CHAPTER lxxxiii.

An Act for incorporating and conferring powers upon the Leeds Hydraulic Power Company and for other purposes. A.D. 1886.

[25th June 1886.]

WHEREAS the establishment at Leeds of a system for producing and supplying motive power by hydraulic pressure to be used for working cranes and other machinery and for other purposes would be of local and public advantage:

And whereas the persons herein-after named are willing (with others) to undertake the establishment of such a system and it is expedient that they be incorporated into a Company for that purpose:

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:—

Short title.

1. This Act may be cited for all purposes as the Leeds Hydraulic Power Act 1886.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 and the Lands Clauses Consolidation Act 1845 (except the provisions thereof with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and with respect to small portions of intersected lands) and the Lands Clauses Consolidation Acts Amendment Act 1860 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

1886. with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

The expression "the Company" means the Company incorporated by this Act:

The expression "the undertaking" means the undertaking authorised by this Act:

The expression "the borough" means the borough of Leeds:

The expression "the corporation" means the mayor aldermen and burgesses of the borough:

The word "area" means the district to be supplied with hydraulic power from a single hydraulic power station:

The expression "borough engineer" means the borough engineer for the time being of the corporation or any one assistant for the time being appointed or authorised by him in writing to exercise and discharge the powers and duties of the borough engineer under this Act:

The word "mains" includes pipes and other apparatus laid in or under any street:

The expression "street" means and includes the carriageway and footway of all or any part of any street highway road or bridge and any lane square court alley subway or passage whether a thoroughfare or not:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Benjamin Walker Arthur Tannett Walker Frederick William Walker Benjamin Holgate and John Lister Whitaker and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes of this Act and for those purposes shall be incorporated by the name of "the Leeds Hydraulic Power Company" and by that name shall be and are hereby constituted a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Defining district of Company.

5. The district of the Company for the purposes and subject to the provisions of this Act shall comprise and include the townships of Leeds Holbeck Hunslet Headingley-cum-Burley Potternewton Wortley Armley and Bramley in the parish and municipal borough

of Leeds in the west riding of the county of York and which district is in this Act referred to as "the district" Provided always that the first operations of the Company shall be restricted to an area to be supplied from one power station to be situate in the neighbourhood of the Corn Exchange in Leeds (which area is in this Act referred to as "the area of the Company's first operations") and no extension of such operations to any other area forming part of the district shall be permitted except as herein-after provided.

Capital.

6. The capital of the Company shall be one hundred and fifty thousand pounds in fifteen thousand shares of ten pounds each.

Shares not to be issued until one-fifth part thereof shall have been paid up.

7. The Company shall not issue any share created under the authority of this Act nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

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

Receipts on behalf of incapacitated persons.

9. If any money be payable to any shareholder being a minor idiot or lunatic the receipt of the guardian of his estate or committee as the case may be shall be a sufficient discharge to the Company for the same.

Power to borrow.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty-seven thousand five hundred pounds that is to say in respect of each twenty-five thousand pounds of the capital of one hundred and fifty thousand pounds the Company may borrow any sum not exceeding six thousand two hundred and fifty pounds but no part of any such sum of six thousand two hundred and fifty pounds shall be borrowed until the whole capital of twenty-five thousand pounds in respect of which the borrowing power is exercised is 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 of twenty-five thousand pounds has 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 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 persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors

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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.

For appointment of a receiver.

11. 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 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 one thousand pounds in the whole.

Company not to create debenture stock.

12. The Company shall not create debenture stock.

Endorsement of notice of power of future purchase by local authority.

13. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the mains and plant of the Company or on the undertaking in the event of purchase by the corporation:

Provided always that this section shall not affect the rights (if any) of the mortgagees in respect of the purchase money paid to the Company.

Application of moneys.

14. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

15. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act.

Quorum of general meetings.

16. The quorum of a general meeting of the Company whether ordinary or extraordinary shall be ten shareholders holding in the aggregate not less than ten thousand pounds of the capital of the Company.

