



ANNO DECIMO TERTIO & DECIMO QUARTO

# VICTORIÆ REGINÆ.

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## Cap. ix.

An Act for amending and extending the Powers and Provisions of the Act of the Seventh Year of the Reign of King *William* the Fourth, relating to the *Southampton* Waterworks, and for other Purposes. [15th July 1850.]

**W**HEREAS an Act was passed in the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act for maintaining the Public Conduits and other Waterworks belonging to the Town of Southampton, and for providing an additional Supply of Water for the Inhabitants of the said Town and Neighbourhood*, and the Commissioners for carrying that Act into execution were thereby empowered to maintain the Waterworks then belonging to the Town, and to construct and maintain other Waterworks for furnishing an additional Supply of Water, and to levy Rates for the Purposes of the Act, and to borrow for such Purposes not exceeding Fifteen thousand Pounds at Interest on the Credit of the Rates: And whereas the Commissioners have proceeded to put the Act into execution, and have for the Purposes thereof borrowed at Interest on the Security of the Rates the whole of such Sum of Fifteen thousand Pounds, and have expended the Money so borrowed: And whereas the Waterworks authorized by the Act are not yet completed: And whereas the Population of the Town has greatly increased since the passing of the Act, and it has become necessary for the Preservation of the public Health, and to meet the increased

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c. 96.

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Demand,

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Demand, that a further Supply of Water be obtained: And whereas it is expedient that the Commissioners be empowered to extend the existing Waterworks, and to construct and maintain additional Waterworks, and to raise further Monies for such Purposes and for the Purposes of the recited Act: And whereas it is expedient that some of the Powers and Provisions of the recited Act be repealed, extended, amended, or varied: And whereas such Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it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, That the recited Act as amended by this Act, and this Act, are One Act, and shall be carried into execution accordingly.

Recited Act and this Act to be One Act.

Short Title of recited Act and this Act.

II. And be it enacted, That in citing the recited Act for any Purpose it shall be sufficient to use the Expression, "The *Southampton Waterworks Act, 1836*," and in citing this Act for any Purpose it shall be sufficient to use the Expression, "The *Southampton Waterworks Amendment Act, 1850*."

Provisions of 8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 17. incorporated with this Act.

III. And be it enacted, That the Lands Clauses Consolidation Act, 1845, and the Waterworks Clauses Act, 1847, except the Clauses thereof "with respect to the Payment and Recovery of the Water Rates," are respectively incorporated with this Act.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated with this Act.

IV. And be it enacted, That the Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, are incorporated with this Act, and apply to the Mortgages to be executed by the Commissioners under the Authority of this Act for securing the Monies by this Act authorized to be borrowed by them.

Interpretation of Terms.

V. And be it enacted, That the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are respectively assigned have respectively in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Reference to Sections of other Acts.

VI. And be it enacted, That where in this Act any Portion of another Act is referred to as a numbered Section of such Act the Portion of such Act distinguished in the Copies thereof printed by the Printers to the Queen's most Excellent Majesty as a Section thereof so numbered is the Portion thereof so referred to.

Certain Sections of recited Act repealed.

VII. And be it enacted, That the several Sections numbered respectively 31, 34 to 38, both inclusive, 40, 41, and 65 to 82, both inclusive, of the recited Act, are hereby repealed.

VIII. Pro-

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VIII. Provided always, and be it enacted, That all Rates, Arrears of Rates, and other Monies whatsoever, immediately before the passing of this Act payable to the Commissioners, and remaining at the Time of the passing of this Act unpaid, shall be paid by the several Persons who would if this Act had not passed have been liable to the Payment thereof respectively, and may be recovered accordingly, this Act, or anything therein contained, to the contrary in anywise notwithstanding.

Rates made before passing of Act may be recovered.

IX. Provided always, and be it enacted, That this Act, or anything therein contained, shall not annul or in anywise prejudicially affect any Purchase, Sale, Conveyance, Grant, Lease, Mortgage, Bond, Contract, Covenant, Agreement, Security, or other Act, Matter, or Thing whatsoever made, done, entered into, executed, or instituted before the passing of this Act, under or by virtue or in pursuance of the recited Act, or with reference to the Purposes thereof, but, notwithstanding this Act, or anything therein contained, all such Acts, Matters, and Things shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Commissioners, as if this Act had not passed, and may be proceeded on and enforced accordingly.

