



## CHAPTER cliii.

An Act for the granting of further powers to the Bristol Waterworks Company; and for other purposes. A.D. 1888.

[7th August 1888.]

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. ccxxii.  
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And whereas the said three Acts were repealed by the Bristol Waterworks Act 1862 but the Company were continued incorporated by the same name and are acting under the powers of that Act the Bristol Waterworks Amendment Act 1865 the Bristol Waterworks Act 1872 and the Bristol Waterworks Act 1882 which four 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 Vict.  
c. xxx.  
  
28 & 29 Vict.  
c. xxvi.  
35 & 36 Vict.  
c. ii.  
45 & 46 Vict.  
c. clxxv.

And whereas in view of the increasing population and demand for water within the limits of the former Acts it is expedient that the Company be empowered to construct additional works and obtain a further supply of water :

And whereas it is expedient that the limits within which the Company may supply water be extended :

And whereas it is expedient that the Company be authorised to raise additional share and loan capital for the purposes of this Act and for the general purposes of their Undertaking :

And whereas it is expedient that the powers of the Company be 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

A.D. 1888. — 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 1888.

Incorporation of general Acts.

2. The following Acts :—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 in this Act called the Lands Clauses Acts ; and

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 non-payment of calls ;

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

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 giving of notices ; 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.

Interpretation.

3. Terms to which meanings 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 expression— A.D. 1888.

“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.

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 pumping station aqueducts conduits 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.

- (1) A conduit or line of pipes (No. 1) wholly in the county of Somerset commencing in the parish of Blagdon at a point in the stream immediately below the ornamental overfall or weir of a certain artificial pond or lake in the village of Rickford belonging or reputed to belong to and in the occupation of William Henry Wills and terminating in the parish of Congresbury in the pumping station herein-after described;
- (2) A conduit or line of pipes (No. 2) wholly in the county of Somerset commencing in the parishes of Burrington and Churchill or one of them at or near the spring at Upper Langford and terminating in the parish of Wrington by a junction with the conduit or line of pipes (No. 1) in the road leading from Wrington to Lower Langford;
- (3) A pumping station (on the deposited plans described as Pumping Station No. 2) and other works connected therewith to be situate wholly in the said parish of Congresbury in a field adjacent to Park Farmstead and known as “the Home Ground and Orchard” and to be used for pumping the waters of the Rickford Stream and Spring and the Upper Langford Spring;
- (4) A line of pipes (No. 5) wholly in the county of Somerset commencing in the said parish of Congresbury in the said pumping station and terminating in the parish of Barrow-Gurney at or in the most southernly of the Company’s existing Barrow reservoirs;
- (5) A line of pipes (No. 6) wholly in the county of Somerset commencing in the parish of Chelvey at or in the existing Chelvey pumping station of the Company and terminating in the parish of Backwell by a junction with the said line of pipes (No. 5);

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- (6) A line of pipes (No. 7) commencing in the parish of Long-Ashton in the county of Somerset by a junction with the said line of pipes (No. 5) and terminating in the parish of Saint Thomas in the city and county of the city of Bristol by a junction with the existing main pipes of the Company at or near the southern end of Bristol Bridge ;
- (7) A line of pipes (No. 8) wholly in the county of Somerset commencing in the said parish of Barrow-Gurney in or out of the filter beds now in course of construction by the Company and terminating in the said parish of Long-Ashton by a junction with the said line of pipes (No. 7) in the road leading from Weston-super-Mare to Bristol ;
- (8) A diversion wholly in the said parish of Barrow-Gurney of the public highway leading from the village of Barrow-Gurney to the Bridgewater and Bristol Road commencing at or near to the point where the said public highway is joined by Hern Lane and terminating at or near to the junction of the said highway with the said road and on the completion to the satisfaction of two justices of the said diversion and the opening of the same for the public use the Company may stop up and extinguish all rights of way over the portion of the said public highway between the said points of diversion and the site and soil of the said portion shall thereupon vest in the Company if and so far as the same is bounded on both sides by the lands of the Company ;
- (9) An alteration wholly in the said parish of Long-Ashton of the level of so much of the public highway which crosses over the Great Western Railway by a bridge situate 1 mile or thereabouts east of the Bourton Station of that railway as lies between the points of the said road respectively 2 chains south and 2 chains north of that bridge.

Power to  
make  
subsidiary  
works.