Number of directors.

17. The number of directors shall be five but the Company may from time to time reduce and again increase the number of directors so that the number be never more than five nor less than three.

Qualification of directors.

18. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

19. The quorum of a meeting of directors shall be three and if the number of directors be reduced to three the quorum shall be two.

First directors.

20. Benjamin Walker Arthur Tannett Walker Frederick William Walker Benjamin Holgate and John Lister Whitaker 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 directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act 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 power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Power to acquire lands by agreement.

21. The Company may from time to time acquire but only by agreement and may hold and use any lands (not exceeding five acres in the whole) which they may think requisite for any of the purposes of the undertaking and may acquire provide erect maintain and use and work thereon any buildings steam and other engines machinery apparatus and conveniences which they may think requisite for any of the purposes of the undertaking.

Restriction on displacing persons of the labouring class.

22. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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.

Power to use water by agreement.

23. The Company on the one hand and the Company of Proprietors of the Canal Navigation from Leeds to Liverpool the Undertakers of the Navigation of the Rivers Aire and Calder in the county of York and the corporation or any or either of them on the other hand may from time to time enter into and carry into

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effect agreements with reference to the supply to and use by the Company for the purposes of the undertaking of water from the said canal or navigation or from the waterworks mains or pipes for the time being of the said corporation Provided that any water taken from the canal navigation from Leeds to Liverpool in pursuance of any such agreement shall (except inevitable waste) be returned to the pool from which the same was taken.

For the protection of the railway companies.

24. In laying down or executing or in effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the lands or property now or hereafter belonging wholly or partly to or used or occupied by any railway company being possessed at the date of the passing of this Act of a railway within the borough or the bridges approaches viaducts stations or other works of any such railway company or in any street where the same is crossed on the level by the railways or sidings of any such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of such railway company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him and by and at the expense of the Company who also shall restore and make good the roads over any bridges level crossings and approaches which such railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works and operations and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railways bridges approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon and if any such injury or interruption shall arise from or in any way be owing to any of the works operations and matters aforesaid or to the bursting leakage or failure of any such mains pipes or works the Company shall make compensation to the railway company affected in respect thereof the amount of such compensation together with full costs to be recoverable by such railway company from the Company by all and the same means as any simple contract debt is recoverable.

Whenever the Company shall commence any of the works by this Act authorised crossing or in any way affecting the said railways works or lands of any such railway company they shall proceed with and complete the same with all due despatch.

Restriction on inter-

25. In the exercise of the powers of interference with telegraph wires tubes lines and apparatus (not belonging to Her Majesty's

Postmaster-General) conferred by this Act the Company shall be subject to the following restrictions:—

Interference with wires &c.

(i.) They shall cause as little detriment or inconvenience as circumstances admit to the body or person to or by whom any such wire tube line or apparatus belongs or is used:

(ii.) Before they alter the position of any such wire tube line or apparatus they shall give to the body or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration:

(iii.) Such work shall not be executed except under the superintendence of the body or person to whom such wire tube line or apparatus belongs unless such body or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work or discontinues the same during the work and such work shall be executed to the reasonable satisfaction of such body or person:

(iv.) The Company shall pay all reasonable expenses to which such body or person may be put on account of such superintendence:

(v.) The Company shall make good all damage done to the property of the corporation or any other body or person by the interference therewith and shall make full compensation to all parties for any loss sustained by them in consequence of any such interference:

(vi.) Provided that nothing in the above section shall be deemed to affect or modify the provisions of the Electric Lighting Act 1882 or of any license or provisional order granted thereunder.

Water to be supplied for the purposes of motive power only.

26. The Company shall not (except for the purposes of the corporation) at any time without the consent in writing of the corporation supply water to be used for any purpose other than hydraulic power as authorised by this Act and if and whenever the Company supply water at any place contrary to this enactment they shall (in addition to and not in substitution for or abatement of any remedy at law or in equity) for every such offence forfeit to the corporation the sum of not exceeding twenty pounds and a further sum of not exceeding ten pounds for every day the offence continues after the penalty of twenty pounds is incurred and the said sums shall be recoverable in a summary manner before any court of summary jurisdiction.

