all reasonable times have access thereto and the Company will whenever reasonably so required furnish a copy thereof to the Owner at the Company's expense. The readings so obtained shall be prima facie evidence of the quantity of water taken into supply by the Company and any such meter shall if thought to be registering incorrectly be removed if necessary and tested by the Company under the supervision of duly appointed persons on behalf of the parties hereto (but not oftener than once in every quarter unless specially required) and all costs in connection therewith including if necessary the substitution of another meter shall be borne by the Owner in the event of the quantity registered by any such meter after being removed being found to be more than the actual. Should any such meter be found to register more than two-and-a-half per centum above or below the actual quantity at the rate of supply corresponding as near as may be to the average rate at which the supply shall be shown to have been taken for the period immediately preceding the removal of such meter the registration for such period shall be adjusted accordingly. Should the meter be found in a similar manner to register within two-and-a-half per centum of the actual quantity the meter shall be deemed to have registered accurately. Either party may if dissatisfied with the result of any such test or aforesaid computation of the quantity require the matter in dispute to be referred to some mechanical engineer to be jointly chosen by the parties hereto or if they shall be unable to agree then to an engineer appointed by the President of the Institute of Civil Engineers and the decision of such engineer shall be final and binding on both parties and the expenses of such inquiry and all tests shall be in the entire discretion of the engineer so appointed.

A.D. 1933.
—

12. The Company will pay to the Owner in respect of the rights hereby granted a royalty at the rate of three half-pence for every thousand gallons of water which shall be taken into supply by the Company from the Pinhay Estate Provided always that so long as the Lyme Regis District Water Company Limited or any other company incorporated either by special Act or under the Companies Acts shall continue to take water under the rights hereby granted the Owner will accept in substitution of the said royalty of three half-pence per thousand gallons a minimum royalty of one half-penny per thousand gallons with the addition in each of the years in respect of which the Lyme Regis District Water Company Limited or such other company as aforesaid shall pay a dividend on its original ordinary share capital of a further royalty (hereinafter called "the contingent royalty") of one-tenth of a penny per thousand gallons in respect of every one per centum dividend that the Lyme Regis District Water Company Limited or such other company as aforesaid shall pay for the year in question on its original ordinary share capital up to a maximum of ten per cent. so that the minimum royalty and contingent royalty together shall never exceed three half-pence per thousand gallons And it is hereby expressly agreed and declared that such substituted minimum and contingent royalty shall be accepted by the Owner only so long as the royalty is payable by the Lyme Regis District Water Company Limited or any other company incorporated either by special Act or under the Companies Acts and the dividends on the original ordinary shares of such company are not limited to less than ten per centum And it is hereby further agreed that the Owner shall become entitled to payment in respect of any deficiency in the contingent royalty that may have arisen by reason of any dividend paid being less than ten per centum or other the legal maximum as and when any such arrears of dividend shall be distributed Provided also that while the Company has an agreement in force with the corporation of Lyme Regis for the supply of water to the said corporation at a fixed minimum rent and provided also that there is water available to the Company from the Pinhay Estate for the purposes of this supply the royalty payable to the Owner in respect of water supplied to the corporation in accordance with the terms of such agreement shall be not less than one twentieth part of the amount of such fixed minimum rent And in respect of any rent or water rate which may be payable to the Company by the corporation over and above such fixed minimum rent the Owner shall be entitled to minimum royalty at the aforesaid rate of one half-penny per thousand gallons but nothing in this present proviso shall be construed as depriving the Owner of his right to receive contingent royalty at the rate aforesaid on water supplied to the said corporation in addition to minimum royalty.

A.D. 1933.
—

13. Payment shall be made to the Owner in respect of any fixed royalty hereby reserved half-yearly each payment to be made within forty-two days after the thirtieth day of June and the thirty-first day of December in every year and to be in respect of the period of six months ending on such thirtieth day of June and thirty-first day of December and the first payment to be made within forty-two days after the thirtieth day of June or the thirty-first day of December as shall first occur after the Company commence to take water into supply and payment in respect of any contingent royalty shall be made within twenty-eight days of the declaration of any dividend as aforesaid upon the original ordinary shares of the Company.

14. The Company shall supply to the Owner for use in connection with the Pinhay Estate from such points on any existing mains as shall be agreed upon such water not exceeding seven thousand five hundred gallons per day as may be required for his said estate in its present state of development and at such price as it shall cost the Company to provide the same including the payment of interest upon capital outlay involved in getting storing and supplying such water and all costs and charges incidental thereto.

