



ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. vii.

An Act to authorize the *Bristol Waterworks Company* to raise an additional Sum of Money by Loan; and for further amending "The *Bristol Waterworks Act, 1846.*" [9th May 1853.]

WHEREAS by "The *Bristol Waterworks Act, 1846,*" a 9 & 10 Vict. c. cexxii.
Company was incorporated, under the Name of "The *Bristol Waterworks Company,*" for supplying with Water the City of *Bristol* and certain Parishes adjacent thereto in the Counties of *Gloucester* and *Somerset,* and the said Company have proceeded in the Exercise of the Powers conferred by such Act to construct the Works thereby authorized, and are now supplying with Water a large Portion of the District within the Limits of such Act; and the said Company were by the said Act authorized to raise a Capital of Two hundred thousand Pounds, divided into Eight thousand Shares of Twenty-five Pounds each, and to borrow on Mortgage or Bond any Sum not exceeding Sixty-six thousand Pounds: And whereas by "The *Bristol Waterworks Act Amendment, 1850,*" the 13 & 14 Vict. c. ii.
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Company are authorized to raise by the Creation of new Shares a further Capital of One hundred thousand Pounds, divided into Eight thousand Shares of Twelve Pounds Ten Shillings each, which Shares are directed by the said last-mentioned Act to be distinguished and registered as "Preference Shares;" but the last-mentioned Act did not grant to the Company the usual Powers to borrow Money to the Extent of One Third of the Capital thereby authorized to be raised in Shares: And whereas the said Two several Sums of Two hundred thousand Pounds and One hundred thousand Pounds, so authorized to be raised as Capital, have been subscribed and paid, and the said Sum of Sixty-six thousand Pounds so authorized to be borrowed has been raised on Mortgage and Bond, and such several Sums have been expended by the Company in and upon the Construction of the Works and for the other Purposes authorized by the said Acts: And whereas since the passing of the first-mentioned Act several new Streets have been built within the Limits of the said Act, and the Population of the District is much increased, and it has been found that the Sums so as aforesaid raised by Shares and on Mortgage and Bond are insufficient for the Completion of the Works necessary for the Supply of Water to the Inhabitants of the City of *Bristol* and its Neighbourhood, and for the other Purposes for which the said Company was incorporated; and it is therefore expedient that the said Company should be authorized to raise a further Sum of Money on Mortgage or Bond, and it is also expedient that the Company should be relieved from certain Restrictions imposed on them by the first-recited Act as to securing a due Supply of Water: But inasmuch as the foregoing Objects cannot be attained without the Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 to raise additional Monies on Mortgage or Bond.

I. In addition to the said Sum of Sixty-six thousand Pounds, so as aforesaid authorized to be borrowed by the said first-recited Act, it shall be lawful for the Company to borrow on Mortgage or Bond any further Sum or Sums of Money not exceeding in the whole the Sum of Thirty-four thousand Pounds, and for such Purposes the Powers, Enactments, and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to borrowing Money, shall extend to and be incorporated with this Act.

Application of Monies raised by this Act.

II. The Monies to be raised by virtue of this Act shall be applied, in the first place, in paying and discharging all Costs and Expenses incurred

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incurred in obtaining this Act, and all Expenses incident thereto, and then in carrying into execution the Purposes of the said recited Acts and of this Act.

III. The Revenue of the Company shall be paid and applied by the Directors in manner following; namely, first, in Payment and Discharge of the Repairs, Rates, Taxes, and working Expenses of the Company; secondly, in Payment of the Interest upon the Mortgages and Bonds for Monies borrowed under the said first-recited Act; thirdly, in Payment of the Interest upon the "Preference Shares" to the Extent of Five Pounds *per Centum per Annum*; fourthly, in Payment of the Interest to accrue due upon the Monies to be borrowed by virtue of this Act; fifthly, by way of Dividend to the Extent of Ten Pounds *per Centum per Annum* on the original Shares and Capital of the Company; and, sixthly, by way of Dividend in respect of the Preference Shares as directed by the Ninth Section of the secondly herein-before recited Act.

