CHAPTER clviii.

An Act to confer further powers on the Consett Waterworks Company and for other purposes. [17th August 1894.]

A.D. 1894.

WHEREAS the Consett Waterworks Company (in this Act called "the Company") were incorporated by the Consett Waterworks Act 1860 (herein-after referred to as "the Act of 1860"): 23 & 24 Vict. c. cx.

And whereas by the Consett Waterworks Act 1869 (herein-after called "the Act of 1869") the Company were empowered to construct additional works and other powers were conferred upon them: 32 & 33 Vict. c. xxxviii.

And whereas in view of the increasing population and demand for water within the limits of the Company's Acts it is expedient that the Company be empowered to construct additional works and obtain a further supply of water:

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 Company have not created or issued any debenture stock:

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

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and plans of the additional lands which may be acquired under this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the ands required or which may be taken for the purposes of or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Durham and Northumberland and are herein-after referred to as the deposited plans sections and book of reference:

Price 1s. 6d.

A.D. 1894.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Consett Waterworks Act 1894.

Incorporation of general Acts.

2. The following Acts or parts of Acts viz. :—

The Lands Clauses Acts;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing the reservoirs and works immediately connected therewith by this Act authorised and such portion of the conduits or lines of pipes by this Act authorised as are to be made in tunnel); and

The Waterworks Clauses Acts 1847 and 1863;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act.

Extending certain provisions of the Companies Clauses Acts.

3. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against the shareholders;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders (except section 66 "Ordinary meetings to be held half-yearly");

The making of dividends;

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

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 shall (subject to the provisions of

this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

Interpretation.

4. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings:

In this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act—

The expression "superior courts" or "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute:

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions "the railway" "the work" and "the centre of the railway" respectively mean the reservoirs and works immediately connected therewith by this Act authorised and the boundaries thereof;

The Waterworks Clauses Acts 1847 and 1863 as incorporated in and for the purposes of the Acts of 1860 and 1869 and this Act respectively shall be read and have effect as if 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" had been omitted.

Power to construct works.

5. Subject to the provisions of this Act the Company in the lines and situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain the reservoirs conduits lines of pipes and works shown on the deposited plans among which are the following principal works (that is to say):—

(1) A Reservoir (No. 1) situate in the townships and parishes of Edmondbyers and Muggleswick on unenclosed land belonging or reputed to belong to the Ecclesiastical Commissioners to be formed by the embankment next herein-after described;

(2) An embankment to be formed across the Eudon Burn near the junction of the stream called Pike Sike with the Eudon Burn situate partly in the parish and township of Edmondbyers and partly in the parish and township of Muggleswick;

(3) A conduit or catchwater in the township and parish of Edmondbyers commencing at a point in the stream called Pike Sike and terminating in the reservoir firstly herein-before described;

A.D. 1894.

(4) A conduit or catchwater in the townships and parishes of Edmondbyers and Muggleswick commencing from and out of the reservoir firstly herein-before described and terminating at the reservoir next herein-after described;

(5) A Reservoir (No. 2) situate in the township and parish of Muggleswick on unenclosed land belonging or reputed to belong to the Ecclesiastical Commissioners to be formed by the embankment across the Feldon Burn next herein-after described;

(6) An embankment across the Feldon Burn at a point about 84 chains measured in a north-westerly direction from Edmondbyers Cross in the township and parish of Muggleswick;

(7) A conduit or catchwater in the township and parish of Muggleswick commencing from and out of the reservoir lastly herein-before described and terminating at the reservoir next herein-after described;

(8) A Reservoir (No. 3) to be wholly situate in the township and parish of Muggleswick on unenclosed land belonging or reputed to belong to the Ecclesiastical Commissioners to be formed by an embankment across the Hisehope Burn next herein-after described;

(9) An embankment across the Hisehope Burn at a point thereon about 85 chains measured in a westerly direction from the reservoir keeper's house at the Smiddy Shaw reservoir of the Company;

(10) A conduit or catchwater in the township and parish of Muggleswick commencing from and out of the reservoir lastly herein-before described and terminating by a junction with the existing catchwater of the Company which discharges into the said Smiddy Shaw reservoir;

(11) A conduit or line of pipes commencing in the township and parish of Muggleswick in the reservoir lastly herein-before described and terminating in the township of Healeyfield in the parish of Lanchester by a junction with the existing pipes of the Company on the public highway leading from Waskerley to Consett near Healeyfield;

(12) A service tank situate in the township of Tanfield in the parish of Chester-le-Street in a field near where the road from Dipton to Tantoby crosses the public highway from Annfield Plain to Pickering Nook;

(13) A line of pipes commencing in the township of Kyo and parish of Lanchester by a junction with the existing pipes of the Company in the road leading from Dipton to Tantoby and

terminating in the lastly described service tank in the township of Tanfield and parish of Chester-le-Street.