As to discharge of

27. The Company shall not without the consent of the corporation discharge or allow to be discharged directly or indirectly into any

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spent water &c.

sewer or drain of the corporation (save and except into their overflow sewers) any spent water from their mains or from any of their works or apparatus exceeding the maximum quantity for the time being discharged by any consumer of corporation water within the borough.

Power to supply motive power and to sell and let machinery &c.

28. Subject to the provisions of this Act the Company may within their district under this Act supply motive power by hydraulic pressure for any purposes to which such motive power is or may hereafter be applicable to any person or persons or company and may purchase and sell or let for hire and may erect and work any machinery or other apparatus for the purpose of utilising such motive power upon such terms (pecuniary or otherwise) and subject to such conditions as may be agreed upon between the Company and the person or persons or company to whom the same is so let but the Company shall not either directly or indirectly make it a condition of supply that the person or persons or company requiring such supply shall purchase or hire machinery or other apparatus except meters from the Company Provided that the Company shall not make to any consumer any reduction in the price of hydraulic power on account of the purchase or hiring of machinery or other apparatus by him.

Constant supply of hydraulic pressure.

29. From and after the time when the Company commence to supply motive power by hydraulic pressure through any main they shall maintain in such main hydraulic pressure sufficient for the use of all persons entitled to demand a supply of the same but the Company shall not be bound to maintain a greater pressure in any main than the prescribed pressure herein-after mentioned and such supply shall be constantly maintained day and night (Sundays Christmas Day and bank holidays excepted) and whether any such supply is being drawn from the main or not at a pressure not less than six hundred and fifty pounds to the square inch above atmospheric pressure or at such other minimum pressure above atmospheric pressure as the corporation and the Company from time to time may determine (and such pressure is herein-after in this Act referred to as the "prescribed pressure").

Certain plant of the Company not liable to distress for rent &c.

30. The mains branches service pipes meters and other works and appliances of the Company used for the purpose of supplying such motive power as aforesaid shall not be liable to distress for rent of the premises where the same are situated or used or to be attached or taken in execution under any process in any court of law or equity or in any other legal proceedings against any person or persons or any company other than the Company nor shall any machinery or apparatus so let as aforesaid and not fixed to the

freehold of the premises where the same are situated or used be so liable provided that such machinery or apparatus is the actual property of the Company and has upon it a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof Provided always that this section shall have effect only so long as the Company do not themselves make or manufacture any of the machinery or apparatus so let as aforesaid.

To supply water in case of fire.

31. The Company shall as soon as possible after demand by the corporation and where the Company's mains are situate within one hundred yards of any water main belonging to the corporation provide a supply of pressure water for extinguishing fires at a price not exceeding one shilling and sixpence for every thousand gallons.

Company to provide fire plugs.

32. The corporation may or the Company shall at a cost to the corporation not exceeding the actual cost incurred by the Company provide and fix on their mains at such places as may be required by the corporation fire plugs valves or hydrants which shall be available to withdraw and propel the water carried by the water mains of the corporation in the large quantities and to the greatest attainable height requisite in case of fire or other emergency and the provisions of sections 39 and 40 of the Waterworks Clauses Act 1847 relating to fire plugs shall so far as the same are applicable to the purposes and not inconsistent with the provisions of this Act extend and apply to the fire plugs valves or hydrants to be provided by the Company And in construing those provisions in connexion with this section the word "water" means "hydraulic power" and the expression "the undertakers" means "the Company."

Supply to be given by meter.

