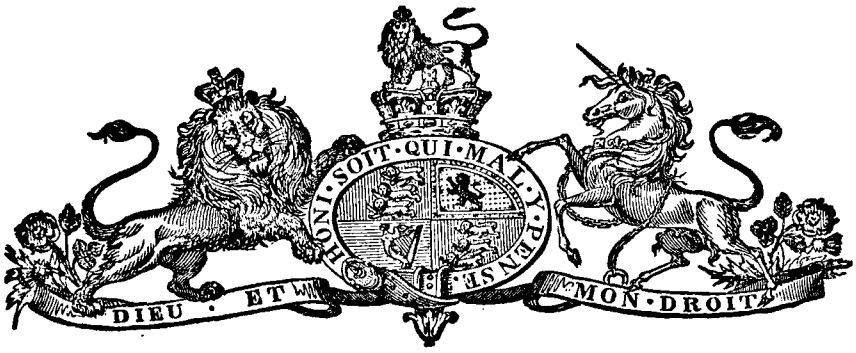



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## CAP. XXXII.

**An Act for the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at *Portland*, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto.** [10th *August* 1857.]

WHEREAS the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* (herein-after called "the Commissioners") have executed various Works at or near the East End of the Isle of *Portland* in the County of *Dorset* in and towards the Construction of a Breakwater and Harbour of Refuge there, and Vessels belonging to Her Majesty and others already resort to such Harbour: And whereas it is expedient that a better Supply of Water should be provided for the Use of such Vessels, and of certain Establishments, Works, and Places near to or connected with the said Harbour, and for that Purpose that the Commissioners should be empowered to purchase, and take and hold, construct and maintain, the Lands, Waterworks, Waters, Springs and Streams of Water, Pumps, Engines, Works,

Buildings, pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks herein-after mentioned: And whereas it is expedient and Her Majesty is graciously pleased to consent that certain Lands belonging to Her Majesty in the said Isle of *Portland*, and containing about Five hundred and ninety Acres, should be vested in the Commissioners upon the Trusts and for the Purposes herein-after mentioned: And whereas a Plan of such Lands hath been prepared in Duplicate, and on such Plan the same Lands are described by the Colour Red, and such Plan having been signed by the Secretary of the Admiralty and the Honourable *Charles Alexander Gore*, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, One Part thereof hath been deposited at the Admiralty, and the other Part thereof hath been deposited at the Office of the Land Revenue Records and Inrolments: Be it therefore 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.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Portland* Harbour Waterworks Act, 1857."

Incorporation of Acts.

II. The "Lands Clauses Consolidation Act, 1845," save and except the Sections Fifteen, Sixteen, Seventeen, One hundred and twenty-seven, One hundred and twenty-eight, One hundred and twenty-nine, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, One hundred and thirty-four, One hundred and forty, One hundred and forty-eight, One hundred and fifty, and One hundred and fifty-one of the said Act, and the "The Waterworks Clauses Act, 1847," save and except the Sections thereof with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, and the Sections thereof with respect to Mines, and the Sections thereof with respect to the breaking up of Streets for the Purpose of laying Pipes, and the Sections thereof with respect to the Supply of Water to be furnished by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Inhabitants, and the Sections thereof with respect to the Payment and Recovery of the Water Rates (saving as Part of this Act Section Seventy-four), and the Sections thereof with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, and save and except Sections Eleven, Fifteen, Eighty-six, Ninety, Ninety-one, Ninety-two, and Ninety-three, shall, so far as the

the same may be applicable to and are not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation of Words and Phrases.

III. In the Construction of this Act and of the Acts herewith incorporated, so far as the same respectively relate to the Purposes of this Act, unless there be something in the Context repugnant to such Construction; "the *Portland* Harbour" shall mean the Harbour and Works constructed and to be constructed under the Provisions of an Act, Chapter Twenty-four, of the Acts passed in the Tenth Year of the Reign of Her present Majesty; "the Lord High Admiral" shall mean the Lord High Admiral for the Time being of the United Kingdom of *Great Britain* and *Ireland*; "the Commissioners" shall mean the Commissioners for the Time being for executing the Office of Lord High Admiral when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times "the Lord High Admiral for the Time being;" "Special Act" in the several Acts herewith incorporated shall mean this Act; "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure; and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments; the Words "the Promoters of the Undertaking," in the Lands Clauses Consolidation Act, 1845, and the Word "Company," in the same Act, shall respectively mean "the Commissioners;" "the Undertakers," in the Waterworks Clauses Act, 1847, shall mean "the Commissioners;" "the Undertaking," in the same Act, shall mean the Purposes of this Act, so far as the same relate to the obtaining and supplying of Water; and "Water Rate," in Section Seventy-four of the Waterworks Clauses Act, 1847, shall mean the Money agreed to be paid to the Commissioners by any Person for a Supply of Water.

