33 & 34 Vict. c. 88.

the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) to raise further funds for the purposes of those Acts:

Be it therefore 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:

Power for the Treasury to raise before 1st April 1879 a further sum of 500,000*l.* for the purposes of the Telegraph Acts.

1. The Treasury at any time before the first day of April one thousand eight hundred and seventy-nine may, in addition to any sum previously authorised to be raised by them, raise for the purposes of the Telegraph Acts, 1868 to 1870, any sum or sums of money not exceeding in the whole five hundred thousand pounds sterling, by the creation of three pounds per cent. per annum permanent annuities.

Such annuities shall be charged upon the Consolidated Fund, and shall be paid out of the permanent annual charge for the National Debt.

The annuities shall be created by warrant of the Treasury to the Governor and Company of the Bank of England, directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

The said annuities shall in manner directed by the warrant be consolidated in the said books with annuities at the same rate of interest and payable at the same date, and shall be transferable in the said books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as is consistent with the tenor of those enactments.

Application of moneys raised.

2. All moneys raised in pursuance of this Act shall be placed to the account of the Paymaster General at the Bank of England, and shall be issued from time to time under regulations to be made by the Treasury, and to be laid by them before Parliament; such moneys shall not be applied for the purpose of the extension of telegraphs or for the payment of interest on any purchase-money or compensation payable in respect of telegraphs, unless such interest is not separately stated in any award or agreement, but shall be applied only for the other purposes of the Telegraph Acts, 1868 to 1870.

Accounts of expenditure.

3. Accounts of all expenditure out of moneys raised in pursuance of this Act shall be prepared by the Postmaster General in the form approved by the Treasury, and be transmitted to the Comptroller and Auditor General, to be examined by him as if they were appropriation accounts, in manner directed by the Exchequer and Audit Departments Act, 1866.

29 & 30 Vict. c. 39.

Short titles.
31 & 32 Vict. c. 110.
32 & 33 Vict. c. 73.
33 & 34 Vict. c. 88.
39 & 40 Vict. c. 5.

4. This Act may be cited for all purposes as the Telegraphs (Money) Act, 1877; and this Act and the Telegraph Acts, 1868 to 1876 may be cited together as the Telegraph Acts, 1868 to 1877.

CHAPTER 31.

An Act to give further facilities to Landowners of limited interests in England and Wales and Ireland to charge their estates with the expenses of constructing Reservoirs for the storage of Water, and other similar purposes.

[2d August 1877.]

WHEREAS landowners of limited interests in England and Wales, with the approval of the Inclosure Commissioners, and in Ireland of the Commissioners of Public Works in Ireland, are enabled to charge their estates with sums expended by them in constructing reservoirs and other works for the supply of water, if it can be shown to the satisfaction of the said Commissioners that such works will effect a permanent yearly increase in the value of such estates for agricultural purposes exceeding the yearly amount proposed to be charged thereon, and are also enabled to charge their estates with sums subscribed for the construction of railways and navigable canals, if it can be shown to the satisfaction of the Commissioners that such railways and canals will effect a permanent yearly increase in the value of such estates for any purpose exceeding the yearly amount proposed to be charged thereon:

And whereas in many places it would greatly conduce to the affording of a plentiful supply of pure water to the inhabitants of villages and towns and to the industrial requirements of the locality, if facilities were given to landowners of limited interests to charge their estates, subject to the approval of the Commissioners, with sums expended by them in constructing reservoirs and other works for the supply of water, of a character permanently to increase the value of such estates for other than agricultural purposes, or to be otherwise permanently productive of profit to the owners of the estates, and if such landowners were also enabled to charge their estates with sums subscribed by them for the construction of waterworks on the same terms and conditions as those on which they are now enabled to charge their estates with subscriptions for the construction of railways and canals:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Limited Owners Reservoirs and Water Supply Further Facilities Act, 1877.

Extent of Act.

2. This Act shall not extend to Scotland.

Act incorporated with 27 & 28 Vict. c. 114.

3. This Act shall be incorporated with the Improvement of Land Act, 1864, and the two Acts shall be read together as one Act.

Certain provisions of 26 & 27 Vict. c. 93. incorporated. 27 & 28 Vict. c. 114.

4. The provisions of the Waterworks Clauses Act, 1863, with respect to the security of the reservoirs constructed by the undertakers are incorporated with this Act; and in that Act, as incorporated with this Act, the expression "the special Act" shall mean and include the Improvement of Land Act, 1864, and this Act; and the expression "the undertakers" shall mean any person who constructs or erects any reservoir or dam under the authority of either of the last-mentioned Acts.

What to be deemed improvements within 27 & 28 Vict. c. 114.

