



CHAPTER xlvii.

An Act to authorise the Mayor Aldermen and Citizens of A.D. 1897.
the City of Chichester to purchase the undertaking of the
Chichester Waterworks Company and to supply Water
throughout the City and adjoining places.

[3rd June 1897.]

WHEREAS the mayor aldermen and citizens of the city of
Chichester (in this Act referred to as “the Corporation”) A.D. 1897.
are desirous of supplying water for domestic and other purposes
within the city and adjoining places :

And whereas the Chichester Waterworks Company (in this Act
referred to as “the Company”) are incorporated and authorised
to supply and are now supplying water within limits which
comprise the city of Chichester and other adjoining places under
and by virtue of the Chichester Waterworks Act 1873 :

And whereas the share capital of the Company consists of
twenty thousand pounds divided into two thousand shares of
ten pounds each the whole of which is paid up :

And whereas the Company have no debenture debt :

And whereas it is expedient that provision be made for
transferring to the Corporation the undertaking of the Company
and that the Corporation should have the powers of the Company
except as herein-after provided and such other powers as in this
Act mentioned :

And whereas it is expedient that the agreement between the
Corporation and the Company as set forth in the Second Schedule
to this Act should subject to the modifications of such agreement
effected by the agreement between the same parties as set forth
in the Third Schedule to this Act and that such last-mentioned
agreement as so set forth should be confirmed :

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

A.D. 1897.

And whereas an absolute majority of the whole number of the Corporation at a meeting held on the twenty-sixth day of October one thousand eight hundred and ninety-six after ten days' notice by public advertisement of such meeting and of the purposes thereof in the *Sussex Daily News* a newspaper circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be defrayed in the first place out of the general district rate and ultimately out of money to be borrowed under the provisions of this Act :

And whereas such resolution was published twice in the *Chichester Observer* a newspaper circulating in the said city and has in respect of matters within the jurisdiction of the Local Government Board received the approval of such Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Corporation at a further special meeting of the Corporation held in pursuance of a similar notice on the fourth day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the said Bill in Parliament :

And whereas the owners and ratepayers of the city by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

Short title.

1. This Act may be cited for all purposes as the *Chichester Corporation Water Act 1897.*

Incorporation of Acts.

2. The following enactments namely :—

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except section 83 and the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the words in section 44 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner") ; and The Waterworks Clauses Act 1863 ;

so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act. A.D. 1897.
—

3. In this Act the following words and expressions have the meanings hereby assigned to them unless the context otherwise requires (that is to say) :— Interpreta-
tion.

“The city” means the city of Chichester in the county of Sussex ;

“The borough fund” and “borough rate” mean respectively the borough fund and borough rate of the city of Chichester ;

“The district fund” and “the general district rate” mean respectively the district fund and general district rate of the city of Chichester ;

“The Act of 1873” means the Chichester Waterworks Act 1873 ;

“Water limits” means the limits defined by the Act of 1873 and this Act for the supply of water ;

“Undertaking” means and includes the waterworks and all plant apparatus and works connected therewith and all property real and personal of the Company including the Company’s reserve fund mentioned in the agreement set forth in the Second Schedule to this Act and all easements rights powers authorities and privileges enjoyed or exerciseable by the Company under the Act of 1873 as such works plant apparatus property easements rights powers authorities and privileges shall exist on the appointed day and also all contracts and benefits of contracts (such contracts being in subsistence on the appointed day) and all registers books accounts maps and documents relating to the Company’s undertaking ;

“The appointed day” means the thirtieth day of September 1897 ;

“Superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Acts incorporated herewith shall be read and have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

4. The agreement dated the eleventh day of September one thousand eight hundred and ninety-six and made between the Company of the one part and the Corporation of the other part as set forth in the Second Schedule to this Act is hereby subject to Agreements
between
Company
and Corpo-
ration
confirmed.

A.D. 1897. — the modifications of such agreement effected by the agreement dated the twenty-fifth day of February one thousand eight hundred and ninety-seven and made between the same parties as set forth in the Third Schedule to this Act and to the provisions of this Act and such last-mentioned agreement as so set forth is hereby subject to the provisions of this Act ratified and confirmed and made binding on both parties thereto and may and shall be carried into effect according to the true intent and meaning thereof And the Corporation shall purchase from the Company except as herein-after mentioned all their undertaking and the Company shall sell except as herein-after mentioned such undertaking to the Corporation for the consideration and upon the terms and conditions set forth and subject as mentioned in the said agreements and the Corporation shall on the appointed day have possession subject to existing tenancies (if any) of the undertaking of the Company.

Exceptions
from purchase.

5. Provided that there shall be excepted from such sale and purchase all moneys lying to the credit of the Company at their bankers or in hand on the appointed day and all debts (other than water rents and rates payable in advance on or before that day in respect of the quarter ending the twenty-fifth day of December one thousand eight hundred and ninety-seven and other than any money representing the reserve fund of the Company mentioned in the agreement set forth in the Second Schedule to this Act) and also all rights powers authorities and privileges of the Company relating or incidental to their capital or their character as a Company so far as may be necessary for the same to be retained for the purposes of the winding-up distribution of the assets thereof and its dissolution.

Transfer of
undertaking
by deed.

6. The sale of the undertaking of the Company shall be carried into effect and evidenced by a deed which may be in the form set forth in the First Schedule to this Act or to the like effect with such variations and additions as circumstances require.

Limits of
water
supply.

7. From and after the appointed day the limits of this Act for the supply of water and for the exercise by the Corporation of the powers of the Company shall be the following limits (that is to say) the city and the parishes of Bosham New Fishbourne Oving Rumboldswyke Lavant Westhampnett Donnington Appledram Birdham Earnley Hunston Sidlesham Selsey West Itchenor West Wittering East Wittering Funtington West Dean and Singleton all in the county of Sussex.

8. Notwithstanding anything in section 52 of the Public Health Act 1875 the rural district council for the rural district of Westbourne shall not be required to give any notice to the Corporation before commencing to construct within the parishes of Bosham and Funtington in the said rural district or either of those parishes any waterworks not commenced within the period of five years next after the passing of this Act and shall not be prevented after the expiration of that period constructing waterworks within such parishes or either of them by reason only that the Corporation shall be able or willing to supply water proper and sufficient for all reasonable purposes within the said parishes for which it may be required by the said council.

A.D. 1897.

As to future supply of parishes of Bosham and Funtington by Westbourne Rural District Council.

9. If at the appointed day any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in anywise be prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed.

Pending actions by or against Company.

10. All conveyances leases (if any) deeds contracts bonds agreements and other instruments affecting the Company 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 Corporation and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto.