15. The Company shall at all times and from time to time keep at the registered office of the Company accurate plans showing the position of all works executed by the Company upon the Pinhay Estate and the same shall at all times be open to inspection by the Owner.

16. The Company hereby covenants with the Owner to the intent that this covenant may bind the Company its successors and assigns and all bodies and persons in whom the rights hereby granted may be vested and may enure for the benefit of the Owner his heirs and assigns the owner or owners for the time being of the Mansion House of Pinhay aforesaid and also so far as other portions of the Pinhay Estate may from time to time be actually affected by the exercise of the rights hereby granted for the benefit of the Owner his heirs and assigns or other the owner or owners for the time being of the Pinhay Estate or any part or parts thereof that the Company will pay the royalty hereby reserved and observe and perform the provisions and conditions herein contained and on the part of the Company hereby expressed to be observed and performed.

17. It is hereby expressly agreed and declared that the grants herein contained with the benefit and obligation of the covenants and provisions herein contained if assigned by the Company shall be assigned in their entirety so that it shall not at any time be practicable for the burden of the rights hereby granted being made greater and more onerous upon the Owner by reason of the rights being vested in more than one company body or person.

A.D. 1933.
—

18. The Owner hereby covenants with the Company to the intent that this covenant may bind the Owner his heirs and assigns or other the owner or owners for the time being of the Pinhay Estate or any part thereof and may enure for the benefit of the Company its successors and assigns in whom the benefit of the grants herein contained may for the time being be vested that the Owner will observe and perform the provisions and conditions herein contained and on the part of the Owner hereby expressed to be observed and performed.

19. The Owner shall at the request and cost of the Company give notice to quit to the tenant of such parts of the land as may be required to be taken by the Company for the purpose of any of the liberties and rights granted by clause 1 hereof and the Company shall refund to the Owner any compensation which he may be obliged to pay to any such tenant consequent upon such notice.

20. The Owner for himself and his successors in title the owner or owners for the time being of the Pinhay Estate aforesaid or any part thereof hereby covenants with the Company that he or they will not at any time or times hereafter do or suffer to be done upon the said lands or any part thereof any act or thing whereby the purity of the water which the Company have the right to take may be in any way interfered with or the flow of such water in any way diminished diverted or damaged Provided always and it is hereby agreed that the provision and maintenance of septic tanks at Whitlands House and Lynch Cottage shall not be deemed a contravention of this covenant if such septic tanks shall be properly constructed kept in proper repair and at all times efficiently tended Notice of this covenant shall be endorsed upon one of the Owner's principal title deeds.

21. In the event of the Company not commencing pumping water within six calendar months from the date hereof or such extended period as may be agreed upon between the parties hereto or rendered necessary by unavoidable circumstances this deed shall be null and void.

22. All costs and expenses of and relating to the negotiation for preparation and execution of this deed the furnishing of an abstract of title and the preparation engrossing stamping and execution by both parties of this deed and incidental thereto shall be borne by the Company.

23. The Company shall if it proceeds to allotment of shares pay to the Owner a fee of one hundred and fifty pounds in consideration of the Owner continuing and completing the work which he is doing in making preparation for and establishing the Company's intended undertaking.

24. If at any time hereafter any question difference or dispute shall arise with reference to this deed or the construction thereof or as to anything herein contained or as to anything not

A.D. 1933.

fully provided for or as to the rights liabilities or duties of either party hereunder the same shall be referred to one of His Majesty's counsel as arbitrator or failing him to an arbitrator to be appointed by the Ministry of Health and the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force shall apply to such reference and arbitration and to this deed as if it were a submission to arbitration under that Act And in all references to arbitration and particularly if it shall be the duty of the arbitrator in determining the point at issue between the parties to interpret this agreement he shall bear in mind that the object desired by the parties hereto are (a) the most efficient and economic carrying on of the undertaking of the Company (b) that this shall be done in such a way as to be as little detrimental as possible to the interests of the Owner and the Pinhay Estate and the arbitrator shall make his award accordingly.

In witness whereof the Owner has hereunto set his hand and seal and the Company has caused its common seal to be affixed the day and year first above written.

THE SCHEDULE above referred to.

FIRST PART.

LANDS belonging to the Owner hatched in black on the map annexed hereto over which rights of taking water are hereby granted to the Company.

