



CHAPTER clxxv.

An Act to enable the Bristol Waterworks Company to
construct additional works and raise additional capital;
and for other purposes. A.D. 1882.
[10th August 1882.]

WHEREAS the Bristol Waterworks Company (in this Act called
the Company) were incorporated by the Bristol Waterworks
Act 1846 and their powers were extended by two subsequent Acts
passed in the years 1850 and 1853 respectively:

9 & 10 Vict.
c. cxxii.
13 & 14 Vict. c. ii.
and 16 & 17 Vict.
c. vii.

And whereas the said three Acts were repealed by the Bristol
Waterworks Act 1862 but the Company were continued incorporated
by the same name and are acting under the powers of that Act and
the Bristol Waterworks Amendment Act 1865 and the Bristol
Waterworks Act 1872 which three last-mentioned Acts are in this
Act referred to collectively as "the former Acts" and each of them
separately as an Act of the year in which the same was passed:

25 & 26 Vict.
c. xxx.

28 & 29 Vict.
c. xxvi.
35 & 36 Vict.
c. ii.

And whereas the Company have raised and expended the whole
of the money they are authorised to raise either by way of shares
stock or loan except the sum of 28,000*l.* and such last-mentioned
sum is required to meet the engagements of the Company already
undertaken:

And whereas the population and trade within the limits of the
former Acts have largely increased and are increasing and it is
expedient that the Company be empowered to construct additional
works and obtain a further supply of water:

And whereas the Company under the provisions of the Act of
1862 constructed a compensation reservoir at Barrow known as and
in this Act called "the Barrow Compensation Reservoir" and it is
expedient that they should be relieved from the obligation of
delivering compensation water therefrom and that they should be
authorised to abandon that reservoir and to sell or otherwise dispose
of the site thereof or of any part or parts thereof and of any lands
of the Company adjacent thereto or held therewith:

And whereas it is expedient that the Company be authorised to

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And whereas it is expedient that the powers of the Company be in various respects enlarged and that the Acts relating to the Company be extended and amended:

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

And whereas plans and sections showing the lines situations and levels of the intended works and plans showing the lands which may be taken under the powers of this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of and describing such lands were duly deposited with the clerk of the peace for the county of Somerset and with the clerk of the peace for the city and county of the city of Bristol and are herein-after referred to as the deposited plans sections and book of reference:

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 as the Bristol Waterworks Act 1882.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.

2. The following Acts and parts of Acts:—

The Lands Clauses Consolidation Acts 1845 1860 and 1869;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but for the purpose only of constructing the reservoir and works immediately connected therewith by this Act authorised and such portions of the aqueducts conduits or lines of pipes by this Act authorised as are to be made in tunnel; and

10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.

The Waterworks Clauses Acts 1847 and 1863;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act; and the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against the shareholders;

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- The consolidation of shares into stock ;
- The general meetings of the Company and the exercise of the right of voting by the shareholders (except section 66 " Ordinary meetings to be held half yearly ");
- The making of dividends ;
- The borrowing of money by the Company on mortgage or bond ;
- The conversion of the borrowed money into capital ;
- The giving of notices ;
- The consolidation of shares into stock ; and
- The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

26 & 27 Vict.
c. 118.
32 & 33 Vict.
c. 48.

3. In this Act terms to which meetings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expressions—

Interpreta-
tion.

" Superior courts " or " court of competent jurisdiction " or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute ;

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions " the railway " " the work " and " the centre of the railway " respectively mean the reservoir and works immediately connected therewith and the said portions of the said aqueducts conduits or lines of pipes and the boundaries thereof respectively by this Act authorised.

4. Subject to the provisions of this Act the Company in the lines and situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain the reservoir aqueducts conduits tunnels lines of pipes extensions deviations alterations diversions and other works shown on the deposited plans among which are the following principal works (that is to say) :—

Power to
construct
works.

