CHAPTER cxxiii.

An Act to confer further powers upon the Portishead District Water Company and for other purposes. A.D. 1907.

[9th August 1907.]

WHEREAS by the Portishead District Water Act 1875 the Portishead District Water Company (herein-after called "the Company") were incorporated with a share capital of forty-eight thousand pounds with power to borrow twelve thousand pounds and were empowered to construct certain works for the purpose of supplying with water divers parts of and places in the county of Somerset:

And whereas by the Portishead District Water Act 1883 the Company were authorised to construct additional works and to raise additional capital not exceeding sixteen thousand pounds with power to borrow four thousand pounds:

And whereas the Company have issued twenty-five thousand one hundred and ninety pounds ordinary stock entitled to a dividend of seven pounds per centum per annum under the provisions of the Portishead District Water Act 1875 and have issued fourteen thousand five hundred and twenty pounds preference stock entitled to a dividend of six per centum per annum under the Portishead District Water Act 1883:

And whereas the Company have borrowed and now owe the sum of nine thousand seven hundred and thirty pounds on debentures:

And whereas the Company have created a rentcharge of sixty-three pounds ten shillings per annum:

And whereas the demand for water within the Company's limits of supply has of late years greatly increased and is largely increasing and it is expedient that the Company be authorised to construct additional water and other works and that the powers

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conferred by the former Acts relating to the Company be extended and amended:

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

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

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act the plans also showing the lands which may be taken compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of this Act were deposited with the clerk of the peace for the county of Somerset and are in this Act respectively 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 King'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 Portishead District Water Act 1907.

Incorporation of general Acts.

2. The Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 (except the words in section 44 of the Waterworks Clauses Act 1847 "with the consent in writing of the owner or "reputed owner of any such house or of the agent of such "owner") the clauses and 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 the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

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 subsequent Acts are (except where inconsistent with or expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Power to make works.

4. Subject to the provisions of this Act the Company may wholly in the county of Somerset make and maintain in the situations and lines and according to the levels shown on the deposited plans and sections the following works and may enter upon take use and hold such of the lands delineated upon the deposited plans and described in the deposited book of reference as they may require therefor The works are as follows:—

Work No. 1 A pumping station (herein-after referred to as "the intended pumping station") wholly in the parish and urban district of Portishead situate in the field or enclosure numbered 295 on the $\frac{1}{2500}$ Ordnance map of that parish Somerset II–9 (2nd edition 1903) 1·20 chains or thereabouts measured in a north-westerly direction from the south-eastern corner of the said field or enclosure and 1·00 chain or thereabouts measured in a northerly direction from the southern boundary of the said field or enclosure:

Work No. 2 A line or lines of pipes commencing in the said parish and urban district of Portishead at or in the said intended pumping station Work No. 1 and terminating in the parish of North Weston in the rural district of Long Ashton at a point in the field or enclosure numbered 31 on the said $\frac{1}{2500}$ Ordnance map of the said parish 1·30 chains or thereabouts measured in a north-westerly direction from the southern corner of the said field or enclosure and 3·70 chains or thereabouts measured in a south-easterly

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direction from the north-western corner of the said field or enclosure and which said line or lines of pipes will be situate in or pass from through or into the parishes and places following or some of them (that is to say) :—

The parish and urban district of Portishead and the parish of North Weston in the rural district of Long Ashton :

Work No. 3 A covered service reservoir (with approach road thereto from the public road known as Down Road) wholly in the said parish of North Weston in the rural district of Long Ashton situate in the south-western end of the field or enclosure numbered 31 on the said $\frac{1}{2500}$ Ordnance map of that parish.

Power to make subsidiary works.

5. The Company in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water-towers overflows waste-water channels gauges filter beds tanks banks approaches engines telegraphs telephones and means of electric communication machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them 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 or permitted by them :

Provided that any telegraphs telephones or other means of communication shall not be used for the purpose of transmitting telegrams or messages in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1906.

Limits of deviation.

6. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of 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 to any extent downwards :

Provided that the Company shall not alter the surface level of any road or raise the lines of pipes above the surface of the ground except so far as is shown on the deposited sections.

Power to take and appropriate water.

7. The Company may collect take and use all or any of the springs streams and waters which can or may be collected or taken by means of the waterworks by this Act authorised.

Power to purchase additional lands.