Application
of Revenue.

IV. It shall be lawful for the Directors from Time to Time to create a permanent Stock, in lieu of all or any Part or Parts of the Mortgage and Bond Debt of the Company, to be called and registered as the "Debenture Stock of the Bristol Waterworks Company," and to raise thereby from Time to Time sufficient Monies to pay-off and discharge such Mortgage and Bond Debt, and to attach to the Stock so to be created a fixed Dividend not exceeding the Rate of Four Pounds *per Centum per Annum*, payable half-yearly in priority of the Interest upon the "Preference Shares" and other subsequent Payments herein-before directed, and the Dividend so to be attached to such Stock shall thereafter be appropriated and paid thereon accordingly; provided that the Amount of Stock so to be created shall not exceed the aggregate Amount authorized to be borrowed by the said recited Act and this Act, and that the Power hereby given to create such Stock shall not be exercised with respect to the Amount authorized to be borrowed by this Act until the Income of the Company shall be sufficient to pay the Preference Shareholders Interest on their Shares to the Amount of Five Pounds *per Centum per Annum*, after discharging the prior Charges herein-before directed to be paid, nor then without the Consent of the Majority of the Votes at a Meeting of such Preference Shareholders convened with Notice of the Matter: Provided also, that it shall not be lawful for the Company to re-borrow any Money in the Stead of which they shall have created "Debenture Stock" under the Powers hereby granted, but the borrowing Powers of the Company shall be extinguished, and the Amount for the Time being due by them on Mortgage or Bond shall be diminished to the Extent of the "Debenture

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ture Stock" so created; and provided also, that the Holders of the said "Debenture Stock" shall not be entitled to vote in the Affairs of the Company.

Repeal of the 28th Section of 9 & 10 Vict. c. ccxxii. as to Works required to be constructed at Springs at Chew Hill Head.

V. And whereas by the Twenty-eighth Section of the first-recited Act certain Works are required to be constructed at the Springs at *Chew Hill Head*, but Difficulties arose as to the Construction and Maintenance of the same; and inasmuch as the said Provision was inserted in the said Act at the Instance and Request of the Right Honourable *George Edward Earl Waldegrave* (the then Lord of the Manor of *Chewton Mendip*), who is since deceased, an Arrangement was entered into by the Company with the Right Honourable *Frances Elizabeth Anne Dowager Countess Waldegrave* and her Trustees (who are now the Owners of the said Manor) for the Construction of other Works, and such Works have been constructed and completed to the Satisfaction of the said Dowager Countess *Waldegrave* and her said Trustees; and by a certain Deed of Covenant bearing Date the Twelfth Day of *March* One thousand eight hundred and fifty-three, made between the said Waterworks Company of the First Part, the said Dowager Countess *Waldegrave* of the Second Part, and Sir *Thomas Barrett Lennard* Baronet, *Egerton Vernon Harcourt* Esquire, *Edward Cutler* Esquire, and *Ward Soane Braham* Esquire (being such Trustees as aforesaid) of the Third Part, the said Company have covenanted to maintain and keep in repair the Works so made and executed, and to make such Alterations and Amendments therein as shall be required by the said Dowager Countess *Waldegrave*, her Heirs, Appointees, or Assigns, or her said Trustees, and that in the event of the Works already made, or the altered and amended Works, being insufficient, the said Dowager Countess *Waldegrave*, her Heirs, Appointees, or Assigns, or her said Trustees, shall be at liberty to require and compel the said Company, their Successors or Assigns, at their Costs and Charges, to construct and maintain the Works which they are required to construct and maintain by the said Twenty-eighth Section, or by any other Clause contained in the said "*Bristol Waterworks Act, 1846*:" Be it therefore enacted, That the Twenty-eighth Section of the first-recited Act shall be and the same is hereby repealed, and the Company shall be and is hereby authorized to maintain the said Works in the Manner in which the same have been constructed and formed, subject nevertheless to the Covenant and Condition above referred to.