33. Unless otherwise agreed between the Company and the consumer the Company shall supply hydraulic power by a meter or meters of a kind and construction to be approved of by the borough engineer and the accuracy of which shall if required by the consumer be tested and certified by such engineer at the expense of the Company Such meter shall be supplied to the consumer and maintained in good order by the Company who shall be entitled to such reasonable rent for the use maintenance and repair of the same as shall be agreed upon or failing agreement settled by the borough engineer and the provisions of sections 15 19 20 21 and 22 of the Gasworks Clauses Act 1871 shall so far as the same are applicable to and not inconsistent with the provisions of this section apply to such meters and for the purposes of this section the word

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"gas" in those provisions means "hydraulic power" and the expression "the undertakers" means the Company.

Company to fix instrument for showing the pressure in mains.

34. The Company shall fix and maintain at suitable points in connexion with their mains instruments which shall register at all times the pressure in those mains and the description of instrument and its situation and suitability shall in each case be subject to the approval of the borough engineer and the Company shall keep at their principal office in the borough a daily record of such register in respect of each such instrument and every such instrument and register shall at all times be open to the examination of the borough engineer and copies of such registers shall from time to time be furnished by the Company to him on application.

Company to provide relief valves.

35. The Company shall provide a sufficient number of automatic relief valves or regulators or other approved apparatus as will prevent as far as possible the bursting of the mains or service-pipes.

Company bound to give a supply to persons within twenty-five yards of any main.

36. The Company shall upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of the Company give and continue to give a supply of hydraulic power of the prescribed pressure And the provisions of section 11 of the Gasworks Clauses Act 1871 are incorporated with this Act and shall apply to such supply and in construing those provisions in connexion with this section the word "gas" means "hydraulic power" and the expression "the undertakers" means "the Company."

Subscription of capital and expenditure on works before breaking up streets.

37. The Company shall not without the consent of the corporation break up any street within the area of the Company's first operations unless and until they have proved to the reasonable satisfaction of the corporation that not less than twenty-five thousand pounds of the capital by this Act authorised has been issued accepted and paid up and that they have expended on works connected with their undertaking other than the purchase or laying of mains a sum not less than ten thousand pounds and before the Company extend their operations beyond the area of the Company's first operations they shall (unless otherwise agreed by the corporation) in respect of every additional area to which they propose to extend their operations before breaking up any street in such area prove to the reasonable satisfaction of the corporation that an additional amount not less than twelve thousand five hundred pounds of the capital by this Act authorised has been issued accepted and paid up and that they have expended a further sum of not less than five thousand pounds in works connected with their undertaking other than the purchase or laying of mains.

Power to break up streets &c.

38. The Company from time to time for the purpose of laying down maintaining repairing and renewing or removing any main branch service pipe or any valve or other work connected therewith within their district may open and break up any street subject to the conditions lastly herein-before contained and to the following restrictions and regulations:—

(A.) The corporation shall have full power to define and prescribe the route to be taken in laying any main and the position and levels of the mains but all mains shall unless the corporation otherwise direct be laid under the footways:

(B.) Such mains shall be laid at a clear depth excluding the space occupied by the main of not less than two feet six inches below the surface of the ground so as to be protected as far as possible from injury by frost or otherwise:

(C.) Such mains shall be subject to such maximum test as the corporation from time to time prescribe not being more than an internal pressure of one thousand four hundred pounds to the square inch above atmospheric pressure when tested as laid in or under any street and the Company shall from time to time provide the requisite testing apparatus to the reasonable satisfaction of the borough engineer:

(D.) No main when laid shall be covered over or closed against inspection until it has been first tested as aforesaid to the satisfaction of the borough engineer and if the Company commit any offence against this enactment they shall be liable to a penalty not exceeding five pounds for each offence and to an additional penalty not exceeding two pounds for every day on which any such offence shall continue:

(E.) The Company shall not without the consent of the borough engineer except in case of urgent necessity take up any main:

(F.) Seven days at least before commencing the execution of any work involving the breaking up or interference with any street or before repairing the surface of any street the Company shall (except in case of breakages and emergency as herein-after provided) serve notice on the corporation describing the proposed works together with a plan of the works showing the route proposed to be taken by the main the mode and position in which such works are intended to be executed and the manner in which it is intended that such street should be interfered with and shall upon being required to do so by the corporation from time to time give them such further information in relation thereto as they may desire:

(G.) The Company shall not unless in cases of emergency open or break up or close any street except under the superintendence

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and to the reasonable satisfaction of the corporation unless the corporation refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the work :

(H.) The Company shall pay all reasonable expenses to which the corporation is put or may incur on account of such superintendence and testing as aforesaid :

(I.) The Company shall not without the consent of the corporation open or break up or keep open or broken up more than one street at any one time or a greater length than one hundred yards of any street.

Completion of works and reinstatement of streets.

39. When the Company have opened or broken up any portion of any street they shall be under the following obligations (namely) :—

(1.) They shall with all convenient speed and in all cases within two weeks at the most (unless the corporation otherwise consent in writing) complete the work on account of which they opened or broke up the street and fill in the ground and make good the surface and to the satisfaction of the corporation restore the portion of the street to as good condition as that in which it was before it was opened or broken up and clear away all superfluous material or rubbish remaining after such restoration :

(2.) They shall for all the time during which interference with any street continues cause the place where the street is opened or broken up to be fenced and watched and to be properly lighted at night :

(3.) They shall bear or pay all reasonable expenses of the repair of the street after the same is restored so far as those expenses are from time to time increased in consequence of the opening or breaking up of the same by them and if the corporation or any other company or person shall subsequently break up the same the corporation shall have power to make such apportionment of the expenses consequent on or resulting from such breaking up as they may deem reasonable :

If the Company fail to comply in any respect with the provisions of this section they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy against them) be liable to a penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

Breakages to be repaired by the Company.

40. If any breakage shall occur to the mains branches service-pipes valves or other works laid in any street so as to damage the pavements or other property of the corporation or to cause any

interference or annoyance to the vehicular or foot traffic of such street then the Company shall immediately repair such breakage to the satisfaction of the corporation and in any such case the notice to the corporation required by this Act shall not be necessary But if the corporation shall themselves wish to open the streets for the purpose of the repairs consequent on any such breakage or to reinstate the pavements after such repairs shall have been executed by the Company they may do so if such repairs or reinstatement shall not then have been completed by the Company.

Upon any such breakage occurring the Company shall at once send notice thereof to the borough engineer.

In case of emergency &c. corporation may execute repairs.

41. If any subsidence or lowering shall take place in the surface of any street such subsidence or lowering being the result of any work which has been previously executed by the Company and being in the opinion of the corporation a case of emergency as endangering the passage along the said street the corporation may forthwith repair the street without any notice to the Company.

Corporation may open and reinstate streets.

42. If the corporation desire themselves to open or break up any street for the purpose of any works which the Company may wish to execute or to reinstate the surface of any street which has been opened disturbed injured or taken up by the Company the corporation may do so on giving to the Company notice of their intention at any time before the expiration of the notice required to be given by the Company under this Act and in that event shall proceed forthwith with the work which they so desire to execute and all the regulations and restrictions herein-before contained shall so far as the same are applicable be observed in the same manner as if the street had been opened broken up or reinstated by the Company under the powers herein-before contained.

Expenses of repairs to be repaid within fourteen days.

43. All expenses incurred by the corporation in executing any of the works herein-before mentioned and any other expenses that may from time to time be due to them from the Company shall unless deposited as herein-after provided be paid by the Company to the borough treasurer within fourteen days after they shall have received notice of the amount thereof from the corporation together with interest thereon at the rate of five pounds per centum per annum from the date of service of such notice until payment thereof.

Deposit of money for recouping corporation expenditure

44. The Company shall from time to time if required by the corporation deposit with them a sum of money sufficient in the opinion of the borough engineer to defray all or any of the said expenses and the corporation may apply any of such moneys in payment of such expenses and any deficiency shall on demand be

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paid to the corporation and the surplus (if any) shall be returned to the Company.

