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An Act to dissolve the Cleveland Water Company (Limited), and re-incorporate the members thereof, and to make further provision for the supply of water to Saltburn-by-the-Sea, Skelton, and other places in Cleveland; and for other purposes. [12th July 1869.] A.D. 1869.

WHEREAS in the year 1868 a Company was formed under the provisions of the Acts relating to companies with limited liability, under the name of the Cleveland Water Company (Limited), for the purpose of supplying the Skelton and Saltburn district and other places in the county of York with water:

And whereas it is expedient that additional works be constructed, and that lands be authorized to be taken by compulsion or otherwise for existing and proposed works, and that the Company, Limited, be dissolved, and that the members thereof be re-incorporated subject to proper provisions; but those objects cannot be effected without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the existing works of the Company, Limited, and of the proposed works, and the lands to be taken for the purposes thereof and of this Act, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the clerks of the peace for the north riding of the county of York, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books 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. In citing this Act for any purpose whatsoever it shall be sufficient to use the expression The Cleveland Waterworks Act, 1869.

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8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., nd 26 & 27 Vict. cc. 93. & 118. incorporated.

2. The several Acts of Parliament following, (that is to say,) the Companies Clauses Consolidation Act, 1845; Parts 1 and 3 of the Companies Clauses Act, 1863; the Lands Clauses Consolidation Act, 1845; the Lands Clauses Consolidation Acts Amendment Act, 1860, and the Waterworks Clauses Acts, 1847 and 1863, shall be incorporated with and form part of this Act.

Interpretation of terms.

3. In construing the incorporated Acts respectively in connexion with this Act, and also in construing this Act, the expression the "special Act" shall mean this Act; the expressions "the Company" and "the undertakers" shall respectively mean the Company by this Act incorporated; the expression the "dissolved Company" shall mean the Cleveland Water Company (Limited); the expression "the undertaking" and "the waterworks" shall include all the works by this Act vested in the Company as well as those which may be constructed by them under the powers of this Act; the expressions "superior court" and "court of competent jurisdiction" shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Same meanings to words in this Act as in incorporated Acts.

4. Except as is in this Act otherwise provided, the several words and expressions to which meanings are assigned by the Acts incorporated herewith, or either of them, shall in this Act have the meanings so assigned to them respectively, unless there be in the subject or context something repugnant to or inconsistent with such construction.

Incorporation of Company.

5. The Cleveland Water Company (Limited) is hereby dissolved, and the memorandum of association of that Company is hereby annulled as from the passing of this Act, and as regards any prospective operation thereof, and the several persons and corporations who immediately before the passing of this Act were members of the Cleveland Water Company (Limited), and all other persons and corporations who shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united and incorporated into a Company for the purpose of maintaining waterworks and supplying water within the limits of this Act, and for doing all acts necessary for that purpose and for other the purposes by this Act and the said incorporated Acts authorized, by and under the name of the Cleveland Water Company, and by that name shall be a body corporate, with perpetual succession, and shall have a common seal, and shall and may sue and be sued, and shall have power to purchase and hold lands for the purposes of the undertaking,

subject to the restrictions and provisions herein and in the said incorporated Acts contained.

Present property vested in Company incorporated by this Act.

6. All reservoirs, filter beds, aqueducts, conduits, mains, pipes, engines, waterworks, and apparatus, lands, works, erections, buildings, terms, rights, easements, monies, securities, deeds, leases, contracts, agreements, papers, books, plans, choses in action, effects, claims and demands, rights and remedies whatsoever, which immediately before the passing of this Act were vested in the dissolved Company or any person on their behalf, or of or to which the dissolved Company or any person in their behalf were seised, possessed, or entitled, either at law or in equity or otherwise howsoever, and all mains, pipes, hydrants, plugs, matters and things which have been by them purchased or provided, laid down, erected, or placed in any place or house within the limits of this Act, and which immediately before the passing of this Act were the property of or belonging to the dissolved Company, or any person on their behalf, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same respectively were at the time of the passing of this Act vested in the dissolved Company or any person on their behalf, and may be held, used, and enjoyed accordingly.