8. Subject to the provisions of this Act the Company may for all or any of the purposes of the Company enter upon take hold and use the whole or any part or parts of the lands wholly in the county of Somerset shown on the deposited plans and described in the deposited book of reference (that is to say):—

(1) Certain land and property in the said parish and urban district of Portishead being part of the field or enclosure numbered 295 on the aforesaid $\frac{1}{2500}$ Ordnance map of that parish (2nd edition 1903):

(2) Certain land in the parish of North Weston in the rural district of Long Ashton being part of the field or enclosure numbered 31 on the said $\frac{1}{2500}$ Ordnance map of that parish (2nd edition 1903):

(3) Certain lands in the parish of Portbury in the said rural district of Long Ashton being the whole of the orchard field or enclosure numbered 152 on the $\frac{1}{2500}$ Ordnance map of that parish Somerset II-11 (2nd edition 1903) and part of the field or enclosure numbered 204 on the said map situate to the east of the said enclosure numbered 152 and south of and immediately adjoining the site of the Company's existing pumping station and which lands are bounded on the south by an imaginary line commencing at the southern corner of the said orchard field or enclosure numbered 152 and terminating in the north-eastern boundary of the said field or enclosure numbered 204 at a point 2·10 chains or thereabouts measured in a south-easterly direction from the north-eastern corner of the said field or enclosure numbered 204.

Diversion of footpath.

9. Subject to the provisions of this Act the Company may in the construction of the works by this Act authorised stop up divert and alter the footpath herein-after mentioned to the extent and in the manner shown upon the deposited plans (that is to say):—

In the county of Somerset—

In the parish of Portbury in the county of Somerset the Company may stop up and divert the footpath traversing the eastern side of the field or enclosure marked 152 on

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the $\frac{1}{2500}$ Ordnance map of the county numbered II–11 (2nd edition 1903) and shall provide in lieu thereof a footpath traversing the field or enclosure numbered 204 on the said Ordnance map commencing at a point at or near the southern corner of the said field or enclosure numbered 152 and terminating at the eastern boundary of the said field or enclosure numbered 204 at a point 1·2 chains or thereabouts measured in a south-easterly direction from the north-east corner of the said field or enclosure numbered 204:

Provided that such stopping up as aforesaid of the said footpath or portion thereof shall not take place until two justices shall have certified that the new footpath has been completed to their satisfaction and is open for public use.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing footpath is situate seven days' notice in writing of their intention to apply for the same.

As from the date of the said certificate all rights of way over or along the existing footpath or portion thereof shall be extinguished and the Company may appropriate and use for the purposes of their undertaking the site of the portion of footpath stopped up as far as the same is bounded on both sides by lands of the Company:

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Period for compulsory purchase of lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act.

Power to acquire additional lands by agreement.

11. The Company may in addition to the lands now belonging to them or which they are by this Act authorised to purchase compulsorily from time to time by agreement purchase take on lease or acquire for any of the purposes of their undertaking any additional quantity of land not exceeding in the whole ten acres or any easement or right (not being an easement right or privilege of water in which persons other than the grantors have an interest) in or over such additional lands and may also by

agreement purchase or take lease acquire and hold any lands which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment sewage pollution or injury and so long as any such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts Provided further that so long as any such lands are held by them the Company shall not on any such lands create or permit any nuisance or erect or authorise or permit the erection thereon of any buildings other than buildings connected with or necessary for their undertaking.

Limiting powers of Company to abstract water.

12. The Company shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them after the passing of this Act unless the works and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Power to take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting 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 rights and privileges as aforesaid respectively.

New works to be part of undertaking of Company.

14. The works by this Act authorised shall subject to the provisions of this Act for all purposes whatsoever form part of and be comprised in the undertaking of the Company.

Temporary discharge of water into streams.

15.—(1) For the purpose of executing constructing repairing cleansing emptying or examining any reservoir well conduit or line of pipes or other works of the Company the Company may cause the water in any such reservoir well conduit or line of pipes or other works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such

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power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

Correction of errors &c. in deposited plans and book of reference.

16. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Somerset for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Somerset and duplicates thereof shall also be deposited with the clerks of the councils of the parishes in which the lands affected thereby are situate and such certificates and duplicates respectively shall be kept by such clerk of the peace and clerks of the parish councils respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands in accordance with such certificate.

Period for completion of works.

17. If the works authorised by this Act be not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending enlarging altering renewing or removing any of their waterworks plant and other incidental works from time to time as the Company think fit.

Detection of waste.

18.—(1) All the powers and provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to meters and stop-cocks and such meters and stop-cocks shall be deemed to be works and engines within the meaning of the clauses of the said Act containing such powers and provisions Provided always that the Company shall in all cases where it is necessary to put the meters or stop-cocks in the footways within the urban district of

Portishead place such meters or stop-cocks immediately outside the front boundary wall of any garden house or building or otherwise place the same in the positions indicated by the surveyor for the time being to the Portishead Urban District Council Provided also that where the Company place the meters or stop-cocks in the roadways the Company shall pave round the boxes of such meters or stop-cocks with properly squared stone setts grouted in cement and bedded on six inches of Portland cement concrete to the satisfaction of the said surveyor and every such meter or stop-cock shall be so placed and covered as not to interrupt the free passage of any public street or road.