(A) An aqueduct conduit or line of pipes (wholly in the parish of Chewton Mendip in the county of Somerset) commencing in a place known as Watery Coombe at a point in the road running

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- through the same $18\frac{1}{2}$ chains from the existing collecting tank of the Company and terminating in the south-western end of the said existing collecting tank of the Company under that road ;
- (b) A well or shaft (wholly in the parish of Litton in the county of Somerset) in a field adjoining the north-west side of the field situate in the angle formed by the roads leading from Litton to Cawley and from Litton to Sherborne Mill ;
- (c) An aqueduct conduit or line of pipes commencing in the said parish of Litton in and out of the north side of the said well and terminating at the northern end of Hills Bridge otherwise Bath Bridge in the parish of Temple otherwise Holy Cross in the said city and county of Bristol ;
- (d) A reservoir (Barrow Store Reservoir No. 3) adjacent to and northward of the existing storage reservoirs at Barrow situated in the parishes of Barrow otherwise Barrow Gurney Long Ashton Winford (detached) and Dundry all in the county of Somerset partly on the north side and partly on the south side of the turnpike road leading from Bristol to Bridgwater ;
- (e) In connexion with the construction and maintenance of Barrow Store Reservoir No. 3 a diversion of the said turnpike road leading from Bristol to Bridgwater commencing in the said parish of Barrow otherwise Barrow Gurney and terminating in the said parish of Winford (detached) ;
- (f) An aqueduct or line of pipes in the said parish of Barrow otherwise Barrow Gurney commencing in and out of the east side of the existing Barrow Store Reservoir No. 1 and terminating at the northern end of Bedminster Bridge in the parish of Saint Mary Redcliffe in the said city and county of Bristol ;
- (g) An aqueduct conduit or line of pipes wholly in the parish of Chelvey (detached) in the county of Somerset commencing in and out of the River Kenn and terminating by a junction with an existing aqueduct of the Company at the boundary between the said parish of Chelvey and the parish of Brockley in the county of Somerset.

Power to make subsidiary works.

5. The Company in addition to the foregoing works may make and maintain all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices bywashes weirs gauges wells tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them.

Power to take lands and waters.

6. Subject to the provisions of this Act the Company may enter upon take and use such of the lands described in the deposited plans

and book of reference as they require for the purposes of this Act and may divert collect impound take appropriate and use for the purposes of the Company the following springs streams and waters or any of them (that is to say) :—

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The Sherborne Springs the waters of the River Kenn and any overflow there may at any time be from their Barrow Store Reservoirs No. 1 and No. 2 and all other streams and waters which may be found in on or under any of the lands for the time being belonging to the Company ;

And may stop up all roads and ways within the limits of deviation defined on the deposited plans and which are shown thereon as intended to be stopped up or diverted and may appropriate for the purposes of this Act the sites of the roads and ways so stopped up or diverted so far as the same are bounded on both sides by lands of the Company : Provided that from and after the acquisition by the Company of the Sherborne Springs and the payment by them of compensation in money in respect of such acquisition the forty-second section of the Act of 1862 shall be read and construed as if the words “ after the rate of twelve cubic feet per second ” had been “ after the rate of twelve cubic feet per second diminished by the “ appropriation of the volume for the time being produced by the “ said Sherborne Springs ” and section forty-five of the same Act shall be construed and have effect accordingly : Provided nevertheless that so long as the three Chew Compensation Reservoirs of the Company constructed by them for the purpose of providing a supply of water for the mills and works on the River Chew shall be capable of delivering the said quantity of twelve cubic feet such quantity shall be delivered in conformity with the requirement of the said Act : Provided also that the Company shall not take or abstract any water from the springs called Midgal Springs otherwise Midgel Springs or from the springs called Chelvey Springs or from or out of the River Kenn or from any other feeder or tributary of the River Kenn except under the provisions contained in the 16th 17th 18th and 19th sections of the Act of 1865.

7. Nothing contained in this Act or in the Bristol Waterworks Act 1862 or the other Acts herein recited shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty her heirs or successors in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or other-

Saving the rights of the Duchy of Cornwall.

26 & 27 Vict. c. 49.

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wise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property 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.

Limits of deviation.

8. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding ten feet: Provided that if it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of any embankment they may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankments reservoir and works to any extent not exceeding twenty feet: Provided that the Company shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition: Provided also that in the construction of the road diversion (E) the Company shall not deviate laterally so as to enter upon take or use any lands north of the existing road leading from Bristol to Bridgwater nor shall they in the construction of the aqueduct or line of pipes (F) deviate laterally so as to enter upon take or use any lands in the parish of Dundry except in each case with the previous consent of the owners lessees and occupiers of the lands in through or into which such deviation may be proposed to be made.

For the protection of the Bristol Tramways Company Limited.

9. For the protection of the Bristol Tramways Company (Limited) herein-after in this section called the tramways company the following provisions shall have effect namely:—

(A) The works to be executed by the Company under the provisions of this Act being those described in subsections c and f in section 4 and where the same affect any of the tramways or works of the tramways company shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the tramways company and shall be made only according to plans and sections (when

necessary in the opinion of such engineer) to be submitted by the Company to such engineer and to be reasonably approved of by him in writing under his hand; A.D. 1882.