Contracts prior to Act to be binding.

7. All deeds, leases, bonds, contracts and agreements, securities, orders, resolutions, and proceedings, and other acts and things done, made, instituted, executed, or entered into before the passing of this Act by, to, with, or with reference to the dissolved Company, and now in force, shall be as binding and of as full force and effect in all respects against, in favour of, or with reference to the Company, and may be enforced as fully and effectually as if instead of the dissolved Company the Company had been a party or privy thereto.

Judgment in respect of existing liabilities may be enforced against individual shareholders.

8. If any judgment, decree, or order be at any time after the commencement of this Act obtained against the new Company in respect of any debt or liability owing or incurred, or in respect of any contract made or tort committed by the Company before the commencement of this Act, and be not fully satisfied out of the property of the Company, then and in every such case the judgment, decree, or order may be enforced and execution thereon issued against the property and effects of any person who was a member of the Company immediately before the commencement of this Act or at the time when the contract was made or the tort was committed in respect of which the debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability to the same extent as if this Act had not been passed.

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Reimbursement of shareholders in such case.

9. Every person against whom, or against whose property or effects, any such judgment, decree, or order is enforced shall be entitled to recover against the new Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have been issued, and the contribution may be recovered in like manner as contribution in ordinary cases of copartnership.

Actions, &c. not to abate.

10. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which shall be pending by or against the dissolved Company, but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by, in favour of, or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the dissolved Company.

Water rates due to be recovered by Company.

11. All water rates and rents which immediately before the passing of this Act were due and payable or accruing due and payable to the dissolved Company shall be payable to and may be collected and recovered by the Company in like manner as the water rates by this Act authorized to be taken.

Debts due to and by dissolved Company to be paid to and by Company.

12. All persons who immediately before the passing of this Act owed any sums of money to the dissolved Company or to any person on their behalf shall pay the same with all interest (if any) due or to accrue due for the same to the Company, and all debts and monies which immediately before the passing of this Act were due or owing by or recoverable from the dissolved Company, or for the payment of which the dissolved Company are or but for this Act would be liable, shall be paid, with all interest (if any) due or to accrue due thereon, by or be recoverable from the Company.

Officers to continue.

13. Every clerk or other officer and servant of the dissolved Company in office at the passing of this Act shall hold and enjoy his office and employment with the salary thereunto annexed, and be deemed an officer or servant of the Company until he resign or be removed from such office and employment, and shall have the like power and authority for the purposes of this Act, and be subject to the like power of removal, rules, regulations, pains, and penalties in all respects whatsoever, as if he were appointed under this Act.

Trustees of the Com-

14. Every trustee or other person in whom or in whose name any lands, works, erections, buildings, or property belonging to the

dissolved Company were vested immediately before the passing of this Act, and who, being duly authorized so to do, has entered into any bond, covenant, contract, or engagement in respect of or with reference to such lands, erections, buildings, or property, or any other contract on behalf of the dissolved Company, shall be indemnified and saved harmless out of the funds or property of the Company from all liability and against all loss, costs, charges, and expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such bond, covenant, contract, or engagement. pany to be indemnified.

Saving previous rights and liabilities.

15. Notwithstanding the dissolution of the dissolved Company, and except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the dissolved Company shall be as valid as if the Company had not been dissolved, and such dissolution and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands both present and future which if the Company were not dissolved and this Act were not passed would be incident and consequent on any and everything so done or suffered, and with respect to all such rights, liabilities, claims, and demands the Company shall to all intents and purposes represent the dissolved Company: Provided always, that the generality of this section shall not be limited or confined by any other of the provisions of this Act.

Capital.