Parish.	Ordnance No.	Acreage.	Description.
A. Hatched black and pink. Axmouth -	355 - -	.697	Whitlands Drive.
	490 - -	4.534	Whitlands Meadow.
	491 - -	2.675	Home Meadow.
	507 - -	4.740	Shoe Close Meadow.
	508 - -	5.013	Madam's Meadow.
	509 - -	.546	Orchard.
	510 - -	.612	Whitlands Lane.
	511 - -	5.443	Limepit Close.
	513 - -	4.264	Barton Meadow.
	543 pt. (say)	4.000	Dry Lynch (above 400 ft. contour).
	545 - -	.513	Dry Lynch Plantation.
	Total -		<u>33.037</u>

A.D. 1933.

Parish.	Ordnance No.	Acreage.	Description.
B. Hatched black. Axmouth -	343 - -	12.890	Charton Plantation.
	344 - -	12.780	12 acres.
	345 - -	6.903	7 acres.
	353 - -	13.442	Great 13 acres.
	354 - -	6.000	Yonder Lea Close.
	356 - -	6.304	5 acres.
	358 - -	7.417	7 acres.
	362 - -	4.212	Higher Fern Close.
	363 - -	.298	Smugglers' Lane.
	364 - -	4.281	Lower Fern Close.
	376 - -	9.213	Lower Western Ground
	377 - -	8.642	Higher Western Ground.
	378 - -	9.904	Chappell's Close.
	489 - -	8.488	Hither Lea.
	492 - -	9.947	9 acres.
	493 - -	5.332	5 acres.
	494 - -	5.378	Well Close.
	494A - -	4.020	Furlongs.
	503 - -	4.425	Poultry field.
	504 - -	9.390	9 acres.
	505 - -	2.912	Shoe Close.
	506 - -	7.528	Middle 7 acres.
	515 - -	10.659	Broad Close.
	537 - -	9.054	Great Thistle Close.
	538 - -	6.727	In Clift.
	539 - -	3.836	Lower Thistle Close.
	540 - -	2.621	Pit Close Orchard.
	541 - -	5.733	Lynch Plantation.
	542 - -	2.797	Lime kiln.
	543 pt. (say)	5.783	Dry Lynch (below 400 ft. contour).
	546 - -	7.377	7 acres on clift.
	547 - -	.876	Top of cliffs.
	548 - -	10.930	10 acres.
	550 - -	6.293	Cliff field.
	551 - -	.512	Top of cliffs.
	552 pt. (say)	47.309	Pinhay Cliffs.
	553 - -	2.111	Orchard below West Cliff Cottage.
	554 - -	.843	West Cliff Cottage and garden.
	555 - -	.752	Orchard above West Cliff Cottage.
	556 - -	.943	Sheepwash.
	557 pt.	103.250	Whitlands Cliffs.
	558 - -	8.532	Beacon Cliff.
	564 - -	.258	Lake Whitlands Cliff.
	Carried fwd.	396.902	

Parish.	Ordnance No.	Acreage.	Description.	A.D. 1933.
Uplyme -	Brought fwd.	396·902		
	997 - -	11·011	Great Woodbines.	
	1000 - -	7·662	Little Woodbines.	
	1001 - -	6·015	Pinney field.	
	1001 A & B -	8·420	Pinney field.	
	Total -	430·010		

SECOND PART.

LANDS belonging to the Owner coloured pink on the map annexed hereto over which wayleaves are not hereby granted to the Company.

Parish.	Ordnance No.	Acreage.	Description.
Axmouth -	357 - -	·229	Pinhay Cottage Plantation.
	359 - -	·824	Pinhay Cottages.
	361 - -	·283	Pinhay Cottage Plantation.
	365 - -	·368	The Lodge.
	368 - -	3·138	Gardens and farm buildings.
	370 - -	·981	Beech Walk.
	371 - -	4·467	Eastfield.
	372 - -	·344	Beech Walk.
	373 - -	2·981	Breastplate.
	374 - -	5·965	House and grounds.
	375 - -	7·873	Park.
	495 - -	2·154	Orchard.
	496 - -	·877	Breastplate Plantation.
	498 - -	·143	Pinhay Warren.
	499 - -	3·063	Pinhay Warren.
	500 - -	7·215	Ram Orchard.
	501 - -	3·029	Lower Breastplate.
	502 - -	2·692	Pony field.
	512 - -	2·078	Whitlands.
	514 - -	·684	Whitlands.
Uplyme -	544 - -	·266	Lynch Cottage.
	552 pt. (say)	12·000	Pinhay Cliffs.
	931 - -	1·222	Cannington Farm.
	963 - -	·512	Loom House.
	968 - -	·540	Horseman's Hill Cottages.
	969 - -	1·973	Hill Farm.
	1049 - -	·236	Turnpike Cottage.
	1050A - -	·899	Ware Cross Cottages.
	Carried fwd.	67·036	

A.D. 1933.