Power to make subsidiary works.

6. The Company in addition to the foregoing works may from time to time upon any lands acquired or to be acquired by them make and maintain all such cuts channels adits aqueducts culverts tunnels drains sluices by-washes weirs gauges stand-pipes filter-beds tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works or any 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 by them.

Power to take lands and waters.

7. Subject to the provisions of this Act the Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they require for the purposes of the works by this Act authorised and may divert collect impound take appropriate and use for the purposes of the Company the waters of the said Eudon Burn Pike Sike Feldon Burn and Hisehope Burn and all such springs and streams of water as will be intercepted by the works authorised by this Act and as may be found in upon or under any of the lands for the time being belonging to the Company.

Power to acquire additional lands.

8. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily and may hold for the general purposes of their undertaking the lands herein-after described which are delineated on the deposited plans (that is to say):—

Certain lands in the township and parish of Muggleswick being part of the said unenclosed lands lying to the north-west of and partly abutting on the highway leading from Waskerley to Consett:

But the Company shall not use any such lands for any building except buildings required for the undertaking of the Company.

Limiting common land to be taken.

9. Notwithstanding anything in this Act or on the deposited plans the Company shall not under the powers conferred upon them by this Act purchase and take any greater quantity of the commons known as Edmondbyers Moor or Common and Muggleswick Moor or Common than one hundred and seventy-seven acres:

Provided that for the construction and maintenance of any conduit catchwater or line of pipe in or upon the said commons or any of them the Company shall acquire an easement only and shall

A.D. 1894.

not enclose the surface of any lands in connexion with any such easement:

Provided also that the Company shall not under the powers of this Act build upon or enclose any of the common land to be acquired by them under the powers of this Act except so far as is necessary for the purposes of their undertaking.

Easements instead of lands.

10. The Company may in lieu of acquiring any lands for the purpose of any aqueducts conduits or lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts:

Provided always that except as to land forming part of a street nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Company for the purpose of laying aqueducts conduits or lines of pipes therein where such aqueducts conduits or pipes are laid underground the Company shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

Limits of deviation.

11. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards:

Provided that no part of any aqueduct conduit or line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections except for the purpose of crossing over a stream or railway :

Provided also that if it be found necessary or expedient in the construction of any of the reservoirs by this Act authorised to alter the situation of any embankment or retaining wall the Company may (within the limits of deviation) in the construction thereof and of the works connected therewith deviate vertically from the levels of such reservoirs embankments or retaining walls and works as shown with reference to the datum line to any extent not exceeding twenty feet but the Company shall not construct any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

As to compensation water to millowners &c.

12. Before the Company shall be entitled to use for the purpose of supply from any reservoir authorised by this Act any of the water authorised to be taken and used under the powers of this Act the Company shall cause to be discharged from and out of such reservoir into the stream hereafter named in connexion therewith being the stream upon the course of which such reservoir will be constructed the quantity of water per minute herein-after prescribed in respect of such reservoir for periods in each year equal in the aggregate to one hundred and fifty-six days of twenty-four hours each at such times as or as near as shall be reasonably practicable to such times as the occupiers for the time being of the mills or works herein-after referred to shall from time to time select and require in manner herein-after provided (that is to say) :—

(1) From and out of Reservoir No. 1 a quantity of water being not less than one hundred and thirty gallons into the Eudon Burn ;

(2) From and out of Reservoir No. 2 a quantity of water being not less than three hundred gallons into the Feldon Burn ;

(3) From and out of Reservoir No. 3 a quantity of water being not less than two hundred and fifty gallons into the Hisehope Burn :