16. The capital of the Company shall be twelve thousand pounds in one thousand two hundred shares of ten pounds each, but the Company may divide into half shares a sufficient number of shares to provide for the cases in which a single share or an odd number of shares has or have been allotted, or is at the time of the passing of this Act held by any shareholder in the dissolved Company.

Capital of dissolved Company.

17. Subscriptions to the capital of the dissolved Company shall be deemed to be and taken as subscriptions to the capital of the Company.

Shares not to issue until one fifth paid up.

18. It shall not be lawful for the Company to issue any share or stock, nor shall any share or stock vest in the person accepting the same, unless and until a sum being not less than one fifth part of the amount of such share or stock shall have been paid up in respect thereof.

Calls.

19. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share

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shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

20. The Company may from time to time borrow on mortgage any sum not exceeding in the whole four thousand pounds, but no part thereof shall be borrowed until the whole capital of twelve thousand pounds is subscribed for, issued, and accepted, and one half thereof 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 the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of receiver.

21. The mortgagees of the Company may enforce payment of the arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four hundred pounds in the whole.

Debenture stock.

22. The Company may create and issue debenture stock.

Application of money.

23. All money to be raised under the provisions of this Act by means of shares, debenture stock, or borrowing shall be applied to the purposes by this Act authorized, and to no other purpose.

General meetings.

24. The first ordinary general meeting of the shareholders of the Company shall be held within twelve months after the passing of this Act.

Number and qualification of directors.

25. The number of directors shall be six, of which two shall be appointed by John Thomas Wharton, Esquire, during his own life, and by his son William Henry Antony Wharton during his life, or by his guardian during his minority, and four by the remaining shareholders of the Company; and the qualification of a director appointed by the shareholders shall be the possession in his own right of twenty shares at the least in the undertaking: Provided always, that if at the first ordinary general meeting of the Company in any

year the said John Thomas Wharton or his said son in his own right shall hold less than two hundred shares in the capital of the Company, one of the two directors appointed by the said John Thomas Wharton or by his son as herein-before provided shall retire from office, and if the said John Thomas Wharton or his son shall hold less than one hundred of such shares, then both directors so appointed shall retire from office, and the vacancy which may at any time be occasioned in the number of directors by any retirement as aforesaid shall be filled up by the shareholders of the Company for the time being present at the meeting at which such vacancy or vacancies occurred: Provided always, that the said John Thomas Wharton shall not be entitled to vote for the appointment of directors so long as he shall exercise the right to nominate a director or directors as aforesaid.

Quorum.

26. The quorum of a meeting of the directors shall be three.

First directors.

27. John Thomas Wharton and Edward Bell Hamilton as representing John Thomas Wharton, and Thomas MacNay, Robert Thompson, James Taylor, and Robert Gill as representing the general shareholders, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present, in person or by proxy, may either continue in office the four directors representing the general shareholders, or either of them, or may elect a new director or directors to supply the place of those not continued in office, the directors retiring being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present, in person or by proxy, shall (subject to the conditions herein-before contained) elect a person or persons to supply the place or places of the director or directors then retiring from office, and every person elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until the first ordinary meeting of the Company in the following year.

Appointment of directors by John Thomas Wharton.

28. That every director appointed by John Thomas Wharton or by his said son shall continue in office until he shall die or resign, or shall be removed, or shall become disqualified (under the provisions of this Act) to act as a director, or until some other person shall be appointed by the said John Thomas Wharton or by his said son to be a director in his stead.

Power to make works according to deposited plans.

29. Subject to the provisions and restrictions in this Act and the incorporated Acts contained, it shall be lawful for the Company to maintain, repair, and renew the said existing works, and to make and maintain the said intended works in the lines and situations,

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according to the levels, and upon the lands delineated on those plans and sections and described in those books of reference, and to collect and divert into the existing and intended reservoirs and works respectively the waters of all wells, springs, and streams shown on the deposited plans or within the limits of deviation defined thereon, and to retain, enter upon, take, and use such of the lands aforesaid as the Company may deem necessary for the purposes of this Act, and to purchase all outstanding reversions, estates, rights, and interests in or affecting the lands or hereditaments by this Act vested in them.