Contracts &c. of Company to be binding on Corporation.

11. Subject as herein-after provided all books plans and documents in the possession of the Company which are necessary for the conduct of the business of the Company (but not including the minute books of proceedings of shareholders directors or committees nor any books plans or documents which are not reasonably necessary for the purposes of the Corporation as owners of the Company's undertaking) shall on and after the appointed day be transferred to the Corporation :

Vesting of books &c. in Corporation.

Provided that all books plans and documents which may be required for the purposes of making up the accounts of the Company and of the winding-up and dissolution of the Company may be retained by the Company until such winding-up and dissolution is completed when they are to be handed to the Corporation who by their officers and servants are in the meantime to be allowed access thereto at all reasonable times and that the directors solicitors and agents of the Company shall for the

A.D. 1897. — purposes of making up the accounts of the Company and of winding-up and dissolving the Company and of the proceedings connected therewith have access at all reasonable times to all other books plans and documents which shall be transferred to the Corporation :

Any difference which may arise between the Company and the Corporation as to the custody of any books or documents belonging to the Company or the inspection thereof shall be settled by some person to be nominated in that behalf by the President for the time being of the Local Government Board and the decision of the person so nominated shall be final. The costs of any such settlement or of any inquiry in connection therewith shall be borne and paid by the Corporation.

Receipt.

12. The receipt in writing of any three of the directors of the Company or (in the event of their refusing to sign the same) of the bankers of the Company for the price or consideration or purchase money and all other sums and moneys to be paid to the Company by the Corporation shall be conclusive evidence of the payment of the sum or sums on such receipt acknowledged to be received and shall effectually discharge the Corporation from all liability in respect of the payment of the sum or sums in such receipt acknowledged to have been received and from being answerable or accountable for any loss misapplication or non-application thereof respectively. Provided that if there shall be any default by the directors in signing such receipt or if from any other cause the Corporation are unable to obtain such receipt they may pay such moneys into the Bank of England in the name of the Paymaster General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt given to the Corporation by the cashier of the said bank for such moneys shall have the same effect as the receipt of the said three directors.

Transitory provisions.

13. The Company and the directors thereof shall have and may exercise after the appointed day until the Company shall be dissolved pursuant to the provisions herein-after contained all such statutory rights and powers of the Company existing on the appointed day as may be requisite for ascertaining and enforcing payment of all debts or moneys which on that day shall be due to the Company.

Application of purchase money.

14. The purchase money to be paid by the Corporation and all other moneys belonging to the Company shall be applied by the directors in the manner following :—

(1.) In paying off in accordance with their several priorities all moneys owing by the Company on mortgage bond or other charge on the undertaking of the Company with interest thereon up to the date of payment: A.D. 1897.

(2.) In discharging all outstanding debts and liabilities of the Company which shall not have been so secured including the costs of the Company of and incident to the sale of the undertaking and to the winding-up and dissolution of the Company:

(3.) In making a rateable division of the residue amongst the holders of the shares of the Company in proportion to the amount paid up on their several holdings:

And the directors may exercise all powers and do all acts necessary or proper for the foregoing purposes respectively and for winding up the affairs of the Company.

15. The persons who on the appointed day appear on the books of the Company to be the proprietors of shares in the capital of the Company or their respective executors administrators or assigns shall be considered to be the shareholders thereof for the purposes of the distribution of the Company's assets. Defining
share-
holders.

16. Where the directors of the Company are for twelve months after the appointed day unable after diligent inquiry to ascertain the person to whom any part of the purchase money or other moneys to be distributed by them is payable or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same the directors may pay the same into the High Court under any Act for the time being in force for the relief of trustees. Payment
into court
when person
entitled to
money can-
not be found.

17. When and as soon as the moneys aforesaid have been distributed by the directors of the Company and all the debts and liabilities of the Company have been paid and satisfied and the affairs of the Company have been completely wound up the directors or any two of them acting in pursuance of a resolution of the directors shall certify under their hands to that effect and shall cause a copy of their certificate to be published in the London Gazette and thereupon the Company shall be by virtue of this Act dissolved. Eventual
dissolution
of Company.

18. After the appointed day the Act of 1873 shall be repealed. Repeal of
Act of 1873.

19. If by reason of the works of the Corporation the supply of water from the springs situate in the field numbered 347 in the tithe map of the parish of Bosham to the Fishbourne Mill For the
protection of
the owner
of Fish-
bourne Mill

A.D. 1897. shall be so diminished as to reduce the water power of the said springs and thus to affect injuriously the owners lessees and occupiers of the said mill the Corporation shall make compensation to such owners lessees and occupiers in manner provided by the Waterworks Clauses Act 1847.

Rates for
supply of
water for
domestic
purposes.

20. The Corporation shall at the request of every person entitled under this Act to demand a supply of water furnish to the occupier of every dwelling-house or part of a dwelling-house to which the request relates within the limits in that behalf of this Act a sufficient supply of wholesome water for the domestic purposes (including one water-closet) of every such occupier at any rate not exceeding the following rates (that is to say) :—

Where the rateable value of the premises supplied does not exceed five pounds at a rate not exceeding twopence per week :

Provided always that the Corporation shall not be obliged to furnish any such supply for any less sum than after the rate of twopence per week :

Where the rateable value of a house or part of a house shall exceed five pounds and not exceed thirty pounds a yearly rate not exceeding seven pounds ten shillings per centum on the rateable value of such house or part of a house :

Where such rateable value shall (except as herein-after mentioned) exceed thirty pounds a yearly rate not exceeding six pounds per centum on the amount of such rateable value :

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the water-rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water-rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices A supply of water for domestic purposes shall not include a supply for a swimming bath :

Provided always that all inns and hotels whether public or private to which the supply is laid on the rateable value of which exceeds five pounds shall be liable to a rate not exceeding seven pounds ten shillings on the amount of such rateable value whether the same exceeds thirty pounds or not.

Rates for
water-
closets and
baths.

21. The Corporation may charge in any one year in respect of one bath supplied with water in or belonging to any private dwelling-house the sum of ten shillings and in respect of every

water-closet beyond one and of every bath beyond one the sum of five shillings. A.D. 1897.

22. The Corporation shall not be compellable to supply with water any water-closet or private bath or the pipes or apparatus connected therewith unless the same shall be so constructed and used as to prevent the waste misuse or undue consumption of the water of the Corporation and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Corporation or into any pipes connected or communicating therewith nor any private bath which shall be constructed so as to contain when filled for use more than fifty gallons of water.

Protection from impurities and against waste.