Provided that in case the water for the time being in any of the said reservoirs shall prove to be insufficient for the discharge from such reservoir of such quantity of water as is herein-before directed to be discharged therefrom such water or the deficiency shall for the time being be made good from one or more of the other reservoirs for the time being of the Company :

Provided also that if and so long as the Company shall without making any of the said intended reservoirs take or appropriate by

A.D. 1894.

means of any catchwater or other work by this Act authorised any water from any of the streams above the authorised site of any such reservoir then so long as such reservoir or reservoirs shall not be made the Company shall cause to be returned to the stream from which such water shall be taken and immediately below the point at which such water shall be taken such quantity of water as would be by this section required to be discharged from or out of such reservoir or reservoirs if made or if such return shall be wholly or partially impracticable the deficiency shall for the time being be made good by the discharge of the necessary quantity of water from one or more of the other reservoirs for the time being of the Company into the stream or streams immediately below the site of such one or more of the other reservoirs.

As to periods for discharge of compensation water.

13. The times during which such quantities of water as beforementioned shall be discharged by the Company shall be selected by the occupiers for the time being of the paper mills near Shotley in the county of Durham commonly called the Shotley Grove Paper Mills by their giving during usual business hours at the Company's chief office in Consett reasonable notice in writing to the Company of the time or times when they require the discharge of water herein-before provided but such time or times shall be selected so that not more water shall be required during the period between the thirty-first day of March and the thirty-first day of December in each year than the maximum aggregate quantity which under the provisions of this Act might be required to be discharged in respect of one hundred and twenty-six days Provided always that whenever and so long as the said Shotley Grove Paper Mills shall be disused the occupiers for the time being of the Lintzford Paper Mill at Lintzford in the said county of Durham may exercise the like right of giving notice as aforesaid.

Whenever and so long as the Lintzford Paper Mill shall be also disused a person or persons to be selected by the majority of the occupiers of the following mills or works using the waters of the River Derwent viz. :—

Allensford Corn Mill Shotley Bridge Flour Mill Ebchester Flour Mill Ebchester Wood Mill Derwent Cote Forge Winlaton Forge High Swalwell Forge Swalwell Steel Works and the Northumberland Paper Mills

may exercise the like right of giving notice as aforesaid Provided that notice in writing shall be from time to time given to the Company under the hands of the occupiers of the majority of such mills or works naming the person or persons from time to time selected for the purpose.

Gauges to be erected.

14. The Company shall construct and for ever after maintain suitable measuring gauges through which the said respective quantities of water shall flow or be discharged and also proper instruments in connexion therewith for the purpose of correctly recording the quantities passing through such gauges and the owners and occupiers of the several present and future mills mines works and lands interested in the water so to flow or be discharged through the said gauges shall be entitled at all reasonable times to inspect and examine the said gauges and other instruments.

Quantity of water discharged to be full compensation.

15. The quantities of water by this Act required to be discharged out of the respective reservoirs authorised by this Act and the quantity of water by the Act of 1869 required to be discharged out of the existing Smiddy Shaw reservoir of the Company authorised by the last-mentioned Act shall respectively be in full compensation for the waters for the time being taken and used by the Company under the powers of this Act or the Act of 1869.

Penalty on default in compensation supply.

16. In case of any wilful or negligent act default or omission of the Company or of their officers or servants by or in consequence of which the several quantities of water by this Act required to flow or be discharged through the said several gauges shall not so flow or be discharged the Company shall for every day on which such act default or omission shall occur forfeit and pay to the occupiers of each of the mills mines works and lands affected thereby who may sue for and recover the same the sum of ten pounds and shall in addition make compensation for any loss damage or injury which such occupiers or any of them shall or may sustain incur or be put to and in respect of which such penalties may be an insufficient compensation and it shall be lawful for such occupiers respectively from time to time to recover such penalty and compensation with costs by action in any court of competent jurisdiction Provided always that no such daily penalty as aforesaid shall accrue for more than seven days unless and until notice shall have been given to the Company by the occupier to whom any such penalty may be payable of the act default or omission to afford him the compensation supply as by this Act provided.

For protection of North Eastern Railway Company.