For protection of the sewers, &c.

45. Where any work of the Company interferes with any sewer drain watercourse subway water main gas main pipe electric wire or other work of the corporation which works are in this section referred to as the "corporation works" or in any way affects the sewerage or drainage of the borough the Company shall not commence any such work until they shall have given to the corporation twenty-eight days previous notice in writing of their intention to commence the same by leaving such notice at the office of the borough engineer with all necessary plans and particulars relating thereto nor until the corporation shall have signified their approval or given other directions within twenty-eight days after service of the said notice plans and particulars as aforesaid and the Company shall comply with and conform to the directions and regulations of the corporation in the execution of the said proposed works and shall provide by new altered or substituted works in such manner as the corporation shall require for the proper protection of and for preventing injury or impediment to the corporation works hereinbefore referred to by or by reason of the works of the Company and the Company shall not remove or displace any of the corporation works or do anything to impede or interfere with the proper conduct of such works without the consent of the corporation or in any other manner than the corporation shall approve until good and sufficient mains pipes and other works necessary or proper for maintaining and continuing the corporation works as efficiently as they had been theretofore shall at the expense of the Company have been first made and laid down in lieu thereof and ready for use and to the satisfaction of the borough engineer and the Company shall save harmless the said corporation against all expense loss and damage to be occasioned by or by reason of the works authorised by this Act or incident thereto and shall also make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with the corporation works or with the private service-pipes of any person supplied with water or gas by the corporation and all works affecting the corporation works shall be done by the corporation under the direction superintendence and control of the borough engineer at the reasonable costs charges and expenses in all respects of the Company and when any new altered or substituted works as aforesaid or any works connected therewith shall be completed at the costs charges and expenses of the Company under the provisions of this Act the same shall thereupon vest in and be completely under the direction jurisdiction and control of the corporation.

Corporation may alter mains &c. at expense of Company.

46. If the corporation shall require the position or level of any mains branches service-pipes valves or other works of the Company laid in any street to be altered they may alter the same at the expense of the Company but before doing so the corporation shall at the expense of the Company as aforesaid fix and lay other good and sufficient mains branches service-pipes valves or other works for continuing the supply of hydraulic power and any new mains branches service-pipes valves or other works required by the corporation for all or any of the purposes of this section shall be supplied to them on request by and at the expense of the Company.

If Company wound up &c. mains to become property of corporation.

47. If the Company shall be wound up or shall abandon their undertaking or cease operations in connexion therewith for a period of twelve consecutive months all mains laid in or under any street shall vest in and become the absolute property of the corporation.

Company to imdemnify corporation against damage and accidents.

48. The Company shall be answerable for and shall save harmless and indemnify the corporation from and against all losses and damage which may be incurred by them and from and against any action or claim which may be brought or made against them by reason of the execution or carrying on of the works of the Company or by reason of any accident happening to the mains branches service-pipes valves or other works of the Company or through the negligence or default of the Company or their servants or any person using the machinery or motive power supplied by the Company.

Works to be liable to rates.

49. The works of the Company shall be liable to be rated for all rates.

Power to Company and corporation to make agreements.

50. The Company and the corporation may from time to time enter into and carry into effect agreements with reference to the laying down maintenance repair renewal or removal of mains branches service-pipes valves or other works in any street.

Rights of corporation and others &c. to open roads reserved.

51. Nothing in this Act shall take away or abridge any power now vested or to be hereafter vested in the corporation or in any company body or person to open break up or alter any street in which any main branch service-pipe valve or work of the Company is laid for the purpose of repairing altering or improving such street or of laying down repairing altering or removing any subway sewer or drain or any main or pipe for the supply of water or gas or any telegraphic tubes wires or apparatus or for any other purpose for which such power is given.