For protection of lands of Saltburn Improvement Company.

30. Notwithstanding anything in this Act or the Acts incorporated therewith, it shall not be lawful for the Company, nor any person acting under or in execution of this Act, to enter upon, occupy, take, or use, either permanently or temporarily, any of the lands, works, or property of the said proprietors (called the Saltburn Improvement Company), or in any manner to alter or interfere with their ornamental grounds and other property and works, without the consent of such proprietors first had and obtained.

For protection of North-eastern Railway Company.

31. Where any of the main pipes and works cross the railway or works of the North-eastern Railway Company, as shown upon the said deposited plans, it shall be lawful for the Company to purchase and take an easement in such lands; but nothing in this Act contained shall authorize the Company to purchase or take by compulsion any other estate, right, easement, privilege, power, or authority whatsoever in or over any such lands, except such and so far as may be necessary for the purpose of laying and constructing, and of obtaining access for examining, regulating, cleansing, draining, maintaining, renewing, and keeping in good repair, order, and condition, such pipes and other works as may be required for and are incident to the conveying of water for the purposes by this Act authorized: Provided always, that nothing in this Act contained shall authorize the Company to purchase or take compulsorily any lands or property of the North-eastern Railway Company, except such easements as aforesaid.

Company not to take certain property without consent.

32. Notwithstanding anything in this Act or the Acts incorporated herewith, the Company or any person acting under or in execution of this Act shall not take directly any water from the mill race above Moorsholm Mill without the previous consent in writing of the owner of the mill for the time being, but they may take water from the overwash of such mill race, the form and level of which shall not be altered.

Company not to take lands of the

33. Notwithstanding anything in this Act contained, it shall not be lawful for the Company to enter upon, take, or use any

lands forming part of the estate of Little Moorsholm without the consent in writing of William Linskell, now the owner or reputed owner of the said estate, or of the owner of the said estate for the time being.

estate of Little Moorsholm without consent.

34. The Company shall not without the consent of William Linskill, or the owner for the time being of the estate of Little Moorsholm, collect, divert, or appropriate any larger quantity of the water which shall at any time be flowing down the Hagg or Moorsholm Beck, or any stream or streams tributary to or flowing into the same above the said Little Moorsholm estate, than one third part of such water; and the Company shall before diverting, collecting, or appropriating any waters from the said beck or stream, at their own expense, and at the sight and to the satisfaction of an engineer to be appointed (in case of difference of opinion between the said William Linskill and the Company) by the Board of Trade, erect and for ever after maintain a gauge or gauges and any other necessary works sufficient to ascertain and secure that at all times at least two third parts of such waters shall pass over or through such gauge or gauges and flow down the said beck or stream, and that no more than one third part of such waters shall be collected, diverted, or appropriated by the Company without such consent as aforesaid, and the said gauge or gauges and other works shall be open at all times to the inspection and examination of the said William Linskill, or the owner for the time being of the said estate, or any person appointed by him for the purpose.

For protection of water in Moorsholm Beck.

35. In the case of failure, neglect, or default of the Company by or in consequence of which the water hereby required to be allowed to flow over or through the said gauge or gauges into the said Hagg or Moorsholm Beck shall not so flow, the Company shall for every day on which such failure, neglect, or default shall occur, or such flow shall not take place, forfeit and pay the sum of five pounds to the said William Linskill, or to the owner for the time being of the said estate of Little Moorsholm, as and by way of liquidated damages, and shall in addition make compensation for any loss, damage, or injury which the said William Linskill or such owner for the time being shall or may by such failure, neglect, default, or deficiency of flow of water sustain, incur, or be put to and in respect of which such liquidated damages may be an insufficient compensation, and it shall be lawful for the said William Linskill, or the owner of the said estate of Little Moorsholm for the time being, from time to time to recover such liquidated damages and compensation, with costs, from the Company by action in any court of competent jurisdiction.