17. Nothing in this Act contained shall be held or construed to give the Company power to collect divert impound take appropriate or use for the purposes of the Company except with the consent of the North Eastern Railway Company so much of any springs streams waters or the tributaries thereof demised by the Ecclesiastical Commissioners to the said North Eastern Railway Company by a lease dated the seventeenth day of October one thousand eight hundred and eighty-nine as the railway company are under the conditions of

A.D. 1894.

that lease entitled to appropriate and use or to do any matter or thing which may prejudice or affect the rights or privileges of the North Eastern Railway Company under the said lease or any renewal thereof respectively.

Period for compulsory purchase of lands.

18. 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 from the passing thereof.

Period for completion of works.

19. If Reservoir No. 3 and the works connected therewith by this Act authorised are not completed within the period of ten years from the passing of this Act and if Reservoirs Nos. 1 and 2 and the works connected therewith by this Act authorised are not completed within the period of fifteen years from the passing of this Act then on the expiration of such periods respectively the powers by this Act granted to the Company for executing the said works respectively or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Company from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus filter beds mains pipes or other works or plant at any time and from time to time as occasion may require.

Power to take additional lands by agreement.

20. The Company may from time to time for the purposes of their undertaking acquire by agreement either in fee simple or for any term or terms of years in addition to lands which they are already authorised to hold or which they may take by compulsion under the powers of this Act any lands not exceeding in the whole twenty acres or any easement right or privilege therein thereunder or thereover not being an easement right or privilege of water in which other than the parties to the agreement have an interest but the Company shall not deal with such lands so as to create a nuisance or use any such lands for any building except buildings required for the undertaking of the Company.

Power to take easements.

21. Persons empowered by the Lands Clauses Acts or otherwise enabled to sell and convey or release lands may subject to the provisions of those Acts and of this Act grant to the Company in fee either absolutely or in consideration of any yearly or other rent any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in over affecting or belonging to any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges respectively.

Sale of superfluous lands.

22. The Company may subject to the provisions of the Lands Clauses Acts with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit:

Provided always that the Company shall not under the powers conferred upon them by this Act sell lease or otherwise dispose of any of the common lands to be acquired by them under the provisions of this Act except so as to restore such land in every respect as regards ownership and rights of common to the position in which such land was before being acquired by the Company.

Restriction on taking houses of labouring class.

23.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Extension of limits of supply.

24. The limits of the Acts relating to the Company for the supply of water shall extend to and include the several townships and detached portions of parishes or townships following (that is to say):—

In the county of Northumberland—

The townships of Whittonstall and Newlands in the parish of Bywell Saint Peter and the township of Shotley Low Quarter in the parish of Shotley and so much of the

A.D. 1894.

township of Hedley in the parish of Ovingham and of the township of Hedley-Woodside and of a detached portion thereof in the said parish of Bywell Saint Peter or Ovingham as is coloured red on a map signed in triplicate by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords:

In the county of Durham—

So much of the townships of Chopwell and Winlaton in the parish of Ryton or Winlaton and of the township of Whickham in the parish of Whickham and of the township or parochial chapelry of Lamesley in the parish of Chester-le-Street as is coloured red on the said map and also the following detached portions of parishes or townships surrounded by or adjoining the district which the Company is or will be authorised to supply with water namely the portions of Whickham numbered 2 and 3 on the Ordnance map on the scale of six inches to a mile and the portion of Muggleswick numbered 4 on the said Ordnance map and the portion of Witton Gilbert numbered 4 on that map.

The said map so signed which has been deposited as to one copy in the Parliament Office of the House of Lords as to another copy at the office of the clerk of the peace for the county of Northumberland and as to the third copy at the office of the clerk of the peace for the county of Durham shall be kept with and as part of the deposited plans.

The rights of and the obligations on the Newcastle and Gateshead Water Company to supply water to and within the said detached portions of the said township of Whickham and so much of the said townships of Chopwell Hedley Hedley-Woodside Winlaton Whickham and Lamesley as is coloured red on the said map so signed as aforesaid are hereby extinguished.

The rights of and the obligations on the Weardale and Shildon District Waterworks Company to supply water to and within the said detached portions of the parishes or townships of Muggleswick and Witton Gilbert are also hereby extinguished.

Transfer of part of the Company's district to Weardale and Shildon Company.