Contracts, &c. to remain in force.

X. Provided always, and be it enacted, That any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Commissioners previously to the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act, or anything therein contained, but, on the contrary, shall continue and take effect, whether in favour of or against the Commissioners, in like Manner in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against any of the Provisions of the recited Act committed previously to the passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for and recovered, in like Manner in all respects as if this Act had not passed.

Actions, &c. not to abate.

XI. Provided always, and be it enacted, That all Rules, Regulations, and Orders made under the Authority and according to the Provisions of the recited Act, and which are in force at the Time of the passing of this Act, shall continue in full Force and Effect until the same be, under the Authority of the recited Act and this Act, repealed, altered, or varied; and such Rules, Bye Laws, Regulations, and Orders, and all Penalties and Forfeitures thereby respectively imposed, may and shall be enforced and recovered in like Manner in all respects as the same respectively might have been enforced and recovered in case the same respectively had been made and imposed under the Authority of the recited Act and this Act.

Bye Laws under recited Act to continue in force.

XII. Provided always, and be it enacted, That all Works and Conveniences which by the recited Act the Commissioners are authorized

Works authorized by recited Act

or

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may be executed.

or required to execute or maintain, and whether or not the same be at the Time of the passing of this Act executed, may or shall be executed or maintained by the Commissioners as if this Act had not passed, and the Commissioners shall accordingly have all such Powers granted by the recited Act and this Act respectively as are necessary or expedient for executing or maintaining the same.

Power to take Lands and Streams.

XIII. And whereas Plans and Sections, describing the Line and Situation of the Works proposed to be executed under the Authority of this Act and herein-after specified, and describing the Lands and Streams proposed to be taken or affected by the Execution of the Works, and Books of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of such Lands and Streams, have been deposited with the respective Clerks of the Peace for the Town and County of the Town of *Southampton* and the County of *Southampton* respectively: Be it enacted, That, subject to the Provisions of this Act, the Commissioners may from Time to Time enter upon, take, divert, and use such of those Lands and Streams as they require for the Purposes of this Act.

Powers for compulsory Purchase limited.

XIV. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase of Lands and Streams for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Power to execute Works according to deposited Plans.

XV. And be it enacted, That the Commissioners, according to the Plans and Sections deposited for the Purposes of this Act, so far as the same respectively are applicable thereto, and within the Limits of Deviation delineated on the Plans, may, from Time to Time as they think proper, execute all or any of the following Works; to wit,

First, they may take Water from Lands and Springs in the Parishes of *North Stoneham* and *South Stoneham*, situate near to *Woodmill*, and from the River *Itchen* there:

Second, they may take Water from the River *Itchen* Navigation near to *Mansbridge Lock*:

Third, they may convey any Water so taken into and through Lands in the Tything of *Portswood* and the Parishes of *South Stoneham* and *North Stoneham*, and the extra-parochial Place called *Southampton Common*, respectively, or any of them, and into the Reservoirs of the Commissioners upon *Southampton Common*;

Fourth, they may take Water from the River *Test* at or near *Lock Hatches*, and from the Springs in the Lands adjoining thereto in the Parish of *Nursling*:

Fifth, they may convey any Water so taken into and through Lands in the Parishes of *Nursling* and *Milbrook* respectively and *Southampton Common*, and into the Reservoirs of the Commissioners upon *Southampton Common*:

Sixth,

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Sixth, they may take Water from the Springs, Streams, and Watercourses called the *Bedwell Springs* in the Parishes of *Nursling* and *Chilworth* respectively :

Seventh, they may convey any Water so taken into and through Lands in the Parishes of *Nursling*, *Chilworth*, *Milbrook*, and *North Stoneham* respectively, or any of them, into *Southampton Common*, and into the Reservoirs of the Commissioners upon *Southampton Common* :

Eighth, they may divert so much of the Water of such Rivers, Navigation, Springs, Streams, and Watercourses respectively as may be necessary or desirable for the Purpose of the effectual Supply of Water to the Town of *Southampton* :

Ninth, they may conduct any Water so taken or diverted into the existing Reservoirs of the Commissioners, and also into any Reservoirs to be under the Powers of the recited Act and this Act, or either of them, constructed by the Commissioners upon *Southampton Common* :

Tenth, they may construct additional Waterworks for the better Supply of the Town with Water, and may construct and erect all Engines, Buildings, Reservoirs, and Works necessary for the Purposes of this Act, with all such Conveniences as they think fit.