5. The Company in addition to the foregoing works may upon any lands acquired or to be acquired by them make and maintain all such cuts channels catchwaters aqueducts culverts tunnels drains sluices by-washes weirs gauges sumps tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works or any or either of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by 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 shown on the deposited plans and described in the deposited 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 waters of the Rickford Stream and Spring and of the Upper Langford Spring and may stop up all roads and ways which are shown on the deposited plans 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 as follows:—

That the Company shall not take appropriate or use—

Any of the waters of the Rickford Stream and Spring when the quantity flowing therefrom at a point within two hundred yards below the commencement of the conduit or line of pipes No. 1 by this Act authorised shall be less than after the rate of five hundred thousand gallons per diem nor at any time more than two-thirds of the quantity in excess of five hundred thousand gallons per diem flowing therefrom; nor

Any of the waters of the Upper Langford Spring when the quantity flowing therefrom at a point within twenty yards below the commencement of the conduit or line of pipes No. 2 by this Act authorised shall be less than after the rate of two hundred thousand gallons per diem nor at any time more than two-thirds of the quantity in excess of two hundred thousand gallons per diem flowing therefrom;

The Company shall provide and maintain suitable gauges and other instruments for measuring and recording the several quantities of water flowing from the Rickford Stream and Spring and the Upper Langford Spring and to be taken by the Company in pursuance of this section;

The said gauges and other instruments respectively shall at all reasonable times be open to the inspection and examination of all persons interested in the flow of the water of the said springs respectively;

If at any time any of such gauges or instruments be out of repair or in an unfit condition for the purpose for which it is intended the Company shall forthwith put the same in fit repair and condition and if they fail to do so within one month after notice in writing to them in that behalf by or on behalf of any of the persons interested in the flow of the water then any such person may cause the said gauges or instruments to be put in fit repair and condition and may recover the reasonable cost of so doing from the Company in any court of competent jurisdiction;

The Company shall not divert or take any water from the Rickford Stream and Spring or the Upper Langford Spring

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respectively until they have provided such of the said gauges and other instruments as may be necessary in the respective cases ;

In case of the wilful failure of the Company to permit any of the said respective quantities of water so to flow from the Rickford Stream and Spring or from the Upper Langford Spring by this section in each case required the Company shall be liable to a penalty not exceeding twenty-five pounds for every day in which any such default shall occur such penalty to be recoverable summarily with the costs of the proceeding by any person interested in the subject matter of his complaint ;

If any difference shall arise between the Company and any person interested with respect to the construction or use of the said respective gauges or instruments such difference shall be settled and determined by a hydraulic engineer to be nominated (unless otherwise agreed on between the parties in difference) on the application of either party (after seven days' notice in writing to the other of them) by the president for the time being of the Institution of Civil Engineers and the costs of and incident to the investigation and determination shall be borne as the said engineer shall direct ;

Provided further that the owners and occupiers of and all other parties interested in or injuriously affected by the abstraction of water by the Company from the Rickford Stream and Spring or from the Upper Langford Spring shall (unless otherwise agreed between the parties) be entitled to claim and receive compensation in money for any loss damage or injury sustained by them according to the provisions of the sixth section of the Waterworks Clauses Act 1847 ;

For the gratuitous supply of the inhabitants of the under-mentioned villages the Company shall erect and maintain and shall cause to be supplied with water the following standpipes :—

(A) In the village of Rickford - - - - - two

(B) In the village of Upper Langford near the  
bridge crossing the Langford Brook - - - - - one

and the positions of such standpipes in the village of Rickford shall be determined by the sanitary authority having for the time being jurisdiction in that village ;

The standpipe in the village of Upper Langford shall be supplied with water by a separate pipe from the Upper Langford Springhead and not from the conduit or line of pipes No. 2 by this Act authorised.

7. 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 two feet upwards and ten feet downwards.

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Limits of deviation.

8. 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:—

For the protection of the Bristol Tramways Company Limited.

- (A) The works to be executed by the Company under the provisions of Sub-section 6 of Section 4 of this Act 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;
- (B) The Company shall not in the execution of the said works 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 said works 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.

9. For the protection of the Great Western Railway Company (herein-after referred to as "the Great Western Company") the following provisions shall apply:—

For the protection of the Great Western Railway Company.