25. From and after the passing of this Act so much of the township of Holmside in the parish of Lanchester the township of Esh in the same parish and the township of Plawsworth in the parish of Chester-le-Street as is shown by a purple colour on the map signed in duplicate by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords shall cease to be included within the limits of supply of the Company and any obligations of the Company in respect of such parts of the said

townships and parishes shall also cease and thenceforth all the powers and obligations of the Weardale and Shildon District Waterworks Company shall apply thereto as if such parts of the said townships and parishes had been originally part of the limits of supply of that company under the Acts relating to its undertaking. A.D. 1894.

The map referred to in this section which has been deposited as to one copy in the Parliament Office of the House of Lords and as to the duplicate at the office of the clerk of the peace for the county of Durham shall be kept with and as part of the deposited plans.

Power to agree as to drainage of lands &c.

26. The Company may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works by this Act authorised 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 by this Act authorised to be diverted collected and appropriated by the Company flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Provisions as to fouling of water.

27. For the prevention of the pollution of any of the Company's existing reservoirs or of any reservoir to be constructed by them under the powers of this Act or of any waters over which the Company have any powers of user under this Act or any previous Act or of any watercourse through which any water may for the time being flow into any such reservoir and in the event of the county council and the sanitary authority for the district in which the pollution occurs refusing or neglecting for the space of one month after being requested by the Company by notice in writing under the hand of their secretary so to do to enforce the provisions of the Rivers Pollution Prevention Act 1876 with respect to any such reservoir waters and watercourses the Company shall have and may if they think fit from time to time exercise such or the like powers as may for the time being be exercisable by such county council or sanitary authority under any enactment for the prevention of the pollution of any such reservoir water or watercourse and the provisions of such enactment shall for the purpose aforesaid extend and apply mutatis mutandis to the Company.

Extent of application of former Acts to extended limits.

28.—(1) Section 35 of the Act of 1860 and section 20 of the Act of 1869 shall extend and apply both within the existing limits of the Company's Acts and within the several townships and detached portions of parishes and townships added by this Act to

A.D. 1894.

the existing limits (which added townships and detached portions are in this Act referred to as "the extended limits").

(2) Within any part of the extended limits in which the Company are for the time being bound to afford and do in fact afford or are prepared to afford a supply under constant pressure the following provisions shall be in force and apply viz.:—

Regulations for preventing waste of water.

(a) For the purpose of preventing the waste or misuse or contamination of water the Company may from time to time by regulations prescribe the size nature materials workmanship and strength of the pipes cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus or receptacles whatsoever to be used within the extended limits and may forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or misuse or contamination;

Confirmation of regulations.

(b) No such regulations shall be of any force or effect except within the part of the extended limits in which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply nor unless and until the same shall have been submitted to and confirmed by the Local Government Board which Board is hereby empowered to confirm the same And no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed regulations shall have been given by or on behalf of the Company to the local authorities within the limits of supply who may within the said period of one month make such representation with reference thereto to the Local Government Board as such authorities shall think expedient and during such period a copy of the proposed regulations shall be kept at the office of the Company and be open during office hours to the inspection of all persons locally interested without fee or reward and a copy thereof or extracts therefrom shall be furnished to such persons by the Company on payment of sixpence for every one hundred words contained in such copy or extract;

Publication of regulations.

(c) All such regulations in force for the time being shall be published by a copy thereof being 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 regulations for the time being in force to every person applying for the same on payment of a sum not exceeding sixpence for each copy;

(d) A printed copy of any such regulations as aforesaid and purporting to be made as aforesaid and to have been confirmed by the Local Government Board shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation publication and existence of such regulations without further or other proof; Evidence of regulations.

(e) In the event of any such regulations not being complied with by any person being or about to become a customer of the Company within the extended limits the Company may if they think fit after forty-eight hours notice in writing and after obtaining an order of two justices enter the premises in respect of which default is made between the hours of nine in the forenoon and four in the afternoon and by or under the direction of their duly authorised officer repair replace or alter any pipe cock ferrule valve soil-pan watercloset bath cistern or other apparatus or receptacle belonging to or used or intended to be used by such customer or intending customer and the expense of every such repair replacement or alteration shall be repaid to the Company by such customer or intending customer and may be recovered by them as water rent is recoverable; For enforcing regulations.