23. The Corporation may supply any person with water for other than domestic purposes for such remuneration and on such terms and conditions as are agreed on between the Corporation and the persons desirous of having the supply Provided always that the Corporation shall not supply water for other than domestic purposes if the same shall in any way interfere with or unduly diminish the supply of water for domestic purposes as by this Act authorised.

Water for other than domestic purposes to be supplied by agreement.

24. Every person using for other than domestic purposes any water of the Corporation without having previously agreed with them for a supply of water for other than domestic purposes or any person using for any purpose other than the purposes so agreed on any water so supplied by the Corporation shall for every such offence forfeit and pay to the Corporation any sum not exceeding five pounds.

Penalty for using water for other than domestic purposes without agreement.

25. The Corporation may on the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out but not dedicated to public use supply such premises with water and may lay in across or along such street or road such pipes and apparatus as may be requisite or proper for the furnishing such supply.

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

26. The Corporation may supply any person with water for hydraulic or other purposes not being domestic purposes for such rent or other remuneration as may be agreed between them and the person supplied but the powers of this section shall not be exercised so as to interfere with their giving an efficient supply for domestic purposes.

Supply of water for hydraulic and other purposes.

27. The Corporation may agree with any person desirous of having a supply of water that the rent or remuneration for such supply shall be determined by the quantity of water consumed to be ascertained by a meter to be provided or approved

Rent for water may be ascertained by meter.

A.D. 1897. by the Corporation and may agree on the amount of the rent or remuneration to be paid for such supply.

Power to
sell or let
meters &c.

28. The Corporation may purchase sell let for hire use and otherwise to any person supplied by them with water meters pipes fittings and apparatus.

Any such letting for hire may be for such remuneration in money and on such terms with respect to the repair of articles and fittings let and for securing the safety and return to the Corporation of such articles and fittings and otherwise as may be agreed between the hirer and the Corporation.

Service
pipes.

29. All fittings connected with any service pipe to communicate with the mains and pipes of the Corporation which shall be provided by any person shall be placed and removed under the superintendence of the Corporation and at the expense of such person.

Power to
remove
meters and
fittings.

30. The Corporation after twenty-four hours' notice in writing under the hand of the town clerk or some other officer of the Corporation to the occupier or if there is no occupier then to the owner or lessee or the agent of the owner or lessee of any building or lands in which any water pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for not less than twenty-four consecutive hours may enter such building or lands between the hours of nine in the morning and six in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damages caused by such entry or removal.

As to water
meters.

31. In cases in which the Corporation supply water by meter the following provisions shall have effect :—

- (1.) Before any person connects or disconnects any meter through which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings :
- (2.) Every consumer of water of the Corporation shall at all times at his own expense keep all meters belonging to him whereby any water of the Corporation is registered in proper order for correctly registering such water in default whereof the Corporation may cease to supply water through such meters and the Corporation shall at all reasonable times have

access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Corporation if the meter be found in proper order but otherwise at the expense of the consumer :

- (3.) The register of any meter shall be primâ facie evidence of the quantity of water consumed by any customer of the Corporation in respect of which any water rate or rent is charged and sought to be recovered by the Corporation :
- (4.) If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any meter or fitting belonging to the Corporation or fraudulently alters the index to any meter or fraudulently prevents any such index from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damages sustained by them :
- (5.) The existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

32. The Corporation shall not be bound to supply more than one house by means of the same pipe and they may if they think fit require that a separate pipe be laid up to each house supplied by them with water.

Corporation not bound to supply several houses by one pipe.

33. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect namely :—

Bye-laws for preventing waste &c. of water.

- (1.) The Corporation may make such bye-laws as they think expedient for the objects aforesaid to be observed by persons supplied with water :
- (2.) The Corporation may by any such bye-laws direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connection disconnection alteration and repair of pipes valves meters cocks tanks cisterns baths soil-pans water-closets and other apparatus or receptacles for conveying delivering receiving and measuring water and may interdict any arrangement and the use of any pipe valve cock tank cistern bath soil-pan water-closet or other apparatus or receptacle likely to occasion

A.D. 1897.

waste misuse undue consumption erroneous measurement or contamination of water :

(3.) In case of the failure of any person to observe any bye-laws for the time being in force the Corporation may if they think fit between the hours of nine in the forenoon and four in the afternoon after twenty-four hours' notice in writing enter his premises and by or under the direction of their authorised officer repair replace or alter any pipe valve cock tank cistern bath soil-pan water-closet or other apparatus or receptacle belonging to or used by any person supplied by them and the expense of every such replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered from him in a summary manner :

(4.) All bye-laws made by the Corporation under this section shall be made under and according to the provisions with respect to bye-laws contained in sections 182 to 185 of the Public Health Act 1875 except so much thereof as relates to bye-laws made by a rural sanitary authority and shall be in force only within those parts of the water limits in which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

Corporation
officer may
enter
buildings to
inspect
fittings.

34. Any person duly appointed for the purpose by the Corporation and exhibiting his appointment if required to do so may between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water by the Corporation and inspect the meters pipes valves ferrules cocks cisterns soil-pans baths water-closets taps fittings and other apparatus and receptacles for conveying delivering and receiving water and the mode of arrangement thereof and see whether they are in good repair and if such person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence be liable to a penalty not exceeding five pounds.

Notice of
discontinu-
ance.

35. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the city surveyor's office for the time being in the city.

Constant
pressure.

36. Water supplied under this Act need not be supplied in any case at a level above that at which water can be supplied by gravitation from the reservoirs of the Corporation but subject thereto it shall be constantly laid on in accordance with section 35

of the Waterworks Clauses Act 1847 Provided always that the water to be supplied by the Corporation need not be constantly laid on under pressure until the expiration of one year after the transfer of the undertaking to the Corporation. A.D. 1897.

37. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may at any time to the extent of the rent then due from the occupier to the owner be recovered from the occupier and may be deducted by him from such rent. Rates payable by owner for small houses.

38. The Corporation may enter into and carry into effect agreements with any local or sanitary authority within or beyond the limits of water supply for the supply of water in bulk by the Corporation to such local or sanitary authority (but as respects any place beyond such limits and within the limits of supply of any company or persons supplying water under statutory powers only with the consent of such company or persons) at such rate or price for such period and on such terms and conditions as are from time to time agreed on Provided that it shall not be lawful for the Corporation to supply water under any such agreement as aforesaid beyond the limits of this Act if and so long as such supply shall interfere with the continuing of a supply of water for domestic purposes within those limits. Supply of water in bulk.