Company to remove mains laid in

52. If at any time hereafter the corporation shall construct any subway or tube or covered way for the purpose of receiving gas

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streets into a subway when made.

water or other mains or pipes or works in any street in which the mains of the Company are laid and shall by notice in writing served upon the Company require that the mains and works of the Company shall be removed from their then position and laid in any such subway tube or covered way the Company shall consent thereto and shall pay such proportion of the expense of constructing such subway tube or covered way as may be agreed upon or shall in case of difference be settled in manner herein-after provided and shall forthwith at their own expense proceed to remove and lay and thereafter maintain their mains and works in such subway tube or covered way in such position as the corporation by the borough engineer may direct and in accordance in all respects with the directions of such engineer Provided always that any difference between the parties as to the position in which any such pipes shall be laid and maintained and the proportion of expense of construction to be paid by the Company shall be settled by a referee to be appointed by the Board of Trade on the application of either party and such arbitration shall be made under and subject to the provisions of the Lands Clauses Consolidation Act 1845.

For the protection of tramways.

53. The following provisions for the protection of tramways including the rails pavement and substructure thereof shall apply and have effect viz. :—

(A.) If and whenever the Company desire to lay down alter replace or remove any pipe main or other apparatus under or across any tramway now or hereafter to be constructed or to execute any other works which shall in any way interfere with such tramway or the traffic thereon the Company shall give seven days previous notice in writing to the tramway company of their intention to do any such works as aforesaid and the same shall be done by and at the expense of the Company to the satisfaction of the borough engineer:

(B.) Any removal or alteration of such tramway whether permanent or temporary which may in the opinion of the borough engineer be necessitated by the execution of such works as aforesaid shall be done by and at the expense of the Company and to the satisfaction of the borough engineer:

(C.) The Company shall at all times be liable for all damage injury or interference which may be caused to such tramway or to the traffic thereon by the execution existence or maintenance of any such works of the Company as aforesaid:

(D.) All such damages costs and expenses shall be assessed by arbitration and shall be paid by the Company on demand to the tramway company to whom the same are owing and the same may be recovered from the Company by such tramway

company by all and the same means as any simple contract debt may be recovered.

The corporation may make byelaws.

54. The corporation may from time to time make rescind alter or repeal byelaws for securing the safety of the public and for the protection of the streets tramways sewers drains gas and water mains pipes and other property Provided always that the operation of such byelaws shall be limited to acts and defaults of the Company their contractors agents workmen and servants and to any matter or thing arising from such acts or defaults Provided also that the provisions contained in sections 182 183 and 184 of the Public Health Act 1875 shall so far as applicable extend and apply to such byelaws.

Byelaws by Company.

55. The Company may from time to time make alter and repeal byelaws for preventing the abstraction waste or misuse of hydraulic power supplied by them and may attach to the breach of any such byelaws penalties not exceeding five pounds for any single offence but such byelaws shall not be of any force or effect until they have been approved by the corporation and by the Board of Trade.

No monopoly to be created.

56. Nothing in this Act contained shall be construed to entitle the Company to any monopoly or exclusive right to supply hydraulic power within the borough or any part thereof or shall hinder or prevent the corporation from supplying hydraulic power within the borough or any part thereof But nothing in this section shall preclude the Company from or prejudice them in any opposition to any application to Parliament by any parties for powers with reference to the supply of hydraulic or other similar power within the borough.

Power to hold patent rights &c.

57. The Company may take hold and use patent rights or licenses or authorities (not being exclusive) under any letters patent for the use of any invention relative to the construction or improvement of hydraulic machinery or the generation or application of hydraulic or other power.

Profits beyond ten per cent. to be divided between shareholders and consumers.

58. (1.) All profits of the Company after paying the reasonable expenses of maintenance salaries and other like matters and interest or dividend on loan and preference capital and beyond the amount necessary to pay a dividend of ten pounds per centum per annum on the ordinary share capital for the time being of the Company shall be applied as to one half of such surplus as the Company shall direct and as to the other half of such surplus in a rateable reduction of the charges for hydraulic power supplied to consumers in the year succeeding the year in which such surplus profit shall be earned and the

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amount of the reduction to which each consumer is so entitled is herein-after referred to as a rebate.