Penalty on contravention by Company of provision as to flow of water.

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Power to purchase land for extraordinary purposes.

36. The Company may from time to time by agreement purchase or take for the purposes of this Act any quantity of land not exceeding six acres, in addition to the land which they are by this Act authorized to take by compulsion.

Powers for compulsory purchases limited.

37. The powers of the Company for the compulsory purchase of lands and houses for the purposes of this Act shall not be exercised after the expiration of four years from the passing of this Act.

Period for completion of waterworks limited.

38. The waterworks shall be completed within five years from the passing of this Act, and on the expiration of that period the powers granted to the Company for executing the works or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Company to lay down pipes.

39. Whenever the Company require to lay any service or other pipes in any of the private streets, roads, footways, passages, or places belonging to the said proprietors, they shall give notice thereof to such proprietors, who shall thereupon be required within seven days after receipt of such notice in writing to break up and open any streets, roads, footways, passages, or places named in such notice so as to enable the Company to lay down any service or other pipes therein for the purpose of distributing or conveying water for the supply of the district authorized by this Act, and the Company shall be at liberty to lay such pipes therein, and shall pay to the said proprietors all the costs and expenses of and attending the breaking up, filling in, reinstating, and making good such streets, roads, footways, passages, and places so broken up or opened, or for any loss, cost, or expenses to which such proprietors may be put by the relaying or repairing such pipes, mains, and other works after the same shall have been so laid down, and of any damage, loss, or injury occasioned thereby; and if at any time after receipt of any such notice from the Company the said proprietors shall neglect for the space of seven days to open and break up any such street, road, footway, passage, or place as aforesaid, it shall be lawful for the Company from time to time to enter upon and break up any of such private streets, roads, footways, passages, and places, in the same way as if such private streets, roads, footways, passages, and places were included within the 28th section of the Waterworks Clauses Act, 1847, in this Act incorporated: Provided always, that nothing herein contained shall prevent the said Company, in cases of emergency arising from defects in any of the pipes or other works, repairing such defects, so that they give notice in writing to the said proprietors as soon as possible after the beginning of such repairs or the necessity for the same shall have arisen.

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Arrangement with John Thomas Wharton.

40. The Company may in the lands of John Thomas Wharton shown on the deposited plans and described in the deposited book of reference maintain the pipe or pipes shown on the deposited plans, and may from time to time relay, alter, improve, and repair the same, and make and maintain a reservoir and filtering beds on the portions of the pieces or parcels of ground as shown on the said plan, and also the road from the township road leading to Buckrush to the reservoir and filtering bed shown on the deposited plans, for the purpose of constructing, repairing, and maintaining the works of the said Company; but the said Company shall not acquire any exclusive right in or over the said road, with full and free access to and regress from the pipe or pipes and road, and the powers conferred on the Company by this section may be exercised by them during forty years from the twenty-fifth day of March one thousand eight hundred and sixty-eight without payment, and after that period of forty years on payment by the Company to the said John Thomas Wharton, his heirs or assigns, of an annual sum calculated at the rate of one halfpenny per lineal yard of pipe, and fourpence per lineal yard of road, and double agricultural value for the use of the land used for the reservoir and filtering beds, the said John Thomas Wharton having agreed to the terms embodied in this section.

Power to take grants in perpetuity.

41. The persons empowered by the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, to convey lands in consideration of a rentcharge may, if they think fit, but subject to the provisions contained in those Acts with respect to land granted to the Company, for the purposes of this Act any lands or streams shown on the deposited plans, or the right or user thereof, or any easement, liberty, or privilege, not being an easement, liberty, or privilege, power or authority in or over the same, which the Company are by this Act authorized to take in perpetuity, in consideration of an annual rentcharge.