39. If at any time after the appointed day any local authority whose district is beyond the district of the Corporation but as to the whole or any part thereof within their limits for the supply of water shall give not less than six months' notice in writing to the Corporation of their desire to purchase such portion of the waterworks and plant of the Corporation as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Corporation (except the works mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the Corporation for the supply of water) and to supply water within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such local authority shall purchase the portion of the waterworks and plant of the Corporation (except as aforesaid) within the district of such local authority at such price and upon such terms and conditions as Provision for sale of portion of waterworks and plant to other sanitary authorities.

A.D. 1897. shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purchase under the provisions of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament The Corporation shall apply the proceeds of any sale under this section towards repayment of any moneys borrowed by the Corporation under this Act Provided that after the completion of such purchase all obligations on the part of the Corporation to supply water within the district of the purchasing authority shall cease and determine.

Purchase of
lands by
agreement.

40. For the purposes of this Act the Corporation from time to time may purchase by agreement any quantity of land not exceeding twenty acres or any easement or right in or over such lands adjoining or near to any of those lands and which they deem it expedient for any of those purposes to acquire and use but the Corporation shall not create or permit a nuisance on any land so purchased.

Power to
persons
under
disability
to grant
easements
&c.

41. 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 Corporation any easement right or privilege except any easement right or privilege of water in which other persons than the grantors have an interest required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction
on taking
houses of
labouring
class.

42.—(1.) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2.) For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

43.—(1.) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts herein-after specified (if any) (that is to say) :—

A.D. 1897.

Power to borrow.

(a) For the purchase of the Undertaking of the Company and for paying any sums payable by the Corporation to the Company under this Act and defraying the taxed costs and expenses incident to such purchase and to the transfer of such undertaking to the Corporation (other than the costs of this Act) such sum as may be required ;

(b) For the improvement and extension of the waterworks of the Corporation the sum of twenty thousand pounds ;

(c) For paying the taxed costs and expenses of this Act as herein-after provided the sum requisite for that purpose.

(2.) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the revenue of the water undertaking of the Corporation and the district fund and general district rate of the borough The borough fund and borough rate shall (if the Corporation so resolve) be a collateral security for the payment of the principal and interest of any moneys borrowed under this Act and in so far as the revenue of the water undertaking and the district fund and general district rate shall be insufficient to discharge such principal and interest such principal and interest shall be deemed to be and be charged upon the borough fund and borough rate and be paid out of the same.

44. The following provisions of the Public Health Act 1875 (that is to say) :—

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ; and

Section 238 (Transfer of mortgages) ;

shall extend and apply mutatis mutandis to and in relation to mortgages made under the powers of this Act.

Incorporation of certain provisions of Public Health Act 1875.

45. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain regulations of Public Health Act 1875 as to borrowing not to apply.

46. The Corporation immediately after they commence to borrow money under this Act shall out of the revenue of the water undertaking and the general district rate and if the

Discharge of borrowed moneys.

A.D. 1897. same be insufficient out of the borough rate discharge or make provision by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other for the discharge or redemption of the moneys borrowed by the Corporation for the purposes of this Act within the following periods namely :—

As regards moneys borrowed for the purpose of paying the taxed costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act the period of ten years from the time herein-before prescribed for commencing to discharge such moneys ;

As regards moneys borrowed for the purpose of improving and extending the waterworks and as regards a sum of one thousand five hundred and ninety-seven pounds one shilling and eightpence part of the purchase money payable for the undertaking of the Company and a sum of five thousand pounds mentioned in the agreement contained in the Third Schedule to this Act the period of sixty years from the time herein-before prescribed for commencing to discharge such moneys ; and

As regards all other moneys borrowed for the purposes of this Act the period of fifty years from the time herein-before prescribed for commencing to discharge such moneys :

And such respective periods are herein-after referred to as “ the prescribed period.”

Regulations
as to sinking
fund.

47. The following regulations shall be observed by the Corporation in relation to any sinking fund formed under this Act :—

- (1.) Such equal yearly sums shall be paid by the Corporation out of the revenue of the water undertaking and the general district rate or either of them into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum will be sufficient to pay off and redeem the moneys for the discharge and redemption of which the sinking fund is created within such period not exceeding the prescribed period as the Corporation may in each case determine with power for the Corporation from time to time to increase such payments into the sinking fund so as to accelerate the payment off and redemption and discharge of such moneys Provided that if in any year the income arising from the investments of such sinking fund does not equal the prescribed rate of accumulation any deficiency

shall be made good out of the revenue of the water undertaking or the general district rate or as the case may be out of the borough rate : A.D. 1897.

(2.) All sums paid into the sinking fund shall be as soon as may be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages debenture stock or other securities authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Corporation or securities transferable by delivery Any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and invested by the Corporation in like manner :

(3.) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys for the repayment of which the sinking fund was formed in such order and manner as they deem proper Provided that whenever any of such moneys have been so paid off or redeemed the Corporation shall thenceforward until the whole of such principal moneys have been paid off or redeemed pay out of the revenue of the water undertaking and the general district rate and the borough rate or any of them into the sinking fund every year in addition to the other sums herein-before required to be paid into the sinking fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based :

(4.) Whenever and so long as the securities in the sinking fund taken at the market value of the day are equal to the amount of debt outstanding for the repayment of which the sinking fund was formed the Corporation may in lieu of investing the yearly income thereof apply the same in payment of the interest on the debt and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

48.—(1.) The mortgagees of the Corporation under this Act may enforce payment of the arrears of interest or of principal or of principal and interest due to them by the appointment of a receiver The amount of principal in arrear to authorise the appointment of a receiver shall not be less than two thousand pounds in the whole. Appoint-
ment of a
receiver.

A.D. 1897. (2.) The application for the appointment of a receiver shall be made to the High Court.

Annual
return to
Local
Government
Board.

49. The city treasurer shall within twenty-one days after the twenty-fifth day of March of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or any interest thereof have been applied during the same period and the total amount remaining invested at the end of the year. In the event of any wilful default in making such return the city treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be recoverable in a summary manner on the prosecution of the Local Government Board and not otherwise.

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set aside any sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorized the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court. The provisions of this section shall mutatis mutandis apply to appropriations and annual payments.

Power to
re-borrow.

50. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other property or of fines or premiums on leases or other moneys received on capital account other than borrowed moneys they may re-borrow the same and so from time to time. Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of repayment

be deemed to form part of the original loan and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by reason of such re-borrowing. A.D. 1897.

51. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent by him or of any part thereof. Protection of lender from inquiry.

52. The Corporation may if they think fit borrow the moneys which they are by this Act authorized to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another or under the powers and subject to the provisions of the Public Health Acts Amendment Act 1890 in similar manner as other stock already issued by the Corporation. Power to borrow under Local Loans Act 1875 and Public Health Acts Amendment Act 1890.