XVI. And be it enacted, That, subject to the Provisions of this Act, the Commissioners, in the Execution of the Works, may deviate from the Line of the Works as delineated on the Plans deposited for the Purposes of this Act to any Extent within the Limits of Deviation delineated on the Plans.

Limits of Deviation.

XVII. And be it enacted, That, in addition to the other Lands and Streams by this Act authorized to be entered upon, taken, diverted, and used for the Purposes thereof, the Commissioners may, from Time to Time when and as they think proper, purchase, take, and divert, either absolutely or by way of Lease, but only by Agreement, according to the Provisions of the Lands Clauses Consolidation Act, 1845, and use, any Lands and Streams which they think desirable for the Purpose of extending or increasing the Efficiency of the Waterworks, or affording a more abundant Supply of Water, or for any Works or Conveniences authorized by this Act, or for any other Purposes of this Act.

Power to Lands and Streams by Agreement.

XVIII. And be it enacted, That, subject to the Provisions of this Act, any Purchase or Lease made or taken by the Commissioners under the Authority of the recited Act and this Act or either of them may be for a Consideration either of Money or of any Lands or Streams for the Time being belonging to or at the Disposal of the Commissioners, or of any Fine, or of any yearly or other Rent, or for a mixed Consideration consisting of any Two or more of such Considerations: Provided always, that by any such Lease made by

Consideration for any Purchase or Lease.

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any Individual entitled to any Estate other than a Fee Simple for his own Benefit, or by any Corporation, there be reserved the best Rent or Remuneration that can reasonably be gotten for the Premises thereby demised, payable half-yearly or oftener, without any Premium, Fine, or Foregift : Provided also, that the Commissioners may purchase the Reversion of and in any such Premises, or the Release or Discharge of any such Premises from the Rent or Remuneration, Covenants and Stipulations, reserved by and contained in any such Lease : Provided also, that whenever any Premises are purchased or taken from any Party under any Disability or Incapacity, in consideration either wholly or partially of any yearly or other Rent, the Amount of such Rent shall be ascertained by the Valuation of an able practical Surveyor, nominated by Two Justices, according to the Provisions incorporated with this Act of the Lands Clauses Consolidation Act, 1845.

Water need not be constantly under Pressure.

XIX. Provided always, and be it enacted, That the Water to be supplied by the Commissioners need not be constantly laid on under Pressure.

Commissioners may require Houses to be supplied with Water when they think it necessary.

XX. And be it enacted, That if upon the Report of the Surveyor to the Commissioners it appear to the Commissioners that any inhabited House or other Building is without a proper Supply of Water, and that a Supply of Water thereto is necessary, and that a proper Supply of Water can be furnished thereto by the Commissioners, they shall give Notice in Writing to the Owner, requiring him, within a Time specified therein, to obtain such Supply from them, and to execute all such Works as are necessary for that Purpose ; and if such Notice be not complied with the Commissioners may, if they think fit, execute such Works, and obtain and furnish such Supply accordingly ; and the Expenses incurred by the Commissioners in that Behalf shall be repaid to them by such Owner, and, if not so repaid on Demand, may be recovered by them in like Manner as by this Act is provided for the Recovery of Rates.

Power to borrow on Mortgage of Rates.

XXI. And whereas the estimated Expense of executing the whole of the Works by this Act authorized is Forty-five thousand nine hundred and seventy Pounds : Be it enacted, That the Commissioners may, for any of the Purposes of the recited Act and this Act or either of them, borrow at Interest on the Credit of the Rates authorized by the recited Act, and in addition to the Monies which they are by the recited Act authorized to borrow, any further Sums of Money not exceeding Forty-five thousand nine hundred and seventy Pounds, and may secure the Repayment of the same, with Interest, by Mortgages of the Rates by the recited Act authorized.

Receiver for Mortgagees.

XXII. And be it enacted, That the Mortgagees under this Act may enforce the Payment of the Interest secured to them by the Appointment of a Receiver ; and the Amount of Debt necessary to authorize the Requisition for a Receiver shall be Ten thousand Pounds.