Grants by persons under disability at best rent.

42. In any such grant to be made by any party under any disability or incapacity to sell and convey lands as defined by the Lands Clauses Consolidation Act, 1845, the amount of the rentcharge or compensation for any such grant shall be ascertained in manner provided by the Lands Clauses Consolidation Acts Amendment Act, 1860, and be subject to all the provisions with respect to land granted or conveyed under the provisions of the last-mentioned Act.

Rents to be first charge.

43. Every such yearly rent shall be charged on the water rates or water rents payable under this Act, or if the rates be leased, then

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Remedies for recovery thereof.

on the rent reserved by the lease, in preference to any charge whatsoever; and if at any time any such rent be not paid within thirty days after the same becomes payable, and after demand thereof in writing, the person to whom such rent is payable may either recover the same from the Company, with costs of suit, by action of debt in any court of competent jurisdiction, or may levy the same by distress of the goods and chattels of the Company.

Restrictions may be imposed upon the sale of superfluous property.

44. Upon any sale by the Company under the provisions of the Lands Clauses Consolidation Act, 1845, relating to superfluous lands, of any lands or hereditaments purchased by them under the powers of this Act, the Company may reserve to themselves all or any part of the water, or water rights and other easements thereunto belonging, and may sell such lands and hereditaments, subject to such reservation, and also subject to such special conditions, restrictions, and provisions with reference to the use of water, and for preventing the exercise of noxious trades or businesses upon the premises, and for preventing or regulating the discharge or deposit of manure, sewage, and other impure matter and liquids, as they may think fit.

Works affecting the North-eastern Railway Company to be done under the inspection of their engineer.

45. In laying down, making, executing, and subsequently maintaining and repairing any mains and pipes or other works of the Company upon, along, across, or under, or by the side of the North-eastern Railway, as shown on the deposited plans, and wheresoever elsewhere the same or any of them shall interfere with or be upon, across, or under, or by the side of the said railway, or of the works or property of the said Railway Company, the Company shall lay down, make, execute, and subsequently maintain and repair the same, and all excavations and works necessary for those purposes, or any of them, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the said Railway Company, and in accordance with plans, drawings, and specifications previously submitted to and approved by the said engineer, and shall pay and make good to the said Railway Company all loss, costs, charges, damages, and expenses whatsoever which such Company shall sustain, pay, expend, or be put to by, in, about, or in consequence of laying down, making, and executing the said mains, pipes, and other works upon, along, across, or under, or by the side of such railway and property, or any part thereof, and the subsequent maintenance and repair thereof, or of any such works, or any other injury caused by the works of the Company, or the use thereof, or by the bursting of any pipe or reservoir, or otherwise howsoever; to the said railway or the works or traffic thereof or other the property of the said Railway Company; and in case of any difference between the engineer of the Company and the engineer

of the said Railway Company concerning such plans, drawings, or specifications, or as to any other of the matters aforesaid, the same shall be determined by arbitration in the manner prescribed by the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, and for such purposes those clauses shall be incorporated with and form part of this Act: Provided always, that nothing in this Act contained shall enable the Company in any way to interfere with any station, station house, engine shed, warehouse, shop, or other building, or with any water pipes, wells, or other works of the said Railway Company, without the consent of such Company in writing first had and obtained.

Limits of Act.

46. The limits of this Act for the supply of water shall include Saltburn-by-the-Sea, Skelton, Upper and Lower Marske, Upleatham, Brotton, and Redcar, in Cleveland in the county of York: Provided always, that it shall not be lawful for the Company to supply water within the limits of the Stockton and Middlesborough Waterworks Act, 1864, nor shall any places within the limits of that Act be deemed to be within the limits of this Act for any purpose whatsoever.

Water to be supplied for domestic purposes.