- (B) The Company shall not in the execution of the works c and F by this Act authorised unnecessarily obstruct or interfere with the free uninterrupted and safe user of the tramways and works of the tramways company or with any traffic thereon;
- (C) If by reason of the execution of any of the works c and F by this Act authorised any of the tramways or other works of the tramways company or the traffic passing along the same shall be injured or damaged such injury or damage shall forthwith be made good by the Company at their own expense or in the event of their failing so to do then the tramways company may make good the same and recover the expenses thereof with full costs against the Company in any court of competent jurisdiction;
- (D) If any difference shall at any time arise between the tramways company and the Company touching any of the matters mentioned or referred to in this section such differences shall from time to time on the application of either party be referred to and determined by an arbitrator to be appointed by the Board of Trade and the costs of the arbitration and of the reference shall be in the discretion of the arbitrator.

10. In executing the works by this Act authorised the following provisions for the protection of the Long Ashton District Highway Board (herein-after called the board) shall be observed and have effect unless otherwise agreed between the board and the Company:— For protection of the Long Ashton District Highway Board.

- (1) The diversion of the turnpike road from Bristol to Bridgewater by this Act authorised shall not be begun without previous notice thereof being given to the board and the same shall be carried on and completed under the superintendence and to the reasonable satisfaction in all things of the district surveyor of the board: Provided that no portion of the said diversion shall be of a steeper inclination than 1 in 60;
- (2) Except for the purposes of connecting the said diversion therewith the existing road shall not be interfered with until the said diversion shall have been completed to the reasonable satisfaction of the said surveyor;
- (3) The said diversion shall be maintained by the Company for the period of twelve years from the completion thereof;
- (4) The aqueducts or lines of pipes (c) and (F) shall be constructed laid and maintained so far as reasonably practicable in and along the waste land on the side of the roads within the district of the board;

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(5) If any difference arise between the board and the Company in relation to this section such difference shall be settled by an arbitrator to be agreed upon between the parties or failing agreement within one month after the difference shall have arisen to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

Company to purchase certain mills, &c.

11. The Company shall within three months after the passing of this Act purchase the entire mill undertakings known as the Stanton Drew Mill the Pensford Mill and the Bye Mills respectively together with all buildings works working plant machinery fixed and unfixed and fixtures and all lands attached to connected or held therewith making compensation for goodwill and trade profit for such price as may be agreed upon between the owner or owners for the time being of such mill properties and undertakings respectively and the Company or failing such agreement as shall be settled by arbitration in the manner provided by the Lands Clauses Consolidation Act 1845 with reference to the purchase and taking of lands otherwise than by agreement excepting that in the event of the arbitrators to be appointed as therein provided failing to appoint an umpire such umpire shall be appointed by the Board of Trade as provided in the said Act in the case of a railway company being one party to the arbitration.

Power to acquire additional lands.

12. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use compulsorily or by agreement the following lands shown upon the deposited plans and described in the deposited book of reference (that is to say):—

Certain lands and buildings known as Litton Mill in the said parish of Litton;

Also certain land situate on both sides of Watery Coombe aforesaid in the parishes of Chewton Mendip Emborrow (detached) and Litton in the county of Somerset.

Period for compulsory purchase of lands.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing thereof.

Period for completion of works.

14. If any works authorised by this Act are not completed within the period of ten years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing in this Act shall restrict the Company from extending enlarging altering reconstructing or removing any of their tanks

tunnels engines sluices machinery apparatus mains pipes or other works or plant at any time and from time to time as occasion may require.

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15. For the protection of the Bristol and North Somerset Railway Company (in this Act called the North Somerset Company) and for the protection of the Great Western Railway Company (in this Act called the Great Western Company) the several provisions following shall have full effect.

For the protection of the Bristol and North Somerset and Great Western Railway Companies.

