



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xxix.

An Act to authorize the Borough of *Portsmouth* Waterworks Company to make and maintain Works in connexion with their present Waterworks, and to raise more Money; and for other Purposes. [29th *May* 1868.]

WHEREAS by the Borough of *Portsmouth* Waterworks Act, 1857, (in this Act called the original Act,) the Borough of *Portsmouth* Waterworks Company (in this Act called "the Company") were incorporated with a Share Capital of Eighty thousand Pounds, divided into Eight thousand Shares of Ten Pounds each, and were authorized to purchase the Undertaking of the Company of Proprietors of the *Portsmouth and Farlington* Waterworks (Limited), and to construct new Waterworks, and to borrow on Mortgage or Bond Sums not exceeding in the whole Twenty thousand Pounds: And whereas the Company accordingly purchased the said Undertaking: And whereas by the Borough of *Portsmouth* Waterworks Act, 1861, (in this Act called the Second Act,) the Company were authorized to raise further Sums not exceeding Forty thousand Pounds by the Creation of new Shares in their Undertaking (with Power to

20 & 21 Vict.
c. xlv.

24 & 25 Vict.
c. xxi.

[*Local.*]

4 I

attach

Borough of Portsmouth Waterworks Act, 1868.

attach to any new Share or new Class of Shares so created any preferential Interest or Dividend not exceeding the Rate of Five Pounds *per Centum per Annum* on the Amount for the Time being paid up thereon), and to borrow on Mortgage any Sums not exceeding in the whole Nine thousand Pounds: And whereas it is expedient that the Company be authorized to maintain and to make or complete and maintain the several Works by this Act authorized, and to acquire additional Lands, Waters, and Water Rights for the Purposes of their Undertaking: And whereas Plans and Sections of the Works by this Act authorized showing the Lines and Levels thereof, and the Plans showing also the Lands by this Act authorized to be taken by the Company, and a Book of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Southampton*, and those Plans, Sections, and Book of Reference are in this Act referred to as the deposited Plans, Sections, and Book of Reference: And whereas the Company have raised and expended the whole of the Sums which by the recited Acts they were authorized to raise by Shares and borrowing, except a small Portion thereof, and it is expedient that they be authorized to raise more Money for the Purposes of this Act and of their Undertaking: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 for all Purposes be cited as "*Borough of Portsmouth Waterworks Act, 1868.*"

8 & 9 Vict.
cc. 16. & 18.,
10 & 11 Vict.
c. 17.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 93. & 118.
incorporated.

2. The Clauses and Provisions following of "*The Companies Clauses Consolidation Act, 1845,*" that is to say, with respect to—

- (a.) The Distribution of the Capital of the Company into Shares;
- (b.) The Transfer or Transmission of Shares;
- (c.) The Payment of Subscriptions and the Means of enforcing the Payment of Calls;
- (d.) The Forfeiture of Shares for Nonpayment of Calls;
- (e.) The Remedies of Creditors of the Company against the Shareholders;
- (f.) The borrowing of Money by the Company on Mortgage or Bond;
- (g.) The Conversion of the borrowed Money into Capital;
- (h.) The Consolidation of Shares into Stock;
- (i.) The making of Dividends;

And

Borough of Portsmouth Waterworks Act, 1868.

And Part I. (relating to Cancellation and Surrender of Shares), and Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863," are (except where expressly varied by this Act) incorporated with and are Part of this Act.

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings unless excluded by the Subject or Context; the Expression "the Company" means the Borough of *Portsmouth Waterworks Company*, and in the Waterworks Clauses Acts, 1847 and 1863, as incorporated with this Act, the Expression "the Undertaking" and the Expression "the Waterworks" respectively mean and include the Waterworks and Works connected therewith by this Act authorized to be maintained and to be made or completed and maintained respectively, and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or in any Act in whole or in part incorporated with this Act, shall for the Purposes of this Act be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Meanings to Words in incorporated Acts as in this Act.

4. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use for the Purposes of their Undertaking all or any of the Lands shown on the deposited Plans and described in the deposited Book of Reference, and all or any of the Waters in those Lands or in any of them, and the Waters of the *Bedhampton Stream* and *Brockhampton Stream*, and of any other Streams or Brooks shown on the deposited Plans and described in the deposited Books of Reference, and where they think fit they may purchase (by Agreement but not otherwise) any Easements, Interests, or Rights (not being Easements or Rights of Water) in, out of, over, or affecting any of those Lands, without taking the Lands or any other Estate or Interest therein.

Power to Company to take Lands compulsorily.

5. Subject to the Provisions of this Act, the Company from Time to Time may maintain and may make or complete and maintain and may renew the Works and do the Things by this Act authorized, and so far as the Lines and Levels of the Works are shown on the deposited Plans and Sections respectively may make and maintain the Works in the Lines and in accordance with the Levels shown thereon, and in the Lands shown on the deposited Plans and described in the deposited Books of Reference.

Power to Company to make Works authorized by Act.

6. The

Borough of Portsmouth Waterworks Act, 1868.

Works
authorized
by Act.

6. The Works by this Act authorized to be maintained and to be made or completed and maintained and renewed respectively, and the Things by this Act authorized to be done, by the Company, comprise the following Works and Things; (that is to say,)

An existing Conduit or Line of Pipes commencing at *Brockhampton* in the Parish of *Havant* in the County of *Southampton*, and terminating in the Parish of *Farlington* in the same County at a Point in the *Portsmouth* and *Chichester* Turnpike Road at or near the End of the *Farlington Waterworks Lane*;

Another Conduit or Line of Pipes to commence and terminate at or near the same Points as the said existing Conduit or Line of Pipes;

Two Reservoirs on *Portsmouth Hill* in the said Parish of *Farlington*;

A Conduit or Line of Pipes commencing from and out of those Reservoirs, and terminating in the said Turnpike Road at or near the End of the *Farlington Waterworks Lane*;

A Conduit or Line of Pipes commencing at or near *Bedhampton* Corn Mill, and terminating in the said Reservoirs on *Portsmouth Hill*;

The Collection, Diversion, Appropriation, and User, as well for the Purposes of the Company's now authorized Undertaking as for the Purposes of the Works by this Act authorized, of the Waters which the Company are by this Act authorized to take, and the providing of Pumping Engines and other Works for the Purposes aforesaid.

Certain
Provisions of
20 & 21 Vict.
c. xlv. ex-
tended to
Works under
this Act.

7. The Provisions of Sections 37, 38, 39, 40, and 41 respectively of the "*Borough of Portsmouth Waterworks Act, 1857*," shall respectively extend and be applicable to all Works to be made, done, or executed under the Authority of this Act in the same Manner and to the same Extent as if those Provisions were repeated in this Act with reference to the Works by this Act authorized, except that the Period of Fourteen Days shall be substituted for the Period of One Calendar Month mentioned in Section 38 of that Act.

Application
of Monies
generally.

8. The Company may apply for any of the Purposes of this Act any Monies which they are now authorized to raise, and which are not appropriated for any specified Purpose, or which, if so appropriated, are not required for that Purpose.

Power to
raise addi-
tional Capi-
tal by new
Shares.

9. In addition to the Capital which the Company are now authorized to raise, they may from Time to Time raise by the Creation and Issue of new Shares or new Stock, whether preferential or ordinary or both, any Sums not exceeding in the whole Sixty thousand Pounds.

10. The

Borough of Portsmouth Waterworks Act, 1868.

10. The Company shall not issue any Share or Portion of Stock created under the Authority of this Act, nor shall any such Share or Portion of Stock vest in the Person accepting it, unless and until a Sum not being less than One Fifth of the Amount of such Share or Portion of Stock shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

11. Excepting Shares in any Capital substituted for borrowed Money, One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Calls.

12. The Company may from Time to Time, in addition to their already authorized Loans, borrow on Mortgage in respect of every Ten thousand Pounds of the additional Share Capital of Sixty thousand Pounds by this Act authorized any Sums not exceeding in the whole Two thousand five hundred Pounds.

Power to borrow on Mortgage.

