CHAP. cxlix.

An Act to define and extend the undertaking of the Lincoln Waterworks Company; to authorise them to raise further moneys; to effect a transfer of the undertaking to the Lincoln Local Board; and for other purposes. A.D. 1871.

[24th July 1871.]

WHEREAS by "The Lincoln Waterworks Act, 1846," and by "The Lincoln Waterworks Act, 1856," (in this Act called "the Acts of 1846 and 1856,") the Lincoln Waterworks Company (in this Act called "the Company") were incorporated, and were authorised to construct the waterworks described on the plans and sections deposited for the purposes of the Act of 1846 with the clerk of the peace for the city of Lincoln and county of the same city, and with the clerk of the peace for the parts of Kesteven in the county of Lincoln, and with the clerk of the peace for the parts of Lindsey in the county of Lincoln (and which plans and sections are in this Act referred to as "the plans and sections authorised in 1846"), and to supply water within the city of Lincoln and certain parishes and places adjacent thereto, and the capital of the Company authorised to be raised by the Act of 1846 was eighteen thousand pounds by shares, with a power to borrow six thousand pounds, and the capital authorised to be raised by the Act of 1856 was a further sum of nine thousand pounds by shares, with a power to borrow a further sum of two thousand pounds: 9 & 10 Vict. c. cxi. 19 & 20 Vict. c. xii.

And whereas the Company have by means of shares raised the said two sums of eighteen thousand pounds and nine thousand pounds, and have by means of borrowing raised the said sum of six thousand pounds, and they have constructed waterworks, but not strictly in accordance with the plans and sections authorised in 1846, and they have supplied water within the limits authorised by the Act of 1846:

And whereas it is expedient that the Company be authorised to construct additional waterworks, and to supply water within the parishes of Canwick and Greetwell adjacent to their present limits,

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and to raise additional capital for the purposes aforesaid and for the general purposes of their undertaking, and that in other respects the Acts of 1846 and 1856 be amended and their powers extended:

And whereas it is expedient that the waterworks of the Company already constructed (in this Act called "the existing waterworks") should be defined:

And whereas plans and sections showing the lines and levels of the existing waterworks, and the lines and levels of the waterworks proposed to be constructed under the authority of this Act (in this Act called "the new waterworks"), and the lands upon and through which the same respectively have been constructed, or are intended to be constructed, and a book of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, or occupiers of such lands, have been deposited with the clerk of the peace for the city of Lincoln and county of the same city, and with the clerk of the peace for the parts of Kesteven in the county of Lincoln, and with the clerk of the peace for the parts of Lindsey in the county of Lincoln, and those plans, sections, and books of reference are in this Act referred to as "the deposited plans, sections, and books of reference:"

And whereas the mayor, aldermen, and citizens of the city of Lincoln, acting as the local board for the corporate district of the said city, in pursuance of "The Local Government Act, 1858," (in this Act called the "Local Board,") and the Company have entered into an agreement (a copy whereof is contained in the schedule to this Act annexed) for the transfer to the Local Board of the Company's undertaking, and it is expedient that such agreement be confirmed by this Act, and that provision be made for the dissolution of the Company, and for enabling the Local Board to borrow moneys for the purposes of this Act:

And whereas the objects aforesaid cannot be effected 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; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Lincoln Waterworks Act, 1871."

Provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts (as far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act; (namely,)

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;"

"The Waterworks Clauses Act, 1847;"

"The Waterworks Clauses Act, 1863," (with the exception of section 12);

and those Waterworks Clauses Acts shall apply to the existing waterworks of the Company as well as to those authorised by this Act:

The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the matters following; (that is to say,) the distribution of the capital of the Company into shares; the transfer or transmission of shares; the payment of subscriptions, and the means of enforcing the payment of calls; the forfeiture of shares for nonpayment of calls; the remedies of creditors of the Company against the shareholders; the borrowing of money by the Company on mortgage or bond; the conversion of borrowed money into capital; and the consolidation of the shares into stock:

Parts I., II., and III. of "The Companies Clauses Act, 1863," (relating to cancellation and surrender of shares, additional capital, and debenture stock):

"The Companies Clauses Act, 1869:"

The provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof.

Interpretation of terms.

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

The expression "the Company" means the Lincoln Waterworks Company:

The expression "the Acts of 1846 and 1856" means the recited Acts relating to the Company:

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

The expression "the Public Health Acts" includes "The Public Health Act, 1848," and the several Acts passed prior to the year 1858 amending the same, and "The Local Government Act, 1858," and the several Acts subsequently passed amending the same:

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 be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

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Recited Acts and this Act to be executed as one Act.

4. Save as otherwise provided by this Act, the recited Acts, so far as the provisions thereof are from time to time in force, and this Act shall be read together and have effect and be executed as if they were one Act.

Repeal of sections of the Act of 1846.

5. Of the sections of the Act of 1846 the following are by this Act repealed:

Section fourteen:

Sections twenty-one to twenty-five, both inclusive:

Sections forty to fifty-two, both inclusive:

Sections fifty-five to sixty, both inclusive:

Section sixty-two:

Sections sixty-four to sixty-seven, both inclusive:

Sections seventy to eighty, both inclusive:

Sections eighty-five to ninety-six, both inclusive:

Sections one hundred and two, one hundred and three, and one hundred and six.

General saving of rights and claims.

6. Notwithstanding such repeal, everything before the passing of this Act done, suffered, and confirmed respectively under or by virtue of the repealed sections shall be as valid as if this Act had not been passed; and such repeal and this Act respectively shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, present or future, which if the repeal had not taken place and this Act had not been passed would be incident to or consequent on anything so done, suffered, and confirmed respectively.