Any moneys borrowed in manner by this section authorized for any of the purposes of this Act shall be a charge upon the same security fund and rates as they would be charged upon if raised by mortgage under this Act and such security fund or rates shall be the local rate or rates within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act and all moneys paid into the sinking fund shall be invested or applied by the Corporation in the manner herein provided.

53. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes of this Act for which they are authorized to be borrowed and to which capital is properly applicable. Application of money borrowed under Act.

54. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. Corporation not to regard trusts.

A.D. 1897.

Separate
accounts to
be kept as
to water.

55. The Corporation shall (after the appointed day) keep the accounts in respect of their water undertaking if and when acquired separate from all their other accounts distinguishing therein capital from revenue and such accounts shall be subject to the same provisions as to audit as other accounts of the Corporation.

Application
of revenue
of water
undertaking.

56. The Corporation shall (after the appointed day) apply all money from time to time received by them on account of revenue arising from their water undertaking including all moneys representing the reserve fund mentioned in the agreement contained in the Second Schedule to this Act in—

- (1.) Payment of the expenses of and incidental to the collection and recovery of rates and of the working and establishment expenses and cost of maintenance of such undertaking:
- (2.) In payment of the interest on any moneys borrowed by the Corporation under this Act:
- (3.) In providing the requisite instalments or sinking fund or otherwise making provision for repayment or payment off of any moneys borrowed by the Corporation under the powers of this Act:
- (4.) In repayment or recoupment to the district fund or general district rate or the borough fund or borough rate of any money expended out of that fund for the purposes of such undertaking:
- (5.) In providing a reserve fund if the Corporation think fit by setting aside such sums as they from time to time think reasonable and investing the same and the resulting income thereof in securities in which sinking funds under this Act may be invested and accumulating the same at compound interest till the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the revenue of the Corporation from such undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the said undertaking and so that if the said fund is at any time reduced it may be again restored to the amount aforesaid and so from time to time as often as such reduction happens Provided that if and so long as such reserve fund shall amount to the full maximum sum the interest thereof shall be applied by the Corporation in the manner in which the revenue of the said undertaking is by this Act authorized to be applied:
- (6.) In improving and extending the water undertaking of the Corporation;

(7.) And so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on improving and extending the undertaking and paying the current expenses connected therewith interest on moneys borrowed and instalments contributions to the sinking fund appropriations and annual repayments may be applied by the Corporation in the repayment of any moneys borrowed by the Corporation for the purchase of the said undertaking or may as to the whole or any part thereof in the discretion of the Corporation be carried to the credit of the district fund or general district rate or the borough fund or borough rate.

A.D. 1897.
—

57. Any deficiency in the revenues or receipts of the Corporation on account of their water undertaking shall be from time to time made good out of the district fund and the next general district rate to be made by the Corporation shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

As to
deficiency in
receipts.

58. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall after taxation by the taxing officer of the House of Lords or the House of Commons be paid by the Corporation out of any of the rates leviable by them or out of moneys to be borrowed by the Corporation under this Act.

Expenses
of Act.

A.D. 1897. The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

FORM of DEED of CONVEYANCE of UNDERTAKING of COMPANY
to the CORPORATION.

In pursuance of and subject to the provisions of the Chichester Corporation Water Act 1897 and in consideration of

the Chichester Waterworks Company do hereby grant convey and assign unto the mayor aldermen and citizens of the city of Chichester the undertaking of the Chichester Waterworks Company To hold the same unto the mayor aldermen and citizens of the city of Chichester their successors and assigns subject to the rents covenants provisions enactments debenture and other debts contracts and liabilities now affecting the same and the mayor aldermen and citizens of the city of Chichester do accept the same accordingly.

In witness whereof the Chichester Waterworks Company and the mayor
aldermen and citizens of the city of Chichester have hereto set their
respective common seals this day of
one thousand eight hundred and .

SECOND SCHEDULE.

ARTICLES OF AGREEMENT made the eleventh day of September one thousand eight hundred and ninety-six between the CHICHESTER WATERWORKS COMPANY (herein-after called "the Company") of the one part and the MAYOR ALDERMEN and CITIZENS of the CITY of CHICHESTER (herein-after called "the Corporation") of the other part.

Whereas the Company were incorporated by the Chichester Waterworks Act 1873 (herein-after called "the Act of 1873") and under the provisions of that Act have constructed waterworks and are supplying water within the limits for the supply of water by the Company authorised by such Act:

And whereas the Company have agreed to sell their undertaking to the Corporation on the terms herein-after appearing:

Now these presents witness that it is hereby mutually agreed between the parties hereto as follows :—

1. The Company shall sell and the Corporation shall purchase (except as herein-after mentioned) the waterworks and all plant apparatus and works connected therewith and all property real and personal of the Company

including the Company's reserve fund of six hundred and fifty pounds freed and discharged (except as herein-after mentioned) from all debts of the Company and all easements rights powers authorities and privileges enjoyed or exercisable by the Company under the Act of 1873 as such works plant apparatus property easements rights powers authorities and privileges shall exist on the day herein-after appointed for the completion of such sale and purchase (herein-after called "the appointed day") and also all contracts and benefits of contracts (such contracts being in subsistence on the appointed day) and all registers books accounts maps and documents relating to the Company's undertaking (all which premises so agreed to be sold and purchased are herein-after called "the undertaking") subject to such obligations (if any) for furnishing further supplies of water and all other obligations and contracts into which the Company shall consistently with the provisions of these articles on or before the appointed day have entered and subsisting on that day all which obligations and contracts shall be taken over and performed and fulfilled by the Corporation who shall indemnify the Company from liability thereunder.

2. There shall be excepted from such sale and purchase all moneys lying to the credit of the Company at their bankers or in hand on the appointed day and all debts (other than water rents and rates payable in advance on or before that day in respect of the quarter ending the twenty-fifth day of December one thousand eight hundred and ninety-seven and other than any money representing the reserve fund of the Company which amounted to four hundred and fifty pounds on the thirty-first day of December one thousand eight hundred and ninety-five and the two hundred pounds (making together six hundred and fifty pounds) recommended to be added thereto by the Company's report for the half-year ending on the last-mentioned date and adopted by the shareholders) due to the Company and also all rights powers authorities and privileges of the Company relating or incident to their capital or to their character as a Company. Provided always as to the reserve fund before mentioned that the same shall not as to any portion thereof not actually in hand and existent on the appointed day be made good at the expense of the shareholders of the Company or otherwise at the expense of the Company it being a stipulation on the negotiation for the transfer of the undertaking to the Corporation that the said shareholders should out of the sum of forty-seven thousand five hundred and ninety-seven pounds one shilling and eightpence herein-after mentioned receive and be paid a sum of twenty-three pounds net for each and every share held by such shareholders respectively as the consideration for giving up their shares in the Company.