13. Provided that no Part of any such Sum of Two thousand five hundred Pounds to be so borrowed shall be borrowed until the whole of the respective Ten thousand Pounds of additional Capital in respect of which it is authorized to be borrowed is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the respective Ten thousand Pounds of additional Capital has been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share or Portion of Stock in such Ten thousand Pounds has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Ten thousand Pounds was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which shall be sufficient Evidence thereof.

Restrictions on borrowing.

14. The Section numbered 15 of the original Act, and the Section numbered 18 of the Second Act, (both relating to the Appointment of Receivers,) are hereby repealed, but subject and without Prejudice to all (if any) Proceedings under either of those Sections commenced before the passing of this Act, and all such Proceedings (if any) may be continued as if those Sections were not repealed.

Repeal of existing Provisions for Receivers.

[*Local.*]

4 *K*

15. The

Borough of Portsmouth Waterworks Act, 1868.

Arrears may be enforced by Appointment of a Receiver.

15. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than One thousand Pounds in the whole.

Priority of existing Mortgages.

16. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages, and as regards the Undertaking, Property, Rights, or Assets thereby assigned, have Priority over any Mortgages to be granted by virtue of this Act, but nothing in this Act contained shall prejudice or affect the Rights and Priorities *inter se* of the respective Mortgagees holding Mortgages now in force.

Repealing special Provisions as to Mortgages.

17. So much of Section 14 of the original Act as provides that any Mortgage may be made to embrace the Undertaking of the Company only, or the Water Rates of the Company only, or the future Calls on Shareholders only, and so much of Section 16 of the Second Act as provides that any Mortgage made under that Act may be made to embrace any One or more of the Securities in such Section mentioned, are hereby repealed, but subject and without Prejudice to Mortgages heretofore granted by the Company, and to the Rights of the Mortgagees thereunder.

Debenture Stock.

18. The Company may create and issue Debenture Stock, and the prescribed Rate of Interest thereon is Four Pounds Ten Shillings *per Centum per Annum*.

Application of Money.

19. All Money raised under this Act, whether by Shares or Debenture Stock or borrowing, shall be applied to the Purposes of the Company's Undertaking under this Act, the original Act, and the Second Act, and not otherwise.

Powers for compulsory Purchases limited.

20. The Company's Powers under this Act for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act,

Purchase of Lands by Agreement.

21. The Company may from Time to Time, under the Authority of this Act, purchase by Agreement any Quantity of Lands not exceeding in the whole Three Acres, in addition to the Lands which they may under the Authority of this Act purchase by Compulsion.

22. All

Borough of Portsmouth Waterworks Act, 1868.

22. All Persons by this Act empowered to sell and convey or release Lands may grant and convey to the Company any Lands or any Easement or Right (not being an Easement or Right of Water) on, over, or affecting any Lands.

Power to grant Easements, &c. to Company.

23. For the Purposes of this Act the several Provisions with respect to Lands and Rentcharges of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," incorporated with this Act, so far as the same respectively are applicable in that Behalf, extend and apply to Easements and Rights granted under this Act, and Rents and Rentcharges reserved by the Grants of the Easements and Rights respectively.

Application of Lands Clauses, &c. Acts, 1845 and 1860.

24. In the Construction of any of the Works herein-before described the Company may deviate laterally from the Line of the Work as shown on the deposited Plans to any Extent within the Limits of Deviation shown on those Plans, and may deviate vertically from the Level of the Work, as shown on the deposited Sections to any Extent not exceeding as regards Reservoirs Three Feet, and as regards other Works Five Feet.

Limits of Deviation.

25. The several Works shown on the deposited Plans and by this Act authorized shall be completed within Seven Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act given to the Company with respect to the making of the same, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed; but this Section shall not prevent the Company from extending, altering, and improving from Time to Time any of their Mains, Pipes, Works, and Conveniences.

Period for Completion of Works.

26. The Section numbered 52 of the original Act (authorizing Reservations, Conditions, Restrictions, and Provisions to be made on Sales of superfluous Property) shall extend and apply to Mills, Lands, and Hereditaments acquired by the Company under the Authority of this Act.

Extending certain Provisions of original Act.

27. All the Costs, Charges, and Expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

Expenses of Act.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.