- (A) In laying down maintaining altering improving enlarging extending or renewing or in executing or effecting the repairs

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of any mains pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the railway lands or property now belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railway of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of an engineer appointed for that purpose by the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing ;

- (B) All such works shall be done by and at the expense of the Company who shall also restore and make good to the reasonable satisfaction of the Great Western Company the roads over any bridges level crossings and approaches which the Great Western Company are liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company ;
- (C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railway bridges level crossings approaches viaducts tunnels stations works lands or property or interruption to the passage or conduct of traffic over such railway or at any station thereon ;
- (D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or to the bursting leakage or failure of any such mains pipes or works in under or near to any bridge or level crossing of the Great Western Company the Company shall make compensation to the Great Western Company in respect thereof the amount of such compensation to be determined by arbitration in the manner herein-after provided ;
- (E) The Company shall acquire only such an easement across over or under any of the railways works and property of the Great Western Company or any lands over which the Great Western Company have Parliamentary powers as may be necessary for constructing and maintaining any of the works of the Company and shall pay to the Great Western Company for any such easement to be so acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the acquisition of lands otherwise than by agreement and for the purposes of



such arbitration the easement so to be taken shall be deemed to be lands ;

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- (F) Except as in this section otherwise provided any dispute or difference which may arise between the Great Western Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the Board of Trade on the application of the Great Western Company and the Company or either of them and the costs of such arbitration shall be in the discretion of such arbitrator.

**10.** For the protection of the mayor aldermen and burgesses of the city of Bristol (herein-after called "the corporation") the following provisions shall have effect namely :—

For the protection of the Corporation of Bristol.

The works to be executed by the Company under the provisions of this Act being those described in Sub-section 6 of Section 4 and where the same affect Bedminster Bridge shall be confined to the laying down of two twenty-seven-inch mains or (as circumstances may require) one twenty-seven-inch main and not more than two other mains having together a capacity not greater than that of one twenty-seven-inch main in addition to the existing twenty-inch and twelve-inch mains and shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the corporation and shall be made only according to plans and sections to be submitted by the Company to such engineer and approved of by him in writing under his hand: Provided that if such engineer fails within thirty days after such submission of the said plans and sections to him to signify to the Company in writing his approval or disapproval thereof and in case of his disapproval the grounds thereof he shall be deemed to have approved of the said plans and sections: Provided also that in case of disagreement the same shall be referred to and be decided by an engineer to be nominated on the application of either party by the president for the time being of the Institution of Civil Engineers and the costs of and incident to the reference shall be borne as such engineer shall direct.

**11.** The following sections of the Act of 1862 (that is to say):—  
Section 102 (Water pipes to be distinguished from gas pipes);  
Section 103 (Preserving space between gas and water pipes); and  
Section 104 (Water company to give notice to gas companies of their intention to open streets and vice versâ);  
are incorporated with and form part of this Act.

For the protection of the Bristol United Gaslight Company.

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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) :—

- (1) The disused corn mill situate at Rickford in the said parish of Blagdon and known as Rickford Mill together with the buildings and lands appurtenant thereto ;
- (2) The corn mill situate in the said parish of Congresbury and known as Congresbury Mill together with the house and other buildings and the mill pond and lands appurtenant to the said mill ;
- (3) Certain lands in the said parish of Barrow-Gurney situate on the north side of the said Bridgewater and Bristol Road and lying between or near to the Company's compensation reservoir and their filter beds and storage reservoir now in course of construction ;
- (4) A strip of land wholly in the parish of Dundry in the county of Somerset extending for a width of fifty feet or thereabouts from and on each side of the stream known as the Dundry Brook commencing at or near the spring situate near Castle Farmstead and terminating at the boundary fence of the Company's Barrow reservoirs ;
- (5) A strip of land in the parishes of Dundry Winford and Barrow-Gurney all in the county of Somerset extending for a width of fifty feet or thereabouts from and on each side of the stream known as the Elwell Brook commencing at or near the Elwell Spring and terminating at the boundary fence of the Company's said Barrow reservoirs.

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 seven 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 re-constructing 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.

Power to  
take addi-

**15.** The Company may from time to time for the purposes of their Undertaking acquire by agreement in addition to lands which

they are already authorised to hold under the powers of the former Acts or to take by compulsion under the powers of this Act any lands not exceeding in the whole twenty acres or any easement right or privilege therein thereunder or thereover not being an easement or privilege of water but the Company shall not deal with such lands so as to create a nuisance nor use any such lands for any building except buildings required for the Undertaking of the Company.

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tional lands  
by agree-  
ment

**16.** Persons empowered by the Lands Clauses Consolidation Act 1845 or otherwise enabled to sell and 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 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) required for the purposes of this Act in over affecting or belonging to any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements interests rights privileges and powers as aforesaid respectively.

Power to  
take ease-  
ments.

