



## CHAPTER x.

An Act for the granting of further powers to the Bristol Waterworks Company ; and for other purposes. A.D. 1889.

[31st May 1889.]

**W**HEREAS 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. cccxii.  
13 Vict. c. ii. and  
16 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And whereas the said three Acts were repealed by the Bristol Waterworks Act 1862 but the Company were continued incorporated by the same name and are acting under the powers of that Act the Bristol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 the Bristol Waterworks Act 1882 and the Bristol Waterworks Act 1888 which five 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 Vict. c. xxvi.  
35 Vict. c. ii.  
45 & 46 Vict.  
c. clxxv.  
51 & 52 Vict.  
c. cliii.

And whereas it is expedient that the Company be empowered to construct additional works and obtain a further supply of water :

And whereas by the Act of 1888 the Company were authorised to take certain of the waters of the Rickford Stream and Spring and of the Upper Langford Spring and for that purpose to make and maintain certain conduits and lines of pipes :

And whereas it is expedient that the Company be authorised to abandon the portions hereinafter described of the said conduits and pipes and in lieu thereof to make and maintain certain other conduits and lines of pipes for the taking of the waters by the Act of 1888 authorised to be taken by the Company :

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 former Acts be extended and amended :

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

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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 are hereinafter 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 1889.

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 ;

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

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 A.D. 1889. 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.

**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—

Interpretation.

“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” “the centre of the railway” respectively mean the reservoir and works immediately connected therewith by this Act authorised and the boundaries thereof.

**4.** The Company may abandon the construction of the following works authorised by the Act of 1888 (that is to say) :—

Power to abandon certain works.

That part of the conduit or line of pipes (No. 1) authorised by the Act of 1888 which is between the commencement of the intended conduit (No. 2) authorised by this Act and the termination of the said conduit (No. 1) authorised by the Act of 1888 ;

That part of the conduit or line of pipes (No. 2) authorised by the Act of 1888 which is between the commencement of the conduit (No. 1) authorised by this Act and the termination of the said conduit (No. 2) authorised by the Act of 1888 ;

The pumping station authorised by the Act of 1888 ;

That part of the line of pipes (No. 5) authorised by the Act of 1888 which is between its authorised commencement and the authorised junction therewith of line of pipes (No. 6) authorised by the Act of 1888 :

but such abandonment shall not in any way interfere with the powers of the Company to take divert appropriate and use for the purposes of this Act the waters of the Rickford Stream and Spring and of the Upper Langford Spring as the same are authorised to be taken and diverted by the Act of 1888.

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Compensation for damage to land by entry &c. for purposes of works abandoned by Company.

5. The abandonment by the Company under the authority of this Act of the works mentioned in the last preceding section shall not prejudice or affect the right of the owner lessee or occupier of any land to receive compensation from the Company for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of works and shall not prejudice or affect the right of the owner lessee or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner lessee or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Act of 1888.

Compensation to be made in respect of portions of works abandoned by Company.

6. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any of the works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners lessees and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to construct works.

7. 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 wholly in the county of Somerset the reservoir pumping station aqueducts conduits lines of pipes diversions and other works shown on the deposited plans among which are the following principal works (that is to say):—

- (A) A reservoir (to be called the Yeo Reservoir) in the parishes of Butcombe Blagdon Nempnett-Thrubwell and Ubley to be formed by means of an embankment across the valley of the River Yeo near to Park Bridge ;
- (B) A diversion (No. 1) of the road leading from Blagdon to Butcombe by way of Westend Town commencing in the parish of Blagdon and terminating in the parish of Butcombe ;
- (C) A diversion (No. 2) of the road leading from Blagdon by way of Eastend Town into the before-mentioned diversion (No. 1) of the road leading from Blagdon to Butcombe ;