47. The Company shall at the request of the owner or occupier of any house or part of a house in any street in which any pipe of the Company shall be laid, or of any person who under the provisions of this Act or any Act incorporated herewith shall be entitled to demand a supply of water for domestic purposes, furnish to such owner, occupier, or other person a sufficient supply of water for domestic purposes at any water rent agreed upon between the Company and such owner, occupier, or other person, not exceeding the following; (namely,)

If there be no watercloset or bath in the dwelling house or part of the dwelling house to be supplied with water, then at the following rates:

Where the annual value of such house shall not amount to ten pounds, at a rate per centum per annum not exceeding seven pounds ten shillings:

Where the annual value of such dwelling house shall be ten pounds and under twenty pounds, at a rate per centum per annum not exceeding seven pounds:

Where the annual value of such dwelling house shall be twenty pounds and under forty pounds, at a rate per centum per annum not exceeding six pounds ten shillings:

Where the annual value of such dwelling house shall be forty pounds and upwards, at a rate per centum per annum not exceeding six pounds:

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And if there be a watercloset or waterclosets or a private bath or baths in such dwelling house, then in addition to the rents above specified, rents at the following rates shall be payable; (that is to say,)

Where the annual value of such dwelling house shall amount to ten pounds per annum, the sum of four shillings for each such watercloset and four shillings for each such bath:

Where the annual value of such dwelling house shall be above ten pounds and under twenty pounds, the sum of six shillings for one such watercloset and six shillings for one bath, and four shillings for every additional watercloset or bath:

Where the annual value of such dwelling house shall be twenty pounds and under forty pounds, the sum of eight shillings for one watercloset and eight shillings for one bath, and four shillings for every additional watercloset or bath:

Where the annual value of such dwelling house shall be forty pounds and upwards, the sum of ten shillings for one watercloset and ten shillings for one bath, and four shillings for every additional watercloset or bath:

Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Company may charge by agreement: Provided also, that the Company shall not be allowed to make any charge for a single watercloset or private bath in any house the annual value of which shall be less than ten pounds.

Recovery of sums for baths, &c.

48. The additional rents under this Act chargeable for watercloset and baths shall be paid with and as part of, and may be recovered by the same means as the rent for the supply of water for domestic purposes.

Supply to village of Skelton.

49. Notwithstanding anything in this Act the Company shall not demand water rents for the supply of water for domestic purposes to houses in the township of Skelton at rates beyond the following; (that is to say,)

Where the annual value of the house does not exceed six pounds, a rent not exceeding five shillings per annum:

Where the annual value of the house does not exceed ten pounds, a rent not exceeding seven shillings and sixpence per annum:

Where the annual value of the house does not exceed fifteen pounds, a rent not exceeding ten shillings per annum:

Where the annual value of the house does not exceed twenty pounds, a rent not exceeding thirteen shillings per annum.

Water for other than domestic purposes.

50. The Company may supply any person with water for other than domestic purposes within the limits of this Act at such price and upon such terms and conditions as shall be agreed upon between the Company and the persons desirous of having such supply of water, and such water may, if so agreed, be supplied by the Company by measure, but the Company shall not be entitled to charge more than sixpence for each one thousand gallons so supplied: Provided always, that no person shall be entitled to a supply of water for other than domestic purposes, or to have his supply of water for other than domestic purposes continued, if the Company shall be of opinion that such supply would render insufficient the supply of water for domestic purposes to be afforded under this Act or the Acts incorporated herewith.

Limits of pressure.

51. The water supplied by the Company need not be constantly laid on under pressure, or be at any time delivered at a height greater than can be reached by gravitation from the reservoir or works of the Company.

Penalty for injury to and fraudulent use of meters, &c.

52. Every person who shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any meter, pipe, or fittings belonging to the Company, or who shall fraudulently alter the index to any meter, or shall knowingly or wilfully prevent any meter from duly and properly registering the quantity of water supplied, shall for every such offence forfeit to the Company a sum not exceeding five pounds, and the Company may in addition thereto recover the amount of any damage by them sustained.