3. The consideration for the sale shall be—

(1.) The payment by the Corporation on the appointed day to the Company of the following sums:—

A. A sum of forty-seven thousand five hundred and ninety-seven pounds one shilling and eightpence provided that such sum shall be increased or reduced if the aggregate value ascertained as herein-after mentioned of the trade stock pipes coal and other loose effects herein-after mentioned of the Company on the appointed day shall be more or less than the sum of four hundred and ninety pounds such increase or reduction to be equal to the amount by which such aggregate value shall be more or less than such last-mentioned sum

A.D. 1897.

Provided also that if any pipes or materials which were in stock on the thirty-first day of December last shall have been already since that date or shall hereafter before the appointed day be used in extending the Company's mains but not by way of repairs no deduction or allowance shall be made from the said forty-seven thousand five hundred and ninety-seven pounds one shilling and eightpence on account of the pipes or materials so used. The Company shall nevertheless shew where and in what way the pipes and materials have been used in extending relaying and improving the Company's mains ;

B. A sum equal to the amount of all payments properly payable out of capital and made by the Company after the thirty-first day of December one thousand eight hundred and ninety-five and on or before the appointed day ;

C. A sum equal to the amount of all payments not included in the sums aforesaid and made by the Company after the thirty-first day of December one thousand eight hundred and ninety-five and on or before the appointed day in relation to the laying on water to the sewerage outfall works at Appledram in relation to improving the water supply to Bishop Otter College in relation to improving and furnishing auxiliary or additional machinery and making other improvements at the Company's works at Bosham and in relation to extending relaying and improving the Company's works mains and undertaking ;

D. A sum equal to ten pounds per centum per annum on and in addition to the amount of the expenditure in relation to the laying on water to the sewerage works at Appledram aforesaid for and in respect of the supply of water to the said works such percentage to be calculated as from the date of the expenditure aforesaid up to the appointed day the same to be paid half-yearly from the execution of the work to the appointed day ;

E. A sum equal to the amount of all payments made or payable by the Company in respect of the period between the thirty-first day of December one thousand eight hundred and ninety-five and the appointed day or any part or parts of that period by way of interest not exceeding the rate of four per centum per annum on any moneys borrowed by them for the purpose of making any of the payments referred to in the foregoing sub-articles *B* and *C* other than the expenditure for or in respect of the supply of water to the said sewerage outfall works which is to carry interest at the rate of ten per centum per annum until the appointed day under sub-article *D* :

(2.) The taking over by the Corporation on the appointed day of the following liabilities :—

a. The liability to make any payments properly payable out of capital incurred by the Company after the thirty-first day of December one thousand eight hundred and ninety-five and on or before the appointed day and which payments shall not have been made by the Company on or before the appointed day ;

b. The liability to make any payments not included in the foregoing sub-article *a* incurred by the Company after the thirty-first day of

December one thousand eight hundred and ninety-five and on or before the appointed day in relation to laying on water to the sewerage outfall works at Appledram in relation to improving the water supply to Bishop Otter College in relation to improving and furnishing auxiliary or additional machinery and making other improvements at the Company's works at Bosham and in relation to extending relaying and improving the Company's works mains and undertaking and which payments properly payable out of capital account shall not have been made by the Company on or before the appointed day Provided nevertheless that before any such auxiliary or additional machinery or other improvement at the Company's works at Bosham shall be set up or made the scheme specification and estimates for same shall be previously submitted to and approved by Mr. Mansergh on behalf of the Corporation and such scheme specification and estimates so approved by the said Mr. Mansergh shall be accepted by the Corporation and the work be forthwith carried out by the Company the Company being repaid any sum or sums expended by them in relation thereto or in connection therewith by the Corporation or the Corporation being liable to pay the cost thereof or of any part thereof not paid by the Company Provided always that either party (the Company or the Corporation) shall be at liberty to reject the scheme in case the estimated cost shall exceed the sum of four thousand five hundred pounds And in any case all the fees costs charges and expenses already incurred or to be incurred both of the Company and the Corporation in reference to the scheme specification and estimates and the submission thereof to Mr. Mansergh as aforesaid shall be borne and paid by the Corporation.

4. Until the appointed day the Company shall as nearly as may be keep up the trade stock pipes coal and loose effects of the Company to the respective values thereof on the thirty-first day of December one thousand eight hundred and ninety-five as noted in a book made up by O. N. Wyatt one of the directors of the Company and initialed by Edward Arnold secretary of the Company and town clerk of the city of Chichester and to the aggregate value of four hundred and ninety pounds and the values of such stock pipes coal and loose effects respectively and in the aggregate on the appointed day shall be ascertained by a person to be jointly appointed before that day by the parties hereto or in default of such appointment by a person to be appointed on the application of either of the said parties by the Board of Trade The values placed upon the several items mentioned in the book aforesaid shall be accepted as the basis of the values to be ascertained as aforesaid and trade stock pipes coal and loose effects actually paid for by the Company on or before the appointed day shall be included in the valuations.

5. The receipt of any three of the directors of the Company for all or any part or parts of the sums aforesaid forming part of the consideration for the sale and of any other sums payable by the Corporation to the Company shall be a sufficient discharge to the Corporation for the moneys thereby acknowledged to have been received and the Corporation shall not be bound to see to the application or be answerable for any loss or misapplication of all or any part or parts of such moneys.

A.D. 1897.

6. The Company shall be entitled to all the rents and profits accrued due in respect of their undertaking up to the appointed day other than water rents and rates in respect of the quarter ending the twenty-fifth day of December one thousand eight hundred and ninety-seven and shall discharge all trade accounts outgoings and liabilities (not herein-before otherwise provided for) up to that day (including the repayment of moneys borrowed by the Company and interest in respect thereof and liabilities in respect of causes of action then existing) and as from that day the Corporation shall be entitled to all such rents and profits. The said rents profits and outgoings shall so far as may be necessary be apportioned. The Company shall have and may exercise after the appointed day all such statutory rights of the Company as may be requisite for ascertaining and enforcing payment of all moneys which on that day may be due to them.