Parish.	Ordnance No.	Acreage.	Description.
Uplyme -	Brought fwd.	67·036	Ware Farm. Pinhay Warren.
	1059 - -	1·370	
	1078 pt. -	2·850	
	1080 - -	4·032	
	1081 - -	10·290	
	Total -	85·578	

THIRD PART.

THE REMAINDER OF THE PINHAY ESTATE.

Parish.	Ordnance No.	Acreage.	Description.
A. Land in Hand.			
Axmouth -	366 - -	3·210	North Croft.
	369 - -	10·730	North field.
Uplyme -	957 - -	1·284	Alder Grove.
	1009A - -	1·354	Whiteway Coppice.
	1010A - -	1·681	Slugg's Croft Coppice.
	Total -	18·259	

B. Ware Farm. Tenants : Messrs. H. & R. Harris.

Uplyme -	1005 - -	9·734	Lower Hope.
	1007 - -	7·419	Higher Hope.
	1008 - -	3·950	Cox's Mead.
	1009 - -	7·191	Whiteway.
	1010 - -	12·824	Slugg's Croft.
	1028 - -	1·683	Gord's Close.
	1030 - -	10·007	Guppy's Furlong.
	1031 - -	10·821	Yonder Southdown.
	1032 - -	6·621	7 acres Southdown.
	1033 - -	13·323	Higher Southdown.
	1048 - -	3·524	Little Gore.
	1050 - -	1·219	Chitterlings.
	1052 - -	4·531	Gore.
	1053 - -	5·455	6 acres.
	1054 - -	6·624	Great Borough.
	1055 - -	6·028	Little Borough.
	1056 - -	4·041	Chitlands.
1057 - -	4·601	Mowbarton field.	
1058 - -	6·265	Great Mead.	
1060 - -	1·825	Little Mead.	
	Carried fwd. -	127·686	

A.D. 1933.

Parish.	Ordnance No.	Acreage.	Description.
	Brought fwd.	127·686	
	1061 - -	1·815	Orchard.
	1063 pt. - -	3·900	Beacon.
	1077 - -	7·674	Great Furlong.
	Total - -	<u>141·075</u>	

C. Hill Farm. Tenant: P. Wiscombe.

Uplyme -	920 - -	8·329	Horseman's Hill.
	923 - -	5·438	Hill's Close.
	924 - -	·939	Atcomb's Hill.
	925 - -	8·429	Great Knowle.
	967 - -	6·769	Furlong.
	970 - -	4·502	Hart's Meadow.
	971 - -	10·511	10 acres.
	972 - -	4·067	Great Hart's Close.
	973 - -	3·647	Little Hart's Close.
	975 - -	11·551	4 acres and 6 acres.
	976 - -	8·196	Higher Tything field.
	977 - -	8·154	Higher Furlong.
	978 - -	8·449	Lower Furlong.
	1004 - -	6·176	Lower Tything field.
	Total - -	<u>95·157</u>	

D. Cannington Farm. Tenant: I. Harris.

Uplyme	926 - -	3·339	} Long Close.
	926 _A - -	1·562	
	927 - -	4·587	} Head Hill.
	927 _A - -	1·959	
	928 - -	2·353	Apple Mead.
	930 - -	1·254	Calve's Plot.
	932 - -	2·569	Barn Mead.
	933 - -	1·473	Sidelong Orchard.
	958 - -	5·618	} One acre.
	958 _B - -	2·704	
	958 _A - -	·646	Little Plantation.
	959 - -	7·470	Great Moor.
	962 - -	2·361	Little Well Close.
	964 - -	·402	Waste on Cannington.
	965 - -	4·749	Loom House Mead.
	966 - -	5·960	Horseman's Hill.
	979 - -	9·010	Lane Close.
	980 - -	5·224	Lower Knapps.
	981 - -	5·294	Higher Knapps.
	1002 - -	8·593	Western Close.
	1003 - -	6·785	Bar Close.
	Total - -	<u>83·912</u>	