**17.** The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their Undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Sale of  
superfluous  
lands.

**18.—(1)** The Company shall not except with the previous consent in writing of the Local Government Board under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

As to taking  
houses of  
labouring  
class.

(2) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages

A.D. 1888. but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Company not to construct wells or abstract underground waters in certain parishes.

**19.** Notwithstanding anything in this Act or in the Waterworks Clauses Act 1847 contained the Company shall not make or sink any wells or shafts on any land to be purchased or acquired by them under the powers of this Act and situate in the respective parishes of Blagdon Burrington Churchill Wrington Congresbury and Yatton nor shall the Company take divert abstract or use any underground waters by means of the conduits or lines of pipes No. 1 and No. 2 respectively by this Act authorised.

For the protection of the Duke of Cleveland K.G.

**20.** For the protection of The Most Noble Harry George Powlett Duke of Cleveland K.G. his heirs and successors in estate and assigns (all of whom are in this section included in the expression "the owner") the following provision shall have effect (that is to say) :—

With respect to any lands belonging or reputed to belong to the owner which the Company are by this Act authorised to use enter upon or interfere with the Company shall not except by agreement purchase and take the same but the Company may purchase take and acquire and the owner shall sell and grant to the Company an easement or right of using the same for the purposes of the works by this Act authorised the Company paying compensation for such easement to the owner and to the lessees and tenants of the lands such compensation failing agreement to be settled between the parties in the manner provided by the Lands Clauses Acts.

For the protection of John Herman Braiken ridge.

**21.** For the protection of John Herman Braikenridge his heirs successors in estate and assigns (all of whom are in this section included in the expression "the owner") the following provisions shall have effect (that is to say) :—

(1) The Company may purchase and acquire and the owner shall sell and grant to the Company such easement as may be necessary for the purpose of the conduit or line of pipes No. 1 by this Act authorised the Company paying compensation for such easement to the owner and to the lessees and tenants of the lands such compensation failing agreement to be settled between the parties in the manner provided by the Lands Clauses Acts ;

(2) Except as to such easement the Company shall not acquire otherwise than by agreement any lands of the owner.

**22.** For the protection of William Henry Wills his heirs suc- A.D. 1888.  
 cessors in estate and assigns or other the owner or owners for the For the  
 time being of Coombe Lodge estate (all of whom are in this section protection of  
 included under the expression "the owner") the following provisions William  
 shall have effect (that is to say) :— Henry Wills.

The Company shall not in making the works by this Act autho-  
 rised interfere with the pond of the owner at Rickford aforesaid  
 or the waters therein ;

The Company shall not prevent or in any way interfere with  
 the use or working of the existing hydraulic ram of the owner  
 at the Rickford Pond or of any hydraulic ram substituted  
 therefor and being of no greater power nor capable of  
 delivering a greater quantity of water at each pulsation than  
 the existing ram ;

The owner shall cause all water raised by the existing or any  
 substituted ram and not bonâ fide required for use by himself  
 or his tenants for domestic or farming purposes to be returned  
 to the said pond as free from pollution or contamination as  
 when it was taken therefrom ;

The Company shall not object to or interfere with the owner  
 supplying water from the said pond for domestic purposes to  
 three houses on the said estate and respectively known as  
 "The Mill House" "The Keeper's Lodge" and "The Village  
 Hall" ;

The owner shall not do or knowingly suffer to be done any act or  
 thing whereby the waters of the said pond shall be in any way  
 contaminated or rendered unfit for use for domestic purposes  
 or whereby except as in this section expressly permitted the  
 volume of the said waters shall be diminished ;

The Company may purchase and acquire and the owner shall sell  
 and grant to the Company all such easements as may be  
 necessary for the purpose of carrying out the works authorised  
 by this Act paying compensation for such easements but except  
 as to such easements they shall not acquire otherwise than by  
 agreement either Rickford Mill or any lands of the owner ;

The Company may compulsorily acquire for the purposes of this  
 Act all water rights of the owner in respect of Rickford Mill  
 and may divert or stop up the mill leet but shall pay the owner  
 compensation for the loss of such water rights ;

Such compensations failing agreement shall be settled between  
 the parties in the manner provided by the Lands Clauses  
 Acts.

**23.** For the prevention of the pollution of reservoirs streams Provisions as  
 watercourses and waters over which the Company for the time being to fouling of  
 water.