(f) Any person who shall offend against any such regulations within the extended limits shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further penalty not exceeding forty shillings for each day or part of a day on which such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them. Penalty for infringement of regulations.

29. In the event of any dispute between the Company and any customer or intending customer within the extended limits as to the fact or extent of any alleged non-compliance with any regulations made as aforesaid such dispute shall be referred to the determination of a court of summary jurisdiction whose decision thereon and as to the amount of costs (if any) of or incident to such dispute and the determination thereof and by whom such costs are to be paid shall be final and conclusive Provided always that if the Company consider themselves aggrieved by any order or determination of such court they may in like manner and subject to the like conditions as by the Railways Clauses Consolidation Act 1845 are provided in the case of appeals in respect of penalties appeal to the court of general or quarter sessions for the county or place where the cause of appeal arises. Disputes to be determined by court of summary jurisdiction.

A.D. 1894.

Certain provisions of Company's Acts not to apply within extended limits.

30. The following provisions of the Company's Acts viz.:—

No. of Section.	Date of Act.	Marginal Note.
48	1860	For preventing of fouling of water.
50	1860	Persons using water to provide stop cocks.
51	1860	Persons using water for waterclosets to provide cisterns and cocks.
54	1860	Water may be cut off in certain cases.
33	1869	Regulations for preventing the waste &c. of water.

shall not apply within any part of the extended limits.

Company's officers may enter buildings to inspect meters &c.

31. The Company's agent or other officer duly appointed in writing for that purpose by the Company may without any previous notice between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water or about to be supplied with water by the Company in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water and to see whether such meters pipes fittings cisterns or other apparatus be in good repair and if he shall find that there is an actual waste of water he may take such measures as may be reasonably necessary for preventing such waste until an order of a court of summary jurisdiction can be obtained by the Company under the powers of this Act and if such agent or other officer at any such time having produced his appointment be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Company may raise additional capital.

32. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole two hundred and twenty-five thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes which shares or stock shall for all purposes form part of the general capital of the Company.

As to vesting of new shares or stock and conditions of issue.

33. The nominal amount of each share created under the authority of this Act shall be five pounds that being the nominal value of each existing share of the Company.

No share or stock created under the authority of this Act shall vest in the person accepting the same unless and until the full price

of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof It shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of two hundred and twenty-five thousand pounds.

The Company shall not create and issue within the year following the passing of this Act any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid seventy-five thousand pounds or within any subsequent year fifty thousand pounds.

If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years they may in any subsequent year create and issue in addition to the amount prescribed for such year such a nominal amount of capital as shall be sufficient together with the amount then raised to produce in manner aforesaid seventy-five thousand pounds in respect of the year following the passing of this Act and fifty thousand pounds in respect of every subsequent year then expired.

Limit of dividend on new capital.

34. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary share capital which shall have fallen short of the said sum of seven pounds per centum per annum.

Dividends on different classes of stock or shares to be paid rateably.

35. In case in any half year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

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

36. Notwithstanding anything in this Act contained the Company shall, when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions

A.D. 1894.

of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not except as hereafter provided be less than the nominal amount thereof and notice of the amount of such 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 and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Time for paying up shares or stock sold by auction.

37. It shall be one of the conditions of any sale of shares or 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 &c. of shares or stock.

38. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk of every urban sanitary authority having jurisdiction within the Company's limits of supply 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 Company's limits of supply.

Shares or stock not sold by auction or by tender to be offered to shareholders.

39. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary

stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

40. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow.

41. The Company may in respect of the additional capital of two hundred and twenty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole fifty-six thousand two hundred and fifty pounds and of that sum they may borrow two thousand and five hundred pounds in respect of each sum of ten thousand pounds of such capital but no part of any such sum of two thousand and five hundred pounds shall be borrowed until shares for so much of the portion of capital in respect of which it may be borrowed as is to be raised by means of shares are 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 shares for so much of such portion of capital as is to be raised by shares have been 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 such separate share therein has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also if the said respective portions of capital are raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to receiver.

42. Section 27 (For appointment of a receiver) of the Act of 1869 is hereby repealed but without prejudice to any appointment

A.D. 1894.

which may have been made or to the continuance of any proceedings pending at the passing of this Act under any such provision The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

43. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

44. The Company in lieu of raising money on mortgage may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 29 of the Act of 1869 is hereby repealed.