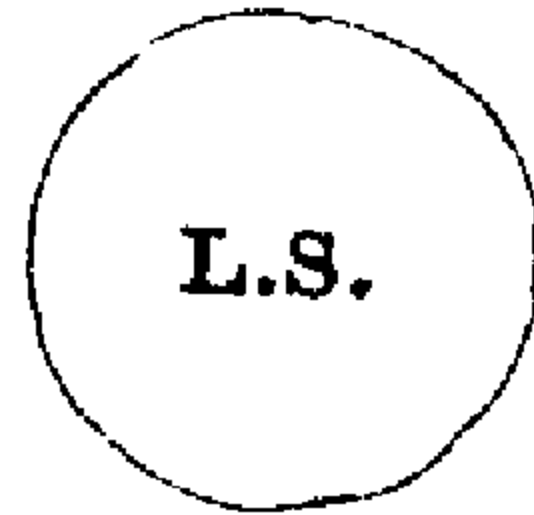
A.D. 1933.

SUMMARY.

	Acreage.
A. Land in Hand - - - - -	18·259
B. Ware Farm - - - - -	141·075
C. Hill Farm - - - - -	95·157
D. Cannington Farm - - - - -	83·912
Total - - - - -	338·403

Signed sealed and delivered by
the above-named ORMSBY
ALLHUSEN in the presence of

ORMSBY ALLHUSEN



GLADYS A. ALLHUSEN
of Pinhay
Lyme Regis
Spinster.

The common seal of THE LYME
REGIS DISTRICT WATER
COMPANY LIMITED was here-
unto affixed in the presence of

ARTHUR C. PAIN
CLAUDE PAIN
Directors.
HARRY WARD
Secretary.



SECOND SCHEDULE.

Net Annual Value.	Rates per half-year.	Net Annual Value.	Rates per half-year.
£	£ s. d.	£	£ s. d.
5	0 4 6	15	0 13 6
6	0 5 6	16	0 14 6
7	0 6 4	17	0 15 4
8	0 7 2	18	0 16 2
9	0 8 2	19	0 16 10
10	0 9 0	20	0 16 10
11	0 10 0	21	0 16 10
12	0 10 10	22	0 17 8
13	0 11 8	23	0 18 6
14	0 12 8	24	0 19 2

A.D. 1933.

Net Annual Value.	Rates per half-year.	Net Annual Value.	Rates per half-year.
£	£ s. d.	£	£ s. d.
25	1 0 0	65	2 5 6
26	1 0 10	66	2 6 2
27	1 1 8	67	2 7 0
28	1 2 6	68	2 7 8
29	1 3 2	69	2 8 4
30	1 4 0	70	2 9 0
31	1 4 10	71	2 9 8
32	1 5 8	72	2 10 6
33	1 6 6	73	2 11 2
34	1 7 2	74	2 11 10
35	1 8 0	75	2 12 6
36	1 8 10	76	2 12 8
37	1 9 8	77	2 12 8
38	1 10 6	78	2 12 8
39	1 10 10	79	2 12 8
40	1 10 10	80	2 12 8
41	1 10 10	81	2 12 8
42	1 11 6	82	2 13 4
43	1 12 4	83	2 14 0
44	1 13 0	84	2 14 8
45	1 13 10	85	2 15 4
46	1 14 6	86	2 16 0
47	1 15 4	87	2 16 6
48	1 16 0	88	2 17 2
49	1 16 10	89	2 17 10
50	1 17 6	90	2 18 6
51	1 18 4	91	2 19 2
52	1 19 0	92	2 19 10
53	1 19 10	93	3 0 0
54	2 0 6	94	3 0 0
55	2 1 4	95	3 0 0
56	2 2 0	96	3 0 0
57	2 2 8	97	3 0 0
58	2 2 8	98	3 0 0
59	2 2 8	99	3 0 0
60	2 2 8	100	3 0 0
61	2 2 8	Over £100	3 0 0 per
62	2 3 6		cent. per half-
63	2 4 2		year.
64	2 4 10		

Printed by EYRE AND SPOTTISWOODE LIMITED,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
 Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh 2;
 York Street, Manchester 1; 1, St. Andrew's Crescent, Cardiff;
 15, Donegall Square West, Belfast;
 or through any Bookseller.