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have any powers of user or in which they are for the time being interested and in the event of the sanitary authority for the district in which the pollution occurs refusing or neglecting within the space of one month after being requested by the Company by notice in writing under the hand of their secretary so to do to enforce the provisions of the Rivers Pollution Act 1876 with respect to any such streams watercourses and waters the Company shall have and may if they think fit from time to time exercise such and the like powers as may for the time being be exercised by such sanitary authority under any enactment for the prevention of the pollution of any watercourse or water within their jurisdiction and the provisions of such enactment shall for the purpose aforesaid extend and apply mutatis mutandis to the Company.

Extension of limits for supply of water.

**24.** Subject to the provisions of this Act the limits within which the Company may supply water are hereby extended so as to include the parishes of Blagdon Barrow-Gurney Backwell Flax-Bourton Chelvey and Brockley all in the County of Somerset and the Company throughout those extended limits shall have and may exercise the same powers rights privileges and authorities and shall be subject to the same duties and obligations as at the passing of this Act they have and may exercise and are subject to within their then existing limits :

Provided that if at the expiration of five years from the completion of the works by this Act authorised the Company have not made adequate provision for the supply of water throughout the said parishes respectively the restriction imposed by section 52 of the Public Health Act 1875 on the construction of waterworks by the local authority as defined by that Act within the said respective parishes shall cease to apply.

Company may raise additional capital.

**25.** 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 such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses 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 two hundred and forty thousand pounds by the creation and issue at their option of new ordinary shares or stock or wholly or partly by either of those modes which shares or stock shall for all purposes form part of the general capital of the Company.

Shares not to vest until fully paid up.

**26.** 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 or corporation accepting

the same unless and until the full nominal amount of such share (if the same be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of two hundred and forty thousand pounds. A.D. 1888.

**27.** The proprietors of any ordinary shares or ordinary 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. As to votes of proprietors of new shares or stock.

**28.** 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 seven 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 seven pounds per centum per annum. Limit of dividend on new capital.

**29.** In case in any year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the maximum dividend to which each class of ordinary shares or ordinary stock in the capital of the Company is entitled a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each class. Dividends on different classes of shares or stock to be paid rateably.

**30.** Notwithstanding anything in this Act contained the Company shall when any new shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale no single lot shall comprise more than five hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided New shares or stock to be offered by auction or tender.

A.D. 1888. that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Time for paying up shares or stock sold by auction.

**31.** It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale &c. of shares or stock.

**32.** The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the city of Bristol and to the secretary of the committee of the London stock exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said city.

Shares or stock not sold by auction or by tender to be offered to shareholders.

**33.** When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863: Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender subject to and in accordance with the foregoing provisions of this Act with respect to the sale of shares and stock but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares or stock so offered) and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last mentioned reserved price and so from time to time on failure of any sale or offer.

Application of premium arising on issue of shares or stock.

**34.** Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.



**35.** And whereas by the Act of 1882 the Company were authorised to raise a share capital of three hundred and twenty thousand pounds but no power to borrow money in respect thereof was granted to them: And whereas the Company have issued the whole of that share capital and upwards of one-half thereof has been paid up: Therefore the Company may in respect of the said share capital of three hundred and twenty thousand pounds from time to time borrow any sum or sums not exceeding in the whole eighty thousand pounds.

A.D. 1888.  
Power to borrow in respect of capital authorised by Act of 1882.

**36.** The Company in respect of the additional capital of two hundred and forty thousand pounds which they are by this Act authorised to raise may from time to time borrow on mortgage any sum or sums not exceeding in the whole sixty thousand pounds: Provided that in respect of every eighty thousand pounds of such additional capital issued and accepted and one-half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole twenty thousand pounds: But no part of any of the before-mentioned sums of twenty thousand pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half of such capital 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 shares for the whole of such portion of additional capital have been issued and accepted and that one-half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of each portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or 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 certificate shall be sufficient evidence thereof.

Power to borrow in respect of additional capital authorised by this Act.

A.D. 1888.

Repealing  
existing  
provisions  
as to  
receiver.

**37.** 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 under any such provision.

For appoint-  
ment of a  
receiver.

**38.** 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.

Existing  
mortgages  
to have  
priority.

**39.** 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.

Debenture  
stock.

**40.** 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.

As to  
conversion of  
borrowed  
money into  
capital.

**41.** The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or bond or by the creation and issue of debenture stock or any part thereof respectively 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.

Application  
of sums  
raised under  
this Act.

**42.** 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 being in all cases purposes to which capital is properly applicable. A.D. 1888.

**43.** 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.

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