5. The construction or erection of reservoirs or other works of a permanent character for the supply of water to persons residing or engaged in labour on the lands on which such works are situate, or on any other lands settled to the same uses, or for the more convenient or profitable user of such lands, or for the supply of water to any sanitary or other local authority or water company, or to any manufacturer or other person, or for any one or more of such purposes, shall be deemed to be an improvement of land within the meaning of the ninth section of the Improvement of Land Act, 1864, and shall be sanctioned by the Commissioners, if it can be shown to their satisfaction that such reservoirs or works for the supply of water will for any purpose effect a permanent yearly increase in the value of the lands on which they are situate, or any other lands settled to the same uses, or will be permanently productive of a yearly revenue to the owner of such lands exceeding the yearly amount proposed to be charged thereon; and the construction of any such works shall be deemed to include the purchase by the landowner of any water right or other easement which might otherwise interfere with or prevent the construction of the same or any such supply of water as aforesaid.

In calculating whether the improvement is likely to effect a permanent increase of the yearly value of the land, or be productive of a yearly revenue to the landowner exceeding the yearly amount proposed to be charged thereon, it shall be lawful for the Commissioners to take into account the value of any contract, the terms of which have been agreed upon between the landowner and any sanitary or other local authority, or water company, or manufacturer or other persons, for the purpose of supplying such authority, company, person, or persons with water, as well as the effect on such value or revenue of any sum expended by the landowner in the construction of the works over and above the sum proposed to be charged upon the land.

When the improvement will afford a supply of water to persons residing or engaged in labour on the lands on which the proposed works will be situate, or on any other lands settled to the same uses, the Commissioners may, if they think fit, sanction the improvement, although it may not be shown that the same will effect a direct yearly increase in

the value of the lands, or be productive of a yearly revenue to the owner of the lands exceeding the yearly amount proposed to be charged thereon.

Supply of water to local authority, &c.

6. Any landowner charging or proposing to charge his estate with the cost of the construction of reservoirs or other works for the supply of water under this Act may enter into any agreement for the supply of water to any sanitary or other local authority, water company, manufacturer, or other person, for any term not exceeding the number of years during which the cost of the improvement, or any part of it, is made a charge upon the estate: Provided that every such agreement be approved by the Commissioners, and that no premium or benefit in the nature of a premium be reserved thereby by the landowner.

Power to contract for execution of reservoirs, &c.

7. Any company now authorised to contract with landowners in England or Wales, or in Ireland, for the execution of any works for the improvement of land, or to make advances for the purpose of executing or assisting in the execution of such works, may, with the approval of the Commissioners, contract with any such landowner for the execution of any reservoirs or works of water supply, the cost of which may by this Act be charged upon the estates of such landowner, and may, with the like approval, make advances for the purpose of executing or assisting in the execution of such reservoirs or works; and for this purpose the execution of any such reservoirs or works shall be deemed to be an improvement of land within the meaning of any Act of Parliament or Articles of Association relating to any such company.

Subscriptions to waterworks.

8. Any landowner desiring to charge his estates with subscriptions for the construction of waterworks by a water company may charge his estates with such moneys on the same terms and conditions as he may under the Improvement of Land Act, 1864, charge his estates with moneys subscribed for the construction of railways or navigable canals; and for this purpose the provisions contained in sections seventy-eight to eighty-nine, both inclusive, of the Improvement of Land Act, 1864, shall apply, mutatis mutandis, to such subscriptions, as if the same had been subscribed for the construction of a railway or navigable canal.

Protection of rights.

9. Nothing in this Act shall be construed to authorise any landowner, or any water company, local authority, person, or persons authorised by any landowner, to injuriously affect any reservoir, canal, river, stream, or navigation, or the feeders thereof, or the supply, quality, or fall of water contained in any reservoir, canal, river, stream, or navigation, or in the feeders thereof, or any other water rights or easements in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, canal, river, stream, navigation, feeders, or such supply, quality, or fall of water, or other water rights or easements, unless the landowner, water company, local authority, person, or persons first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

Definitions.

10. In this Act the following words and expressions shall have the folllowing meanings; that is to say,

"The Commissioners" means the Inclosure Commissioners of England and Wales, or the Commissioners of Public Works in Ireland, as the case may require:

"The Improvement of Land Act, 1864," means the 27th and 28th Vict. c. 114:

"Works for the supply of water" includes wells, pumps, reservoirs, cisterns, ponds, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, machinery, and things for supplying or used in supplying water:

"Water company" means any person or body of persons, corporate or unincorporate, supplying or who may hereafter supply water for his or their own profit:

"Local authority" means any authority having jurisdiction for any public local purpose.

The several words and expressions to which by the Improvement of Land Act, 1864, meanings are assigned, shall in this Act have the same respective meanings as in that Act.