Power to construct Works.

IV. And whereas Plans and Sections showing the Site, Line, and Levels of the proposed Waterworks, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of certain existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also of certain Lands, Water, Springs, and Streams, in or through or by means of which the proposed Waterworks are intended to be made or to pass, or which are required for the Purpose of the said proposed Waterworks, have been deposited with the Clerk of the Peace for the County of *Dorset*: Be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions in this and the said incorporated Acts contained, to take

take and use the said existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also the said Lands, and Water, and Springs and Streams, and to lay down and make and from Time to Time maintain the said proposed Waterworks, with all necessary Reservoirs and other Works, in the Line, and in, through, and upon the Lands, Roads, Highways, Bridges, and Railways respectively delineated upon the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use, for the Purpose of laying down and maintaining, and to lay down and maintain, from Time to Time, a Main or other Pipe, and Mains or other Pipes, and other Apparatus, necessary for the Purposes of this Act, upon, along, across, or under such of the Roads, Highways, Bridges, and Railways delineated on the said Plans and such of the Lands situate on either Side of any such Roads, Highways, Bridges, and Railways respectively, and comprised within the Limits of Deviation herein-after mentioned, as shall be required for the Purposes of the Undertaking, and to acquire and take any Easement, Liberty, Privilege, Power, or Authority in or over any of the same Lands, Roads, Highways, Bridges, and Railways respectively, and the Right of laying down and maintaining a Main or other Pipe, and Mains or other Pipes, upon, across, or under any Lands in the said Plans and Book of Reference mentioned, or upon, across, or under any such Roads, Highways, Bridges, and Railways, or Lands lying on either Side thereof, as the Commissioners may think fit.

Power to deviate.

V. In executing the said Works the Commissioners may deviate from the said deposited Plans to the Extent of the Limits of Deviation shown on the same Plans.

Power to supply Water on Terms agreed upon.

VI. It shall be lawful for the Commissioners to supply Water for the Purposes of the Vessels frequenting the said Harbour, and for any such other Purpose as they shall think fit, either gratuitously or for such Price or Sum, and upon such Terms and Conditions, as shall be agreed upon between the Commissioners and the Persons having such Supply of Water.

Instead of Bond required by 8 Vict. c. 18., Commissioners may give Undertaking.

VII. It shall be lawful for the Commissioners, instead of the Bond mentioned in Sections Eighty-five and Eighty-seven of the Lands Clauses Consolidation Act, 1845, to give to the Party who would otherwise be entitled to such Bond a written Undertaking under their Hands to do and perform all and singular the Matters and Things mentioned in the Condition of such Bond to be done and performed, and such Undertaking shall have the same Validity and Effect as the Bond mentioned in the same Sections would have had.

VIII. The

*Portland Harbour.*

Powers to apply to Purchases already made.

VIII. The Powers and Authorities by this Act given to the Commissioners relative to the Lands mentioned and comprised in the said Plans and Book of Reference shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken or agreed to be purchased or taken as to such as shall hereafter be purchased or taken under the Provisions of this Act.

Notices by Commissioners.

IX. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of the Secretary of the Admiralty.

Notices to Commissioners.

X. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on the Secretary of the Admiralty by being left at or transmitted through the Post to the Admiralty at *Whitehall*.

Lands delineated on the Plan, and thereon coloured Red, to vest in Commissioners.