XXIII. And

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XXIII. And be it enacted, That all Monies levied and raised by, and now in or which shall come to the Hands of, the Commissioners, by virtue of the recited Act and this Act respectively, are hereby vested in the Commissioners; and such Monies, and all Penalties and Forfeitures recovered under the recited Act and this Act respectively, shall be paid to the said Commissioners, and shall be applicable, after Payment of the Expenses of obtaining this Act, in the first place, in Payment of the Interest from Time to Time due on the Monies borrowed by virtue of the recited Act, and the Annuities respectively (if any) granted by virtue of the recited Act; in the second place, in Payment, without any Priority or Preference, of the Interest from Time to Time due on the Monies to be borrowed by virtue of this Act; and in the next place, in executing and maintaining the several Works by the recited Act and this Act respectively authorized, and in otherwise carrying the said recited Act and this Act into execution; and lastly, in paying off the Principal Sums of Money from Time to Time due and owing by virtue of the recited Act and this Act respectively, and redeeming the Annuities (if any) from Time to Time subsisting by virtue of the recited Act; and all Monies borrowed under the Authority of this Act shall be applicable, after Payment of the Expenses of obtaining this Act, in executing the Works by the recited Act and this Act respectively authorized: Provided always, that this Act, or anything therein contained, shall not prejudice any of the Rights of the Persons to whom any of the Monies already borrowed by virtue of the recited Act are secured, but all such Persons shall have the like Priority and Preference in Payment of the Principal Monies and Interest secured to them by virtue of the recited Act as if this Act were not passed.

Application  
of Rates and  
Monies.

XXIV. And be it enacted, That in order to discharge the Principal Monies borrowed under the Authority of the recited Act and this Act respectively on the Security of the Rates, and the Annuities (if any) under the Authority of the recited Act charged on the Rates, the yearly Sum to be by the Commissioners, in accordance with the Provisions incorporated with this Act of the Commissioners Clauses Act, 1847, appropriated and set apart out of the Rates as a Sinking Fund, shall be from Time to Time such a Sum as, with the Accumulations thereon, will, in the Judgment of the Commissioners, enable all such Principal Monies and all such Annuities (if any) to be respectively paid off and redeemed respectively in the Year One thousand nine hundred; and such yearly Sum shall, as nearly as Circumstances permit, be of the like Amount in every Year: Provided always, that the Security of any Mortgagee or Annuitant shall not be prejudiced by any Default of the Commissioners in appropriating and setting apart any such yearly Sum: Provided also, that the Commissioners may from Time to Time, if and when they think fit, apply such Sinking Fund or any Part thereof in paying off the Principal Money secured by any such Mortgage, and for the Time being due and owing  
on

Sinking  
Fund to be  
formed for  
paying off  
Monies bor-  
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on such Mortgage, or in redeeming any such Annuity, being in every Instance selected impartially by Lot.

Saving the  
Rights of the  
Corporation.

XXV. Provided always, and be it enacted, That, except as is by this Act expressly enacted, this Act, or anything herein contained, shall not affect the Mayor, Aldermen, and Burgesses of the Borough of *Southampton*, or take away, lessen, or prejudicially affect any of their Estates, Rights, Franchises, Powers, Privileges, Immunities, or Advantages whatsoever, but all such Estates, Rights, Franchises, Powers, Privileges, Immunities, and Advantages shall and may be had, exercised, and enjoyed in like Manner, and as fully and effectually, to all Intents and Purposes whatsoever, as if this Act had not passed.

Saving  
Rights of the  
Crown.

XXVI. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Commissioners to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Commis-  
sioners not  
exempt from  
Provisions of  
11 & 12 Vict.  
c. 63.

XXVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Commissioners from the Provisions of the "Public Health Act, 1848," or of any general Act relating thereto or to the Subject Matter thereof which may pass during the present or any future Session of Parliament.

Expenses of  
Act.

XXVIII. And be it enacted, That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, with lawful Interest on any Money advanced for such Purpose from the Time or respective Times of the Advance thereof, shall be paid by the Commissioners out of the first Monies in their Hands applicable to any of the Purposes of this Act.

Public Act.

XXIX. And be it enacted, That this Act is a Public Act, and shall be judicially taken notice of as such.

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