In constructing and maintaining the aqueduct conduit or line of pipes C shown on the deposited plans and sections and described in subsection (c) of section 4 of this Act where the railway works lands or property of the North Somerset Company are affected and in constructing the aqueduct or line of pipes F shown on the said plans and sections and described in subsection (f) of section 4 of this Act where the railway works lands or property of the Great Western Company are affected the Company shall be subject to the following conditions namely:—

- (1) All works crossing or affecting the railway works and lands of the North Somerset Company or of the Great Western Company shall be executed by and at the expense of the Company under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Great Western Company and according to plans sections and specifications previously submitted to and reasonably approved of by the said engineer;
- (2) The said aqueduct or line of pipes F shall where it crosses the Bristol and Exeter Railway of the Great Western Company be made and maintained in the roadway or footpath of the bridge shown on the deposited plans and sections but in making or maintaining the said aqueduct or line of pipes the Company shall not (without the consent of the Great Western Company cut into or injuriously interfere with any of the works of the said bridge except that they may cut into and interfere with the roadway or footpath on the said bridge for the purposes aforesaid;
- (3) If the engineers of the Company and the Great Western Company differ concerning the said plans sections and specifications or concerning the execution of the said works every such difference shall be settled by an engineer to be appointed by the two engineers or if they cannot agree then by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party;
- (4) The said works shall be constructed and maintained so that

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the traffic upon the said railways respectively shall not be in anywise impeded or interfered with;

(5) The Great Western Company if and when they think fit may execute for and at the expense of the Company all or any of those works respectively which are to be made and maintained in or upon any part of the railway works conveniences and lands belonging to them or to the North Somerset Company and if any dispute shall arise between the Company and the Great Western Company with respect to the cost reasonably incurred in executing such works the same shall be settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859;

22 & 23 Vict.
c. 59.

(6) The Company shall acquire only such an easement in or over the said railway works lands and property respectively as may be necessary for constructing and maintaining the said aqueducts conduits or lines of pipes C and F by this Act authorised;

(7) If by reason of or in the construction and maintenance of the works by this Act authorised or by the bursting of any water pipe or aqueduct or the failure of any of the said works or by any act of the Company or its officers the railway of the North Somerset Company or of the Great Western Company or any of the works or lands connected therewith respectively shall be damaged or injured or the traffic thereon impeded the Company shall make full compensation to the North Somerset Company and the Great Western Company or either of them as the case may be for any loss or expense occasioned thereby and shall also indemnify the said companies or either of them against any claim that may be made upon them for damages resulting from or occasioned by the acts or defaults of the Company: Provided always that in every case of pressing necessity of damage or injury to the said railway works or property and in every other case if for seven days after notice in writing thereof given to the Company by the North Somerset Company or the Great Western Company as the case may be the Company neglect to proceed with due diligence to make good such damage the said North Somerset Company or the Great Western Company may if they think fit make good the damage and the amount reasonably expended by them in so doing shall be repaid to them by the Company;

(8) The amount to be paid to the North Somerset Company and the Great Western Company or either of them as the case may be for the acquisition of an easement in or over the said railway works lands and property as herein-before provided

including the compensation (if any) for damage or injury to the said railway works and lands respectively or impediment to the traffic thereon shall from time to time be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

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(9) If any question shall arise under this section as to the liability to or amount of any compensation payable by the Company to the North Somerset Company or the Great Western Company as the case may be such question shall be determined by an arbitrator to be appointed (unless otherwise agreed on between the parties) by the President for the time being of the Institution of Civil Engineers.

16. The Company may from time to time for the purposes of their undertaking acquire by agreement in addition to lands which they are authorised to take by compulsion any lands not exceeding in the whole fifty acres but the Company shall not use any such lands for any building except buildings required for the water undertaking of the Company.

Power to take additional lands by agreement.

17. Persons empowered by the Lands Clauses Consolidation Act 1845 or otherwise enabled to convey or release lands may subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act have full power to grant to the Company in fee either absolutely or in consideration of any yearly or other rent any easement interest right privilege or power (not being an easement of water) in or over affecting or belonging to any lands by this Act authorised to be purchased compulsorily by the Company and which the Company from time to time think requisite for any of the purposes of this Act.

Power to take easements.

18. Sections 48 to 51 both inclusive of the Act of 1862 are hereby repealed and the Company may abandon the Barrow Compensation Reservoir and may sell or otherwise dispose of or retain all or any part or parts of the site of that reservoir and all or any or any part or parts of the lands of the Company adjacent thereto or held in connexion therewith and subject to the reservation of any rights powers and privileges the Company may deem necessary to retain for the purposes of their undertaking. The Company shall make compensation to all persons entitled for all damage which may be sustained by them by reason of the abandonment of the said reservoir and the amount of such compensation shall in case of dispute be determined in manner provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation.

Abandonment of Barrow Compensation Reservoir.