(2) In case of any dispute under this section between such surveyor and the Company such dispute shall be referred to two justices of the peace acting in and for the county of Somerset whose decision shall be final.

Repeal of sections 63 64 and 69 of Portishead District Water Act 1875.

19. Sections 63 (Supply of water for trading &c. purposes) 64 (Rent of water may be ascertained by meter) and 69 (Power to Company to agree for supplies of water for other than domestic purposes) of the Portishead District Water Act 1875 are hereby repealed.

Supply by measure.

20. The Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Definition of term "a supply of water for domestic purposes."

21. A supply of water for domestic purposes shall include a supply of water for baths and waterclosets but shall not include a supply of water for cattle or horses or for washing carriages motor cars and other vehicles where such horses carriages motor cars or other vehicles are kept for sale or hire or by a common carrier or for steam engines or for railway purposes or for warming or ventilating purposes or for working any machine or apparatus or for the purpose of any trade manufacture or business whatsoever or for watering gardens by means of any tap tube pipe or other such like apparatus or for fountains or for flushing sewers or drains or for public baths or for any ornamental purpose whatever.

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Supply to houses partly used for trade &c.

22. The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Price of supply by measure.

23. The price to be charged by the Company for a supply of water by measure shall not exceed two shillings per thousand gallons.

Price of supply for public purposes.

24. The rate for the supply by the Company of water for the purposes mentioned in section 37 of the Waterworks Clauses Act 1847 shall not in any case exceed one shilling per thousand gallons.

Amending section 62 of Portishead District Water Act 1875.

25. Section 62 (Rates for waterclosets and baths) of the Portishead District Water Act 1875 shall be read and construed as if the words "rates for the supply of water for domestic purposes" were omitted and the words "foregoing charges" were inserted in lieu thereof.

Byelaws for preventing waste &c. of water.

26.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

(4) The provisions with respect to byelaws contained in sections 182 to 184 and section 186 of the Public Health Act 1875

shall apply to all byelaws made by the Company under this section as if for the purposes and within the meaning of those sections (a) the Company were a local authority (b) the secretary of the Company were the clerk of the local authority (c) the limits of supply of the Company were the district to which such byelaws relate and (d) any person for the time being supplied with water by the Company were a ratepayer of the district to which such byelaws relate.

(5) When submitting any byelaw made under this section to the Local Government Board for confirmation the Company shall at the same time forward a copy thereof to the corporation of the city of Bristol and the urban district council of Portishead and the Local Government Board shall consider any representations which may be made to them by the said corporation or district council in reference to such byelaw.

(6) A copy of all such byelaws in force for the time being shall be kept at the office of the Company All persons may at all reasonable times inspect such copy without payment and the Company shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy.

(7) Upon the byelaws as aforesaid coming into force section 67 of the Portishead District Water Act 1875 shall be repealed.

Power to agree as to drainage of lands &c.

27. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of their reservoirs and works with reference to the execution by the Company or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which they are empowered to divert collect and appropriate flowing to upon or from such lands directly or derivatively into such reservoirs and works.

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

28. The Company may on the application of the owner or occupier of any premises within the limits of supply of the Company abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay and renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply.

Contracts for supplying water in bulk.

29. The Company may enter into and carry into effect agreements with any local authority company or persons whose area or

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property as the case may be is intersected or situate on the line or lines of pipes of the Company for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

For protection of Bristol Corporation.

30. For the protection of the lord mayor aldermen and burgesses of the city of Bristol (in this section referred to as "the corporation") the following provisions shall notwithstanding any other provision of this Act unless otherwise agreed in writing between the corporation and the Company have effect (that is to say):—

The Company shall not construct or maintain Work No. 1 by this Act authorised in such a manner as to interfere with the drainage of water from or to the land upon which such Work No. 1 may be constructed or from or to any adjoining land of the corporation nor shall the Company sink any well in or upon the lands to be acquired by them of the corporation in such a way as to abstract water from the said adjoining lands of the corporation.

For protection of urban district council of Portishead.

31. Where the line or lines of pipes Work No. 2 authorised by this Act are laid under any road within the district of the Portishead Urban District Council (in this section referred to as "the council") the same shall be laid in such position in or at the side of the road as the council under the hand of their surveyor shall reasonably direct and shall as far as practicable be constructed and laid so that the upper surface thereof is not less than three feet six inches below the surface of the road.