Alteration of Section 58. of 9 & 10 Vict. c. ccxxii. as to

VI. And whereas by the Fifty-eighth Section of the said first-recited Act the said Company is required, at all and every of the Springs, Brooks, and Streams where or from which they shall take
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and convey Water under the said Act (with the Exception of the Springs at *Chew Head* aforesaid), to construct Tanks "open at the Top," and cause all the Water to flow from such Springs, Brooks, and Streams through such Tanks, for the Purposes in the said Section mentioned: And whereas the leaving such Tanks open, as required in and by the said Section, would subject the Waters to Pollution by Surface Water, or by Floods, or sudden or heavy Rains, and would render the same unfit for domestic Use, and it has therefore been deemed necessary to protect the Water used by the Company, not only by covering the Aqueducts through which it flows, but also the Head of such Springs, so as to prevent the Surface Water flowing into and being retained by any such Watercourse: Be it therefore enacted, That the covering of such Springs and Streams shall be deemed a sufficient Compliance with the Provisions of the said Act, instead of the Construction and Maintenance of Tanks open at the Top through which the Water for the Supply of *Bristol* should flow: Provided always, that in case any Person shall or may be aggrieved or injured by the Alteration so made by the said Company, he shall be entitled to Compensation for any such Injury, such Compensation to be ascertained and determined in manner directed by the Fifty-fifth Section of the said first-recited Act.

VII. And whereas by the Ninety-eighth Section of the first-mentioned Act it is enacted, "That the Company shall at all Times cause the Mains to be fully charged; and it shall be lawful for all Persons, at all Times, to take and use the Water of the Company in extinguishing any Fire which may happen within the Limits of this Act, without making Compensation for such Water;" and by the One hundred and tenth Section of the same Act it was enacted, that the Main and Service Pipes of the Company "shall be at all Times kept charged to the full with Water;" and no Exception is made in either of the said Sections for Frost, unusual Drought, indispensable Repairs or Alterations, or other unavoidable Cause or Accident: Be it enacted, That it shall not be incumbent upon the Company to keep their Mains fully charged, or to continue the Supply of Water for Purposes other than domestic Use, if prevented by Frost, unusual Drought, or other unavoidable Cause or Accident, or during necessary Repairs or Alterations, or laying on Mains or Service Pipes, or cleansing the Reservoirs or Mains; nor shall the Company be liable to any Penalty or Damages in consequence of the Want of Water in their Mains arising from any or either of the Causes aforesaid, provided that in making such Repairs, Alterations, laying on Mains or Service Pipes, or cleansing, all convenient Speed be used by the Company: Provided also, that nothing herein con-

Alteration of Sections 98. and 110. of 9 & 10 Vict. c. ccxxii. as to Supply of Water for Fires, and as to keeping a constant Supply in Mains.

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tained shall prejudice or affect any existing Suit or other Litigation touching the Matters referred to in this Section; and provided also, that before the Water shall be turned off for any contemplated Repairs or Alterations Notice shall be given by the said Company at the Central Police Station, stating the Time at which the Water will be so turned off, and the District that will be affected thereby; and it shall be incumbent on the said Company to obtain a Certificate in Writing from Two Justices of the Peace acting for the City and County of *Bristol* of the Necessity for such Repairs and Alterations; and in case of any of the Mains at any Time not being charged, owing to Frost, unusual Drought, or other unavoidable Cause or Accident, it shall be incumbent on the said Company to give immediate Notice thereof at the said Central Police Station, and within Forty-eight Hours after the Mains shall not have been fully charged to obtain from Two Justices of the Peace of the said City and County a Certificate in Writing that the Cause of such Mains not being fully charged was unavoidable, and such Certificate in either Case shall be conclusive Evidence of the Facts therein stated.

Penalty for removing or injuring Fireplugs, or defacing the Notices of their Situation.