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Defining
"person
supplied with
water."

19. In construing the former Acts and any Act wholly or partially incorporated therewith or with this Act the expression "person supplied with water" shall have the following meaning:—

When the rent of premises supplied does not amount to the annual rackrent or value of ten pounds or when the premises are let to weekly or monthly tenants such person shall mean the owner of the premises supplied;

In all other cases the person supplied shall mean the occupier of the premises supplied;

And in construing this section the owner shall mean the owner or the person who for the time being is in receipt of the rent of the premises supplied whether such receipt be on his own account or by virtue of any mortgage or charge or as agent or trustee for any person or as receiver under any order of court.

Form and
service of
notices by
Company.

20. Any notice to be served on a person supplied with water may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the secretary to the Company or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Company being affixed thereto in print or in writing (including lithograph) or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

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

21. The Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with water and may lay in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far

as they are respectively applicable for the purpose of this section shall extend and apply mutatis mutandis to and for the purposes thereof. A.D. 1882.

22. The Company may supply water in bulk to the sanitary authority of any District adjoining the limits of supply of the Company and with the consent of such sanitary authority may supply water by agreement within such district. Supply of water to adjoining sanitary districts.

23. If at any time after the passing of this Act any sanitary authority whose district is beyond the limits of the Company for the supply of water shall give not less than six months notice in writing to the Company of their desire to purchase such portion of the water undertaking of the Company as is contained within such district 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 undertaking of the Company (except the lands wells streams adits waters waterworks mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of supply of the Company) and to supply water within such district then it shall not be lawful for the Company to oppose such application (except as to the details thereof) and if such powers of purchase be granted the Company shall sell and such sanitary authority shall purchase such portion of the undertaking of the Company (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and the Company shall apply the proceeds of any sale under this section as capital moneys for the purposes of the water undertaking: Provided always that any arbitrator or umpire in determining the sum to be paid by such sanitary authority for such portions of the water undertaking shall if the Company so desire have regard to the circumstances in which the Company have furnished such supply of water under the provisions of this Act: Provided further that after the completion of such purchase all obligations on the part of the Company to supply water within such district shall cease and determine and the Company may cut off the connexion between their mains and pipes and the portion of the undertaking purchased by such sanitary authority. Provisions for sale of portions of undertaking to sanitary authorities.

24. The Company may apply to the purposes of this Act any moneys they are authorised to raise and which they do not require for the purposes for which they were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Company may raise additional capital.

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Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole three hundred and twenty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively which shares or stock shall for all purposes form part of the general capital of the Company.

Shares not to vest until one-fifth part paid up.

25. The Company shall not issue any shares created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

As to votes of proprietors of such shares.

26. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company but the proprietors of any preference shares or stock created under the powers of this Act shall not be entitled to any votes in respect thereof.

Limit of dividend on new capital.

27. The Company shall not make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of five pounds per centum per annum in respect of every one hundred pounds actually paid up of such capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of five pounds per centum per annum.

Dividends on different classes of stock or shares to be paid proportionately.

28. In case the net revenues of the Company applicable to dividend shall in any year be insufficient to pay the full amount of the maximum dividend to which each class of ordinary stock or shares in the capital of the Company is entitled a proportionate diminution shall be made for the time being in the rate of the dividend then to be paid in respect of each class.

Power to borrow in respect of capital already raised.

29. The Company in respect of the capital they have already raised under the powers of the former Acts may from time to time borrow any sum or sums not exceeding in the whole the sum of eighty thousand pounds.

Repealing existing provisions as to receiver.

30. Every provision with respect to the appointment of a receiver for enforcing payment by the Company of the arrears of principal or interest or principal and interest contained in any Act passed before the present session of Parliament whereby the Company are authorised to borrow money is hereby repealed but without prejudice to any appointment which may have been made or to the

continuance of any proceedings pending at the passing of this Act A.D. 1882.
under any such provision.

31. 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 authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. For appointment of a receiver.

32. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament and which shall be subsisting at the time of the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages to be granted by virtue of this Act but nothing in this section shall affect the priority of the interest of any debenture stock at any time created and issued by the Company. Existing mortgages to have priority.

33. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

34. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or bond or any part thereof by the creation of shares or stock instead of by borrowing or to convert into capital any money borrowed under the powers of this Act. As to conversion of borrowed money into capital.

35. All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or stock or by borrowing shall be applied only to the purposes of this Act and to the general purposes of their undertaking. Application of sums raised under this Act.

36. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