7. The Company shall until the appointed day carry on and manage their undertaking according to their usual course of business and shall maintain uphold and keep the works and property included in their undertaking in their present state and condition (reasonable wear and tear and accidents and strikes of workmen excepted) and shall continue to keep proper accounts. Provided that the Company shall not without the previous consent in writing of the Corporation under the hand of the mayor of the city of Chichester borrow money on mortgage and shall not without the like consent contract make or enter into any new liability contract agreement or other obligation in respect of their undertaking except such as may be in relation to laying on water to the sewerage outfall works at Appledram in relation to improving the water supply to Bishop Otter College in relation to improving and furnishing auxiliary or additional machinery and making other improvements at the Company's works at Bosham (subject nevertheless as regards such machinery and other improvements at the works at Bosham to sub-article *b* of sub-article 2 of article 3 of this agreement) and in relation to extending relaying and improving the Company's works mains and undertaking and properly chargeable to capital account and except such as may be necessary in the ordinary course of the proper conduct of the affairs of the Company and with the intention of benefiting their undertaking.

8. From and after the appointed day and until the Company shall be finally wound up and dissolved the Company shall have full access at all reasonable times to the registers documents books and accounts relative to their undertaking for the purpose of making up the accounts of the Company and for all other reasonable purposes in relation to the winding up of the Company and the Corporation shall permit their officers and servants and the officers and servants then late in the employ of the Company so far as may be necessary for such purposes and compatible with the execution of their duties to the Corporation to assist in making up such accounts.

9. The manager and the two engine drivers who immediately before the date of these articles were in the employment of the Company shall if on the appointed day still in such employment be taken over and employed by the Corporation in the same capacities and at the same remuneration salaries or wages as on the first day of July one thousand eight hundred and ninety-six receivable by such employes respectively and none of them shall be dismissed within five years from the date hereof (except for misbehaviour or other sufficient cause) without having paid to him by the Corporation and by way

of compensation a sum equal to the annual amount of such remuneration salary or wages. Provided that the Corporation may re-organize the work and re-arrange the duties of such employes and employ their services in any other department if their time shall not be fully occupied in connection with the waterworks.

10. On the appointed day or so soon thereafter as the Corporation shall have paid to the Company the whole of the sums aforesaid forming part of the consideration for the sale and any other sums payable by the Corporation to the Company the Company shall forthwith execute all deeds and documents and do all things reasonably required by the Corporation for carrying into effect the sale and purchase and for duly transferring conveying and assuring to and vesting in the Corporation the undertaking and for letting the Corporation into possession thereof and shall procure the execution of such deeds and documents by all other necessary parties if any.

11. The day appointed for the completion of the sale and purchase shall be the thirtieth day of September one thousand eight hundred and ninety-seven and if from any cause or causes all or any part or parts of the sums aforesaid forming part of the consideration for the sale or of any other sums payable by the Corporation to the Company shall not be paid to the Company by the Corporation on that day the Corporation shall pay to the Company interest after the rate of four per centum per annum on the moneys so remaining unpaid from the appointed day until payment thereof.

12. If from any cause or causes the sale and purchase shall not be actually completed on the appointed day the Company shall as agents for and at the expense and risk of the Corporation carry on the undertaking until the sale and purchase shall be actually completed and the Corporation shall on or before the actual completion of the sale and purchase repay to the Company all moneys expended by them out of moneys belonging to the Company whilst acting as such agents and pay to the Company for the directors thereof a sum or sums equal to the amount of the directors fees in respect of the period during which the Company shall act as such agents (such fees to be at the rate of such fees on the first day of July one thousand eight hundred and ninety-six) together with interest on any moneys so expended by the Company out of their own moneys at the rate of four per centum per annum from the expenditure thereof until repayment.

13. After the sale and purchase shall be actually completed the Company shall subsist only for the purposes of winding up their affairs.

14. The Corporation shall (but subject as herein provided) promote and use their best endeavours to obtain the passing of a Bill in Parliament during the ordinary Session of 1897 authorising the transfer of the undertaking to the Corporation and giving effect to the terms of these presents either by the confirmation thereof or by embodying the provisions thereof in such Bill. The said Bill shall contain all proper provisions for the winding up and dissolution of the Company and for enabling the Corporation to carry out this agreement together with such other clauses and provisions as the Corporation may deem needful. Such Bill shall be under the control of the Corporation who shall be at liberty to include therein clauses and provisions for an extension of the limits of the water supply for borrowing and repaying the money required for carrying out this agreement or for any other municipal purpose and for raising and issuing stock for such purposes and also clauses

A.D. 1897. and provisions as to any other municipal purpose relating to the city aforesaid which the Corporation may think advisable and the Corporation shall have power to withdraw the Bill should Parliament alter or insert therein or strike out therefrom any provision whether affecting this agreement or not which the Corporation deem material or should Parliament alter in any respect which the Corporation consider material the terms of these presents and the Company shall be at liberty to attend the proceedings in Committee on such Bill (or at any other stage or stages at which alterations or amendments are proposed) but shall not oppose such Bill in its progress through Parliament except in so far as may be necessary to make the same conform to the provisions of this agreement. If and so long as the Bill shall conform to the provisions of this agreement the Company shall if requested so to do by the Corporation at the expense of the Corporation (including the reasonable expense of all officers and members of the Company requested by the Corporation to attend any proceedings whether for the purposes of giving evidence or otherwise) assist the Corporation in the promotion of and endeavours to pass the same.

15. If the said Bill be not passed before the appointed day these presents (except the articles thereof numbered 16 17 and 19) shall be void as from that day. Provided always that if from any cause whatever (other than wilful neglect or default on the part of the Corporation or the rejection of the said Bill by Parliament) the said Bill should fail to pass into an Act before the appointed day aforesaid then the appointed day under these presents shall be altered to the thirtieth day of September one thousand eight hundred and ninety-eight and these presents shall be read and construed accordingly in order that the Corporation may if practicable procure an Act as aforesaid within the Session next ensuing after the thirtieth day of September one thousand eight hundred and ninety-seven the directors of the Company being collectively paid by the Corporation the sum of one hundred and fifty pounds for their services in carrying on the business of the Company from the thirtieth day of September one thousand eight hundred and ninety-seven to the thirtieth day of September one thousand eight hundred and ninety-eight the Corporation hereby agreeing to pay such sum to the directors therefor and to procure (if possible) a clause in the Act to that effect providing for such payment and exonerating any director (all being shareholders in the Company) who may be a member of the town council from any liability or ill consequence in respect thereof and generally for or in respect of this agreement or any matter or thing herein contained.