VIII. Every Person who shall wilfully or carelessly remove, take away, cover over, destroy, damage, or injure any Fireplug fixed by the Company, so as to prevent the proper and free Use thereof, or who shall wilfully or negligently destroy, damage, deface, or remove any or either of the public Notices marked or affixed by the Company denoting the Situation of any Fireplug, shall be liable to pay and shall reimburse to the Company all Damages and Costs which shall be incurred by the Company in consequence thereof, and all Expenses of reinstating, repairing, amending, and putting in proper State and Condition any such Fireplug or Notice, and in addition thereto shall forfeit to the Company, for either of such Offences, if the same shall have been wilfully committed, a Sum not exceeding Ten Pounds.

Alteration of Sect. 104. of 9 & 10 Vict. c. cexxii. as to Power of Surveyor to enter Houses to inspect.

IX. And whereas by the One hundred and fourth Section of the first-mentioned Act it is enacted, "That it shall be lawful for the
 " Surveyor, or any other Person acting under the Authority of the
 " Company, between the Hours of Ten o'Clock in the Forenoon and
 " Four of the Clock in the Afternoon, upon giving Twelve Hours
 " previous Notice of their Intention, to enter into any House, Building,
 " or Premises supplied with Water by virtue of this Act, in order to
 " inspect and examine if there be any Waste or improper Use of such
 " Water; and if such Surveyor, or Person acting by the Authority of
 " the Company, shall at any such Time be refused Admittance into
 " such Dwelling House, Building, or Premises, for the Purposes
 " aforesaid, or shall be prevented from making such Inspection and
 " Examination

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“ Examination as aforesaid, it shall be lawful for the Company to turn off the Water supplied by the Company from such House, Building, or other Premises :” Be it enacted, That the Words “ upon giving Twelve Hours previous Notice of their Intention ” be and the same Words are hereby repealed.

X. It shall not be lawful for any Owner or Occupier supplied with Water by the Company to lay on or affix any additional Service or other Pipes or Tubes, so as to use the Water for any other Purpose than that contracted for, without giving Two Days Notice to the Company of his Intention so to do, and paying or tendering Payment of One Quarter's Rent or Water Rate in advance for the additional Water to be taken ; and any such Owner or Occupier who shall lay on or affix any such additional Service or other Pipes or Tubes, without giving such Notice and making such Payment or Tender, shall forfeit to the Company for every Offence a Sum not exceeding Ten Pounds.

Penalty on Persons fraudulently increasing Supply of Water.

XI. Every Cistern or other Receptacle for Water, and every Water-closet, Soil-pan, and private Bath, which shall be supplied with Water by the Company, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or any noisome or impure Matter into the Mains or Pipes of the Company, or into any Pipes connected or communicating therewith ; and, notwithstanding anything in the said recited Acts or in this Act contained, the Company shall not be bound to supply Water into any Cistern or other Receptacle for Water, Watercloset, Soil-pan, or private Bath, which shall not be so constructed and used.

Water-closets to be constructed so as to prevent undue Waste of Water, &c.

XII. It shall be lawful for the Company, on the Application or with the Consent in Writing of any Person supplied with Water for Trade or any other Purpose (other than for domestic Use), to provide and fix a Meter or some other and proper Apparatus, with the necessary Fittings, for ascertaining and denoting the Quantity of Water supplied, and to keep the same in repair, and to charge for the Use thereof such annual or other Rent or Remuneration in Money as shall be agreed upon between the Company and the Person supplied with Water, and such Rent or Remuneration shall be paid to and shall be recoverable by the Company in the same Manner as Rates or Rents under the first-recited Act in respect to the Supply of Water ; and such Meters or other Apparatus and Fittings so supplied by the Company shall not be subject to Distress, or to any Lien,

Company authorized to fix Meters, and to charge an annual Rent for the same.

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Power to enter Premises, and inspect Meters.