(2.) The amount of any rebate may be recovered in any court of competent jurisdiction and such court may appoint an accountant or other proper person to examine the books and accounts of the Company and to report to the court what in his opinion is the proper amount of any such rebate and the costs of such accountant or person shall be paid as the court may direct.

Company to furnish annual accounts.

59. (1.) The Company shall forward to the corporation on or before the twenty-fifth day of March in each year an annual statement of accounts distinguishing capital from revenue and the expenses of maintenance salaries and other like matters made up to the thirty-first day of December then next preceding in such form and containing such other particulars as the corporation may prescribe.

(2.) The Company shall keep copies of such annual statement at their office in the borough and sell the same to any person applying for the same at a price not exceeding one shilling per copy.

Company not exempt from action &c.

60. Nothing in this Act contained shall exempt the Company from any indictment suit action or other proceeding at law or in equity in respect of any nuisance caused by them.

Corporation may purchase at the end of thirty years.

61. (1.) At any time after the expiration of thirty years from the date when the Company first begin to supply any consumer (such date not being more than three years from the passing of this Act) the corporation may by notice in writing require the Company to sell and thereupon the Company shall sell to the corporation their undertaking upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale goodwill or other consideration whatsoever) of all lands buildings works materials and plant of such Company as a going concern suitable to and used by them for the purposes of their undertaking such value to be determined in case of difference by arbitration due regard being had to the nature and then condition of such buildings works materials and plant and to the state of repair thereof and the suitability of the same to the purposes of the undertaking The Company shall if required by the corporation support an application to Parliament or to a Government department for the necessary powers to purchase the undertaking in accordance with the provisions of this section.

(2.) The provisions of the Common Law Procedure Act 1854 and of any Act amending the same shall apply to an arbitration

under this section and the costs of the arbitration shall be in the discretion of the arbitrators or umpire.

Penalty on contravention of Act.

62. For every act or omission other than that occasioned by inevitable accident in contravention of this Act or of the requirements of any notice lawfully given to the Company by the corporation under this Act for which no other penalty is provided the Company shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding two pounds for every day during which the contravention continues after written notice in that behalf from the corporation.

Recovery of expenses &c.

63. All expenses penalties damages and sums for the payment of which the Company may be or may become liable under this Act or any byelaws made under this Act may (without prejudice to any other remedy) be recovered summarily or by action in any court of competent jurisdiction All penalties recovered by the corporation shall be paid to their treasurer and shall by him be carried to the credit of the borough fund.

Provision as to general Acts.

64. Nothing herein contained shall exempt the Company from the provisions of any local Act relating to the borough or of any general Act for the improvement of the sanitary condition of towns or the abatement of nuisances now in force or which may hereafter pass or from any enactments which may be hereafter from time to time made by Parliament for limiting the maximum dividends to be declared and paid by the Company and for restricting the powers of the Company to convert borrowed money into capital and for fixing and revising the rates and tolls to be received by the Company and for giving all persons and corporations the right to avail themselves of the several works and appliances of the Company on payment of such rates and tolls without preference or favour.

Company not to amalgamate &c.

65. It shall not be lawful for the Company without the consent of the corporation to enter into any agreement with any other company as to the supply of hydraulic power or as to the price to be charged therefor within the borough or to amalgamate their undertaking or make application to Parliament or to any department of the Government for powers to amalgamate their undertaking with that of any other undertaking established or to be established for the like or similar purposes within the borough.

Costs of Act.

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

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Costs of the corporation to be paid by the Company.

67. The Company shall pay to the corporation all the costs charges and expenses incurred by them and by their authorised officers and servants in relation to the Bill for this Act.

General saving powers of corporation

68. Nothing in this Act contained shall take away lessen prejudice alter abridge or affect any of the rights privileges property powers or authorities of the corporation.

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