Meters not to be altered or repaired except under the direction or with the consent of Company.

53. No meter, whether supplied by the Company or the consumer, shall be altered or repaired except under the directions or with the consent of the Company, or the surveyor or other officer of the Company, and the Company shall be entitled to keep in repair all meters which may be provided by the consumer, at the cost of the consumer, at such rate of remuneration as may be agreed on between the Company and the consumer, or as, in case of dispute, may be fixed by two justices.

Penalty for affixing tubes to Company's pipes without their consent.

54. It shall not be lawful for any owner or occupier of any house supplied with water by the Company, without the consent of the Company, to affix or permit or suffer to be affixed to any of the mains or other pipes of the Company, or to any service pipe of such owner or occupier, other than and except a pipe supplied by means of or through a meter, any tubes or pipes or apparatus for the purposes of washing the windows or fronts of houses or other buildings, or the pavements or roads adjacent thereto, or for watering gardens, or for any other purposes whatsoever, and any person who shall act contrary to this enactment shall for every

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such offence forfeit to the Company any sum not exceeding forty shillings.

Company may require pipes, &c. to be repaired.

55. The Company may, by notice in writing under the hand of their surveyor or other duly authorized officer, require any person who shall have suffered any pipe, cock, cistern, or other apparatus to be out of repair forthwith to put the same into a proper state of repair, and if such person shall not within three days after the service of such notice so repair such pipe, cock, cistern, or other apparatus as to prevent any waste of water therefrom, the Company may repair the same, and if the expenses of such repair shall not be repaid to the Company on demand the same may be recovered by the Company as damages.

For preventing waste of water.

56. For the purpose of preventing the waste, misuse, or undue consumption of the water of the Company, the Company may from time to time make such rules and regulations as they may think necessary to be observed by the persons supplied with such water, and may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for conveying, delivering, and receiving such water, and may thereby interdict any arrangement and the use of any pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus or receptacles which in their judgment will be likely to occasion any such waste, misuse, undue consumption, or contamination, and shall not be bound to supply or continue to supply water to any such person unless such rules and regulations be and continue to be duly observed by him, and the pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus and receptacles used or to be used shall be made of such size, nature, strength, and materials, and shall be so arranged, kept, and repaired, as the Company shall from time to time prescribe or otherwise approve.

Incoming tenant not liable for arrears.

57. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent left unpaid by any former tenant, unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Undisputed rates may be recovered by distress.

58. All water rents due to the Company, and all damages, costs, and expenses by this Act or any Act incorporated therewith directed to be paid, and the amount whereof shall not be disputed, may be levied by distress, provided that the amount so to be levied from any one person or body corporate shall not exceed twenty

pounds, and any justice, on application, may issue his warrant accordingly; provided that if it be shown to the satisfaction of the justice that there is reasonable ground to dispute the amount due for such rates and rents, then such justice shall refuse to adjudicate, and the amount due shall be recoverable in any court of competent jurisdiction.

Several names in one warrant.

59. Any number of names and sums may be included in any warrant of distress or notice obtained or given by the Company for any of the purposes of this Act, and may be stated either in the body of the warrant or notice or in a schedule thereto.

Costs of distress.

60. Any justice who issues any such warrant of distress may order that the costs of the proceedings for the recovery of such rate or sum, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such rate or sum.

Penalties not cumulative.

61. Penalties imposed on the Company or on any person by several Acts for one and the same offence shall not be cumulative, and for the purposes of this section this Act and the several Acts incorporated with this Act shall be deemed several Acts.

Power to enter into contracts with local board of health.

62. The Company may from time to time enter into contracts with any local board, company, or person for supplying them or him with water within the limits of this Act, upon such terms and conditions and for such purposes as shall be mutually agreed upon between the Company and such local board, company, or person.

Expenses of Act.

63. All the costs, charges, and expenses of and attending the applying for, obtaining, and passing this Act, and incidental thereto, shall be paid by the Company.

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