Lien, Pledge, or Process of Execution whatsoever; and the Clerk, Engineer, Inspector, or other Officer of the Company may, between the Hours of Ten in the Forenoon and Four in the Afternoon, enter into any House, Building, or Premises in which such Meters or other Apparatus shall be affixed, in order to inspect the same, and the Fittings and Works connected therewith, for the Purpose of ascertaining the Quantity of Water consumed or supplied, as well as the State and Condition of such Meters, Apparatus, Fittings, and Works; and if any Person shall hinder or in any Manner obstruct any such Officer as aforesaid from entering and making such Inspection at any reasonable Time, he shall for every such Offence forfeit to the Company a Sum not exceeding Five Pounds; and it shall be lawful for the Company, by their Officers or Servants, from Time to Time, between the Hours aforesaid, to enter any House, Building, or Premises, for the Purpose of removing and carrying away any such Meter or Apparatus, Pipes, Fittings, or other Works, the Property of the Company.

Power to enter Premises, and remove Meters.

Provisions of 8 & 9 Vict. c. 16. as to Recovery of Damages incorporated with this Act.

XIII. The several Provisions and Enactments relating to the Recovery of Damages, Forfeitures, and Penalties contained in "The Companies Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Part of Sect. 86. of 9 & 10 Vict. c. ccxxii. as to the Rates for Supply of Water to Shipping repealed, and other Rates made payable.

XIV. And whereas by the Eighty-sixth Section of the first-recited Act it is enacted as follows: "And for all Water supplied to the Shipping within the Port of *Bristol* there shall be paid a Sum not exceeding Twopence *per* Ton; and the Company are hereby required to lay down Pipes to some convenient Spots upon the Quays and Docks, so that the Masters of Vessels may supply themselves from the said Spots by means of Hose to be provided by the Company into their Ships, under the Control of the Company:" And whereas the Company have made the Arrangements required in the said Section for a Supply of Water to the Shipping, and are constantly furnishing such Supply of Water, but in consequence of the Water being at constant High Pressure it has been found difficult and inconvenient by the Masters of Vessels to supply themselves from the Pipes laid down for that Purpose, and they request the Assistance of the Servants of the Company when such Supply is required: And whereas Doubts are entertained whether the Word "Ton" in the said-recited Act was intended to designate the Quantity of Water, or the Burden of the Ship supplied; and it is expedient that so much of the said Eighty-sixth Section as is hereinbefore recited shall be repealed, and that in lieu thereof certain Rates should be fixed for the Supply of Water to Shipping: Be it therefore

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therefore enacted, That so much of the said Eighty-sixth Section as is herein-before recited shall be and the same is hereby repealed, and that the following Rates shall hereafter be paid to and received by the Company for the Supply of Water to Shipping within the Port of *Bristol*; namely,

For any Quantity not exceeding One hundred Gallons, the Sum of One Shilling :

For every additional One hundred Gallons, or any less Quantity, the Sum of Sixpence :

For washing Holds, Decks, cleansing or scouring Purposes, including the Attendance of a Turncock of the Company to assist therein, the Sum of Ten Shillings *per* Hour.

XV. Nothing contained in this Act, or in "The *Bristol Waterworks Act, 1846*," or the other Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, use, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty in right of the Duchy of *Cornwall*, without the Consent in Writing of Two or more of the Principal Officers of the said Duchy, and which Consent such Principal Officers, or any Two of them, are hereby authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of the said Duke, testified in Writing under the Privy Seal of the said Duke first had and obtained for that Purpose, or to prejudice, diminish, alter, or take away any of the Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

Saving Rights of Her Majesty and the Duke of Cornwall in right of the Duchy.

XVI. In citing this Act in other Acts of Parliament, or in legal Instruments or Proceedings, it shall be sufficient to use the Expression "The *Bristol Waterworks Acts Amendment Act, 1853*." Short Title.

XVII. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Interpretation of Terms.

The Words "the Company" or "the Waterworks Company" shall mean "The *Bristol Waterworks Company* :"

The Word "Person" shall extend to Commissioners and to Corporations, whether aggregate or sole :

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The Word "Street" shall include any Square, Street, Court, Yard, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, within the Limits of this Act or the recited Act.

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