16. The Corporation shall bear and pay all the legal Parliamentary and other costs charges and expenses of the Company from the commencement of negotiations for sale up to completion of the purchase or if the sale from any cause shall not be completed then and in such case the Corporation shall pay such costs charges and expenses as shall have been incurred by the Company up to the determination of the negotiations or proceedings and the Corporation shall be at liberty to include in the said Bill a clause or clauses providing for the payment by the Corporation of all costs charges and expenses as well of the Company as of the Corporation and otherwise incurred in carrying out and procuring or endeavouring to procure or otherwise in connection with this agreement and the proposed Act including town clerks solicitors and Parliamentary agents charges counsels fees and expenses for negotiations for taking over the Company and otherwise incidental to this

agreement and in connection with the proposed Act and borrowing money issuing stock and otherwise in connection with the taking over the business of the Company. A.D. 1897.

17. In consideration of the Company at the request of the Corporation having already expended or being about to expend before the appointed day or being about to incur before that day a liability to expend certain sums referred to in sub-articles *B* and *C* of sub-article (1) of article 3 of this agreement and in sub-articles *a* and *b* of sub-article (2) of that article which sums will not be repayable to the Company by the Corporation or be payable by the Corporation instead of the Company if the said Bill be not passed before the appointed day the Corporation (1) shall take water from the Company for watering streets and flushing sewers in the city of Chichester from the date of these presents until the appointed day if the said Bill be passed before that day but otherwise for such a period and at such charge for water to be supplied as shall be determined by an arbitrator to be appointed by the Board of Trade in order that the Company may be secured a reasonable profit for a reasonable time for the outlay incurred by them the Company alleging that a larger sum will be expended if the works are purchased by the Corporation than the Company would expend if the purchase be not carried out (2) shall pay to the Company at the rate of tenpence per one thousand gallons of water heretofore taken by the Corporation from the Company for flushing such sewers as aforesaid and not already paid for and hereafter to be taken for that purpose up to the appointed day or up to the date of the determination of this agreement in case the same be determined by reason of the intended Bill not being proceeded with or not being obtained and for the water for watering the streets at the rate heretofore charged for the same periods (3) shall pay to the Company for any water supplied heretofore or hereafter by them to the Corporation for public purposes (except for flushing sewers and watering streets) at the same rate at which such water has been heretofore supplied or as may be hereafter mutually agreed upon between the parties hereto (4) shall pay quarterly to the Company all moneys accrued or to accrue due to them from the Corporation in respect of water taken from or supplied by the Company subsequently to the quarter day which next preceded the date of these presents.

18. These presents are subject to such alterations therein as Parliament may make but should they be so altered in any particular by way of contravention of this agreement or any part thereof which the Company may deem material (whether by alteration of this agreement or the insertion striking out or alteration of any provision in the said Bill) the Company may by notice in writing to the Corporation object to such Bill being further proceeded with and in that case the said Bill shall not be further proceeded with except with the consent in writing of the Company.

19. Every question or difference that may arise between the parties hereto as to the construction and meaning of these presents or as to the performance or carrying out of the same by either party or as to any other matter arising out of or connected with the subject-matter of these presents shall be determined by an arbitrator to be jointly appointed by the Company and the Corporation or in default of such appointment within one month after a request in writing by either of the parties to

A.D. 1897. the other of them to concur in an appointment then by an arbitrator to be appointed on the application of either of the parties by the Board of Trade and the reference of any such question or difference as aforesaid shall be deemed to be a submission within the meaning of the Arbitration Act 1889.

In witness whereof to these presents the Company and the Corporation have caused their respective common seals to be affixed the day and year first above written.

EB. PRIOR Mayor.

Sealed with the Common Seal of the above-named Mayor Aldermen and Citizens by order of the Council in the presence of and attested by



EDWD. ARNOLD

Town Clerk.

Sealed with the Common Seal of the Chichester Waterworks Company in the presence of



W. SMITH }
W. NORMAN } Directors.

EDWD. ARNOLD

Secretary.

THIRD SCHEDULE.

ARTICLES OF AGREEMENT made the twenty-fifth day of February one thousand eight hundred and ninety-seven between the CHICHESTER WATERWORKS COMPANY (herein-after called "the Company") of the one part and the MAYOR ALDERMEN and CITIZENS of the CITY of CHICHESTER (herein-after called "the Corporation") of the other part being supplemental to articles of agreement (herein-after called "the principal agreement") made between the same parties and dated the eleventh day of September one thousand eight hundred and ninety-six.

Whereas a scheme for sinking a new well enlarging the engine and boiler house improving and furnishing auxiliary or additional machinery and making other improvements all at the Company's works at Bosham has been prepared such well and enlargement not having been in contemplation by the parties to the principal agreement when the same was entered into:

And whereas such scheme and also a specification and estimate in respect thereof have been submitted to and approved by Mr. Mansergh on behalf of the Corporation and such estimate amounts to the sum of five thousand pounds including therein the sum of three hundred pounds for certain distribution pipes required within the Company's limits for the supply of water and not at their works at Bosham:

And whereas the Corporation on the fifteenth day of January one thousand eight hundred and ninety-seven resolved that the said scheme should be accepted by the Corporation and that the Company should be requested to forthwith carry out the same and for that purpose to borrow raise or incur

an expenditure of such sum or sums not exceeding in the whole (inclusive of the said sum of three hundred pounds for the said distributing mains) the sum of five thousand pounds as might be found necessary for carrying out the said scheme and that any sum or sums or liability so raised expended or incurred should be deemed and treated as within the liability contemplated mentioned or described in article 3 (2) *b* so that on the transfer of the undertaking of the Company to the Corporation the said sum or sums or liability so borrowed, raised or incurred should become and be payable by or chargeable against the Corporation:

A.D. 1897.

Now these presents witness that it is hereby mutually agreed between the parties hereto as follows:—

1. Article 3 (1) *c* article 3 (2) *b* and article 7 of the principal agreement shall respectively have effect as if the reference therein respectively to improving and furnishing auxiliary or additional machinery and making other improvements at the Company's works at Bosham included a reference to all works and matters contemplated by the said scheme.
2. The Corporation hereby testify their acceptance of the said scheme specification and estimate and their consent to the Company borrowing on mortgage such sum or sums not exceeding in the whole (inclusive of the sum of three hundred pounds for the said distributing mains) the sum of five thousand pounds as may be found requisite for carrying out the said scheme.
3. The said article 3 (2) *b* shall also have effect as if the sum of five thousand pounds had been therein mentioned instead of the sum of four thousand five hundred pounds.

In witness whereof to these presents the Company and the Corporation have caused their respective common seals to be affixed and the mayor of the city of Chichester has set his hand the day and year first above written.

ADOLPHUS BALLARD Mayor.

EDWD. ARNOLD Town Clerk.

Common
Seal.

Sealed with the Common Seal of the Chichester
Waterworks Company in the presence of

Seal
of the
Company.

W. SMITH
WILLIAM NORMAN } Directors.
EDWD. ARNOLD Secretary.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C. or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