- (D) A diversion (No. 3) wholly in the parish of Nempnett-Thrubwell of the road leading from Ubley by way of Rugmoor Farm to West Town;
- (E) A conduit or line of pipes (No. 1) commencing in the parish of Churchill by a junction with the conduit or line of pipes (No. 2) authorised by the Act of 1888 and terminating in the parish of Blagdon in the pumping station hereafter described;
- (F) A conduit or line of pipes (No. 2) commencing in the parish of Burrington by a junction with the conduit or line of pipes (No. 1) authorised by the Act of 1888 and terminating in the parish of Blagdon in the said pumping station;
- (G) A branch pipe (No. 3) wholly in the parish of Blagdon commencing by a junction with the last-mentioned line of pipes (No. 2) and terminating in the said reservoir;
- (H) A conduit or line of pipes (No. 4) wholly in the parish of Blagdon commencing in the said reservoir and terminating in the said pumping station;
- (I) A double conduit or lines of pipes (No. 5) commencing in the parish of Blagdon at or in the said pumping station and terminating in the parish of Chew Stoke by a junction with the existing North Hill tunnel of the Company;
- (K) A pumping station and other works connected therewith in the said parishes of Butcombe and Blagdon near to and to the west of the said embankment.

8. The Company in addition to the foregoing works may from time to time 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 wells water-towers filter-beds tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connection with the before-mentioned works or any of them: Provided that the Company shall not by means of any works to be constructed under the powers of this Act take or use any underground waters and that 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 make subsidiary works.

Company not to take underground waters.

9. 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 may require for the purposes of this Act and may by means of the works by this Act authorised take divert collect impound appropriate and use the waters of the Rickford Stream and Spring and of the Upper Langford Spring to the extent to which they are already authorised to be taken by the Act of 1888 and upon the completion of the said road

Power to take lands and waters.

A.D. 1889. — diversions to the satisfaction of two justices and the opening thereof to the public they may stop up and extinguish all rights of way over the portion of any existing road in respect of which such diversion has been made and may appropriate to and for their own use the site of so much of any road so stopped up as shall be upon or adjoin on both sides any lands acquired by the Company under the powers of this Act.

Power to  
take waters  
of River  
Yeo.

**10.** Subject to the provisions of this Act the Company may take divert collect impound appropriate and use the waters of the River Yeo as the same may be collected by means of the Work A. by this Act authorised.

Agreements  
with land-  
owners as to  
drainage.

**11.** The Company if they think fit may enter into agreements with any owner lessee or occupier of any lands within the drainage area of the water to be taken into the said reservoir who is authorised or empowered to make drains for the improvement of the same for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters flowing to upon or from such lands directly or derivatively into such reservoir in such manner and to such extent as such owner lessee or occupier and the Company may agree.

As to com-  
pensation  
water.

**12.** With respect to the waters of the River Yeo to be taken by the Company and the compensation water to be given by the Company in respect thereof:—

- (1) The Company shall during every day of twenty-four hours in every year deliver or permit or cause to flow into the River Yeo below the said reservoir a quantity of water not being less than one million nine hundred thousand gallons;
- (2) The Company shall provide and maintain a suitable mechanical instrument for recording the quantity of water flowing or being delivered into the River Yeo below the said reservoir as aforesaid day by day;
- (3) The said instrument 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 river and a record of the amount of the daily quantity of water flowing or delivered into the said river shall be kept at the said reservoir and at the head office of the Company in the city of Bristol and such daily record shall be open to the like inspection and examination of the persons aforesaid who shall be at liberty to take extracts from or copies of such daily record: Provided always that the Company shall not be compelled to keep or produce any daily record extending further back than six months nor

shall any action or other proceedings be brought or taken against the Company in respect of any alleged default after that period ;

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- (4) If at any time the said instrument shall 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 fourteen days 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 instrument 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 ;
- (5) The Company shall not divert or take any water from the River Yeo until they have provided such instrument as aforesaid ;
- (6) In case of the failure of the Company so to permit to flow or to deliver the said quantity of water the Company shall be liable to a penalty not exceeding fifty 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 ;
- (7) The provisions of this section shall be accepted and taken by all persons interested in the flow of the water of the River Yeo below the said reservoir as full compensation for all water which the Company can collect divert or impound under the powers of this Act.