XI. The Lands in and adjacent to the *Isle of Portland* coloured Red on the Plan signed and deposited at the Admiralty, and at the Office of Land Revenue Records and Inrolments, and containing Five hundred and ninety Acres or thereabouts, shall immediately on the passing of this Act become and be vested in the Commissioners according to the Natures and Qualities thereof respectively, and to the Estates and Interests of Her Majesty therein respectively, and without its being necessary to have or take any Conveyance thereof.

Commissioners to hold Lands in trust for Her Majesty, &c.

XII. The Commissioners shall hold all Lands vested or purchased or taken, in or by them, under the Authority of this Act, in trust for Her Majesty, Her Heirs and Successors, for the Purposes of the *Portland* Harbour and other the Purposes of this Act.

Commissioners may sell Lands.

XIII. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of, or to demise or let, all or any of the Lands from Time to Time purchased or taken under the Authority of this Act; and it shall be lawful for the Commissioners to grant, convey, assign, or demise the same or any Part thereof accordingly, and for that Purpose to make and execute all such Conveyances and Assurances as they may deem necessary, and to do any other Act, Matter, or Thing in relation to such Lands as the Commissioners shall deem necessary: Provided always, that no Part of the Lands coloured Red on the said Plan shall be sold or leased for any Term exceeding Five Years by the Commissioners, until after One Calendar Month's Notice in Writing under the Hand of their Secretary shall have been given to the Commissioners of

Woods, Forests, and Land Revenues of the Intention of the Commissioners to sell or demise the same; and that in case any such Notice shall be given, it shall be lawful for the Commissioners of Woods, Forests, and Land Revenues, on behalf of Her Majesty, Her Heirs and Successors, from Time to Time to purchase the Lands described in any such Notice for such Sum of Money as, having regard to the Consideration received by Her Majesty for the Surrender of the Lands delineated on the said Plan mentioned in the Twelfth Section of this Act, in accordance with an Award of *James White Higgins* dated the Twenty-fifth Day of *January* One thousand eight hundred and fifty, and entered in the Office of the Commissioners of Woods, shall represent the proportionate Part of the Consideration so received which, in the Opinion of some competent Surveyor to be appointed by the Commissioners of Her Majesty's Treasury, may be applicable to the particular Lands described in any such Notice as aforesaid, if the Commissioners of Woods, Forests, and Land Revenues, or One of them, do, previously to the Expiration of such One Calendar Month's Notice, signify in Writing to the Commissioners that the Commissioners of Woods, Forests, and Land Revenues intend to purchase such particular Lands.

Lands obtained in Exchange to vest in Commissioners.

XIV. All Lands acquired by the Commissioners on any such Exchange shall vest in the Commissioners upon the same Trusts and with the like Powers in all respects as are hereby declared as to Lands hereby vested and authorized to be purchased or acquired.

Monies received on Sale to be paid to Paymaster General.

XV. The Monies to be produced by Sale or Exchange, or which may be paid by way of Premium for any Lease, of any Lands which shall be sold, let, exchanged, or conveyed under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being; and the Receipt of the said Paymaster General for any such Monies (such Receipt to be endorsed on every such Conveyance, Assurance, or Lease as aforesaid,) shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be paid.

Lands to vest free from prior Estates.

XVI. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall stand seised or possessed of the Lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be

be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in such Conveyance, Assurance, or Lease shall be excepted.

Powers to be executed by Two Commissioners or by Lord High Admiral.

XVII. All the Powers, Authorities, and Duties hereby vested in or imposed on the Commissioners may be exercised and performed by any Two of them at any Time when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times by the Lord High Admiral for the Time being.

Saving all Rights of Her Majesty.

XVIII. Nothing herein contained shall prejudice or affect the Estate, Right, Title, or Interest of the Queen's Majesty in or to the Soil of *Portland* Harbour, other than so much thereof as forms the Sites of the Breakwaters which are by this Act vested in the Commissioners, or in or to any Lands of or to which Her Majesty is now seised or entitled, other than those coloured Red on the Plan so signed and deposited as aforesaid, and which are by this Act vested in the Commissioners; and nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceeding, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever in any Court of Law or Equity by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Suits or other Proceedings were vested immediately in Her Majesty, Her Heirs and Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Actions, Suits, or other Proceedings.

Protection of Commissioners personally.

XIX. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law or in Equity, or otherwise instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the

the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in, under, or by reason of any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

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