Notwithstanding anything contained in the said Act of 1863 the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

As to conversion of borrowed money into capital.

45. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the provisions of this Act.

Application of sums raised under this Act.

46. All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or stock or by borrowing shall be applied only to the purposes of this Act and to the general purposes of their undertaking being in all cases purposes to which capital is properly applicable.

Voting.

47. The prescribed scale of voting shall from and after the passing of this Act be one vote for every share and for every five pounds of stock whether of existing or additional capital.

Meetings.

48. The prescribed period for holding ordinary meetings shall be in the month of February in each year or such other period as shall be appointed at a general meeting of the Company.

Interim dividends.

49. The directors may without the sanction of a general meeting declare and pay in the interval between any two ordinary annual general meetings an interim dividend out of the profits of the Company having first paid or made provision for the payment of any dividend accrued on any preference shares or stock in respect of the same period.

Fittings.

50. The Company may if required by any person supplied or about to be supplied by them with water furnish to him and from time to time fix repair or alter any pipes valves cocks cisterns baths soil-pans waterclosets apparatus and receptacles as are required and may provide all materials and do all works necessary or proper in that behalf and their charges for providing such materials and executing such works shall be paid by the person requiring the same and shall be recoverable from such person in the same manner as the water rates or rents are recoverable.

Power to supply water in bulk.

51. The Company may enter into and carry into effect agreements with any sanitary or local authority whether within or beyond the limits of the Company's Acts for the supply by the Company to the agreeing authority of water in bulk:

Provided that the Company shall not without the written consent of the Newcastle and Gateshead Water Company either directly or indirectly supply any water or enter into any contract with any such authority whereby any water may be either directly or indirectly supplied or used in the statutory limits of supply for the time being of the Newcastle and Gateshead Water Company.

As to sale of water.

52. No water shall be sold or supplied by the Company for manufacturing or mechanical purposes within the limits of the Company's Acts or for any purpose beyond those limits so as to prejudicially affect the supply of water within those limits for domestic purposes.

As to the filtration of water.

53. The Company shall on or before the thirty-first day of December one thousand eight hundred and ninety-six and thereafter from time to time as occasion may require construct proper and efficient filtering beds for the purpose of filtering all water for the time being supplied by them for domestic purposes and shall

A.D. 1894.

by means of such filtering beds properly and efficiently filter all water for the time being supplied by them for such purposes.

Costs of Act.

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

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

CHAPTER clix.

An Act to extend the time for the completion of the Dundee Suburban Railway and for other purposes. A.D. 1894.

[17th August 1894.]

WHEREAS by the Dundee Suburban Railway Act 1884 (herein-after called "the Act of 1884") the Dundee Suburban Railway Company (herein-after called "the Company") were incorporated with power to make certain railways in the county of Forfar:

And whereas by the Dundee Suburban Railway Act 1889 (herein-after called "the Act of 1889") the time limited by the Act of 1884 for the completion of the said railways was extended:

And whereas by the Dundee Suburban Railway Act 1892 (herein-after called "the Act of 1892") the time limited for the completion of the said railways was further extended:

And whereas the powers of the Company for completing the said railways will expire on the twenty-eighth day of July one thousand eight hundred and ninety-four:

And whereas it is expedient that the time limited for the completion of the said railways should be further extended:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Dundee Suburban Railway Act 1894. Short title.

[*Price* 3*d*.]

A.D. 1894.

Incorporation of part of Act.

2. Part II. of the Railways Clauses Act 1863 (relating to extension of time) is incorporated with and forms part of this Act.

Extension of time for completion of railways.

3. The time limited by the Acts of 1884 1889 and 1892 for the construction and completion of the railways and works by the Act of 1884 authorised is hereby extended for a period of two years from the twenty-eighth day of July one thousand eight hundred and ninety-four.

Maximum rates for merchandise.

4. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order 1892 (which Order is scheduled to and confirmed by the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order Confirmation Act 1892) shall be applicable and apply to the Company as if it were one of the railway companies named in the appendix to the schedule to the Order confirmed by the said Act.

Restriction on taking houses of labouring class.

5. The Company shall not under the powers of any former Act extended by this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Provision as to general Railway Acts.

6. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum

rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act.

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

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.