Nothing in this Act contained shall interfere with the right of the council to alter the level of or deviate or improve in any manner they think fit any road in or along which the said line or lines of pipes of the Company shall have been laid and the Company shall so soon as practicable after receiving notice in writing under the hand of the clerk or surveyor of the council alter the position of the said line or lines of pipes in the manner and to the extent prescribed by such notice or as in case of

difference shall be determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration deviation or improvement shall be paid to the Company by the council.

If any difference arise between the Company and the council touching this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration by an engineer to be agreed on by the parties in difference or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties.

Power to raise additional capital.

32. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they may have already raised or are authorised to raise and may from time to time raise additional capital to such nominal amount as shall be sufficient to produce including the premium (if any) which may be obtained on the sale thereof the sum of twenty-four thousand pounds by the creation and issue of new ordinary or preference stock or wholly or partially by either of those modes respectively and such stock shall not vest in the person or corporation accepting the same unless and until the full price of such stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof.

Incidents of additional capital.

33. Subject to the provisions of this Act the new capital created by the Company under this Act by stock shall be part of the general capital of the Company and save as by this Act otherwise expressly provided the holders of stock therein shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their stock and be subject to the like provisions liabilities and forfeitures as the holders of stock in the existing capital of the Company of the same class or description.

Limit of dividend on additional capital.

34. The Company shall not in any one year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds of ordinary stock and five pounds in respect of every one hundred pounds of preference stock which shall be actually issued in respect 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 on the ordinary stock.

New stock to be offered by auction or tender.

35. Notwithstanding anything in this Act contained the Company shall when any stock created under the powers of this Act is to be issued and before offering the same to the holder

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of any other stock in the Company and whether the ordinary stock of the Company 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 determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of stock and that notice of the amount of the reserve 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 Provided also that no priority shall be allowed to any holder of stock in the Company except that if any bid or offer by tender of any holder or holders of stock be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of stock shall be accepted in preference.

Purchase money of capital sold to be paid within three months.

36. It shall be one of the conditions of any sale of stock under this Act that the full price thereof (including 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 of stock.

37. The intention to sell any such stock by auction or by tender shall be communicated in writing to the clerk of every local authority having jurisdiction within the limits of supply of the Company 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 limits of supply.

Stock not sold may be offered to stockholders employees or consumers.

38.—(1) When any stock created under the powers of this Act has been offered for sale by auction or tender and not sold the same may (if the directors of the Company think fit) be offered at the reserve price put upon the same for the purpose of sale by auction or tender to the holders of ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 or to the employees of the Company or to the consumers of water supplied by the Company or partly to one and partly to another or others.

(2) Any stock not so offered and any stock so offered and not accepted in the case of stock offered to the holders of stock within the time prescribed by the said Act or in the case of stock

offered to such employees or consumers within the time limited by the directors of the Company may again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of stock created under the powers of this Act and at such time or times as the directors of the Company may think fit and any stock not then sold may be again offered to the holders of ordinary stock or to such employees or consumers at the reserve price put upon the same at such second auction or tender and so from time to time until the whole of such stock is sold.

Application of premium arising on issue of stock.

39. Any sum of money which shall arise from the issue of any such stock by way of premium 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.

Power to borrow.

40. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by stock but no part thereof shall be borrowed until the whole of the stock at the time issued shall have been fully paid up together with the premium (if any) realised on the sale thereof 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 such stock and premium (if any) has been issued and fully paid up 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.

Appointment of receiver.

41. Section 25 of the Portishead District Water Act 1883 (For the appointment of a receiver) is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act And in lieu thereof 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

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principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

Debenture stock.

42. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 26 (Debenture stock) of the Portishead District Water Act 1883 Notice of the effect of the last-mentioned enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

43. All moneys to be raised by the Company under the provisions of this Act on mortgage or by the issue of debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest or dividend on their mortgages or debenture stock.

Application of moneys.

44. All moneys raised under this Act whether by stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Recovery of demands.

45. Proceedings for the recovery of any demand made under the authority of this Act or the recited Acts or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court provided that the demand does not exceed the amount recoverable in that court in a personal action.

General meetings.

46. Notwithstanding the provisions of section 66 of the Companies Clauses Consolidation Act 1845 the first general meeting of the Company after the passing of this Act shall be held in the month of March 1908 and subsequent general meetings of the shareholders shall be held annually in the month of March or in such other month as shall be appointed for that purpose by order of a general meeting.

Closing of transfer books previous to declaring interim dividends.

47. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

Interim dividends.

48. The directors may in any year without calling a meeting of stockholders for the purpose declare an interim half-yearly dividend out of the profits of the Company Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half year one half of the amount of the maximum dividend on the ordinary or preference stock respectively.

Expenses of Act.

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

Printed by EYRE and SPOTTISWOODE,
FOR
ROWLAND BAILEY, Esq., I.S.O., M.V.O., the King's Printer of Acts of Parliament.

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