**13.** 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 three feet upwards and ten feet downwards :

Limits of deviation.

Provided that no part of any aqueduct conduit or line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections :

Provided also that if it be found necessary or expedient in the construction of the said reservoir to alter the situation of the embankment or wall thereof they may (within the limits of deviation) in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankment or wall and works to any extent not exceeding twenty feet with reference to the datum line but the Company shall not construct

A.D. 1889. any embankment or wall of the reservoir of a greater height above the general surface of the ground than that shown in the case of the corresponding embankment or wall on the deposited sections and three feet in addition.

Company  
may acquire  
easement  
only in  
certain  
lands.

14. The Company may in lieu of acquiring any lands for the purpose of any aqueducts conduits or pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts: Provided always that nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with the notice of this proviso: Provided also that as regards any lands taken or used by the Company for the purpose of laying aqueducts conduits or pipes therein where such aqueducts conduits or pipes are laid underground the Company shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

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

15. 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. A.D. 1889.

**16.** 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):—

Power to acquire additional lands.

Certain lands in the parish of Barrow-Gurney belonging or reputed to belong to Sir John Henry Greville Smyth Baronet and adjoining the Company's storage reservoir now in course of construction and forming part of a field numbered 106 on the ordnance map of that parish to the scale of  $\frac{1}{2500}$ ;

Certain lands in the parish of Long Ashton also belonging or reputed to belong to Sir John Henry Greville Smyth Baronet and adjoining the said reservoir and forming part of a wood numbered 275 on the ordnance map of that parish to the scale of  $\frac{1}{2500}$ .

**17.** 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 compulsory purchase of lands.

**18.** If the works authorised by this Act are not completed within the periods hereinafter mentioned (that is to say) Work I within ten years and the remainder of the works within seven years from the passing of this Act then on the expiration of the said respective periods the powers by this Act granted to the Company for executing the same or in relation thereto shall as to the respective works to be executed within the said respective periods cease except as to so much thereof respectively as is then completed but nothing in this Act shall restrict the Company from extending enlarging altering reconstructing or removing any of their tanks filter beds tunnels engines sluices machinery apparatus mains pipes or other works or plant at any time and from time to time as occasion may require.

Period for completion of works.

**19.** 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 fifty 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.

Power to take additional lands by agreement.

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Power to  
grant ease-  
ments.

**20.** 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.

Sale of  
superfluous  
lands.

**21.** 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.

As to taking  
houses of  
labouring  
class.

**22.** (1) The Company shall not under the powers of this Act except with the previous consent in writing of the Local Government Board 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.

(2) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages 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  
may raise  
additional  
capital.

**23.** The Company may apply to the purposes of this Act to which capital is properly applicable 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 one hundred 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.

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**24.** The Company shall not issue any share 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 one hundred thousand pounds.

As to vesting of new shares.

**25.** 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.

**26.** 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.

**27.** In case in any year the net revenue of the Company applicable to dividends 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.

**28.** 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

New shares or stock to be offered by auction or tender.

A.D. 1889. — 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 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.

**29.** 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 premium 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.

**30.** 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.

**31.** 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.

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**32.** 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.

Application of premium arising on issue of shares or stock.

**33.** The Company in respect of the additional capital of one hundred 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 twenty-five thousand pounds: Provided that in respect of each fifty 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 twelve thousand five hundred pounds: But no part of either of the before-mentioned sums of twelve thousand five hundred 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

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

A.D. 1889. — sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Repealing existing provisions as to receiver.

**34.** 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 appointment of a receiver.

**35.** 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.

**36.** 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.

**37.** 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.

**38.** The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage 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.

**39.** 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

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*Bristol Waterworks Act, 1889.*

[Ch. x.]

this Act and to the general purposes of their undertaking being in A.D. 1889.  
all cases purposes to which capital is properly applicable.

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

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