Provision in lieu of section 14 of the Act of 1846.

7. The general meetings of the Company shall be held in the months of June and December in each year, and the meetings so appointed to be held shall be called "ordinary meetings," but all meetings of the Company, whether ordinary or extraordinary, shall be held in the city of Lincoln.

Extension of limits.

8. The limits for the supply of water by the Company shall include, in addition to the limits defined by the Act of 1846, the parish of Canwick in the parts of Kesteven in the county of Lincoln, and the parish of Greetwell in the parts of Lindsey in the county of Lincoln.

Power to maintain existing waterworks and construct new waterworks.

9. Subject to the provisions of this Act, the Company may continue or make and maintain, as the case may be, the waterworks in the lines shown on the deposited plans, and according to the levels shown on the deposited sections, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose:

1. A reservoir already constructed on lands belonging or reputed to belong to Joseph Shuttleworth, Esquire, in the parish of

Skellingthorpe, in the parts of Kesteven in the county of Lincoln, situate on the southerly side of the public carriage-road leading from Lincoln to Skellingthorpe, and which reservoir is bounded on the northerly, westerly, south-westerly, easterly, and south-easterly sides by lands belonging or reputed to belong to the said Joseph Shuttleworth, and occupied by himself, and on the south by lands belonging or reputed to belong to the governors of Christ's Hospital, London:

2. An overflow weir in the said parish of Skellingthorpe already constructed, commencing from and out of the reservoir firstly described at the northerly end thereof, and thence crossing the said public carriage-road, and terminating in a public drain running nearly due north from the northerly side of the embankment of the said reservoir to the drain called the Catchwater Drain at a point two hundred yards or thereabouts north of the said public carriage-road:

3. An aqueduct, conduit, or main pipe already constructed, commencing from and out of the northerly end of the reservoir firstly described, and thence passing in, through, and out of the said parish of Skellingthorpe and the parish of Boultham, in the parts of Kesteven in the county of Lincoln, and the parish of Saint Botolph in the city of Lincoln and county of the same city, and terminating in the High Street, in the said city and county, at or near the Bargate Bridge:

4. A pumping station, with an engine house, buildings, and apparatus connected therewith, and an aqueduct, conduit, or main pipe for abstracting water from the drain called the Catchwater Drain, at a point two hundred yards or thereabouts westward of the intersection of the Upper River Witham by the said Catchwater Drain, and three filtering beds near to such pumping station, all which works are already constructed, and are situate upon lands in the said parish of Boultham, purchased by the Company from Colonel Richard Ellison, and at a point varying from one hundred and thirty to two hundred and thirty yards westward of the intersection of the Upper River Witham by the said Catchwater Drain:

5. A pumping station, engine house, and buildings connected therewith, and two filtering beds, and an aqueduct, conduit, or main pipe for abstracting water from the said Catchwater Drain at a point sixty-six yards or thereabouts westward of the intersection of the Upper River Witham by the Catchwater

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Drain, and another aqueduct, conduit, or main pipe for abstracting water from the Upper River Witham at a point forty-four yards or thereabouts southward of the said intersection, and all which works will be situate in the said parish of Boultham on lands belonging or reputed to belong to the said Colonel Richard Ellison, and in the occupation of Charles Pratt, Esquire:

6. An aqueduct, conduit, or main pipe situate wholly in the said parish of Boultham, and on lands belonging or reputed to belong to the said Colonel Richard Ellison, in the occupation of the said Charles Pratt, Esquire, for abstracting water from the Pike Drain, and commencing at and from the pumping station fourthly described, and terminating in the said Pike Drain at a point two hundred yards or thereabouts eastward of Boultham parish church:

7. An aqueduct, conduit, or main pipe already constructed, commencing by a junction with the aqueduct, conduit, or main pipe thirdly described at or near the said Bargate Bridge, and thence passing in, through, or into the parishes or extra-parochial places of South or Canwick Common, Saint Botolph, Saint Peter-at-Gowts, Saint Mark, Saint Mary-le-Wigford, Saint Benedict, Saint Peter-at-Arches, Saint Martin, Saint Michael, otherwise Saint Michael-on-the-Mount, Saint Mary Magdalene, Saint Paul, Bail of Lincoln, Close of Lincoln, and Castle Dykings, or some of them, in the city of Lincoln and the county of the said city, and terminating by a junction with the reservoir next herein-after described on the southerly side thereof:

8. A reservoir already constructed on lands formerly belonging or reputed to belong to the Dean and Chapter of Lincoln, and Mr. William Harrison their lessee, situate in the said parish of Saint Paul, at a point one hundred and forty yards or thereabouts northward of the north-west corner of Lincoln Castle wall, and a waste pipe from and out of the south side of such reservoir to and into the Castle Dykings at or near a point sixty-five yards or thereabouts, measuring in a north-easterly direction, from the said north-west corner of the castle wall:

9. An aqueduct, conduit, or main pipe commencing at the pumping station fourthly described, and thence passing in and through the said parishes of Boultham and Saint Botolph, and the said extra-parochial place of South or Canwick Common, and terminating in the said High Street at or near the said Bargate Bridge, with a branch from the pumping

station fifthly described to such aqueduct, conduit, or main pipe, such branch being wholly within the said parish of Boultham :

10. An aqueduct, conduit, or main pipe commencing at the said Bargate Bridge by a junction with the aqueduct, conduit, or main pipe ninthly described, and thence passing in and through the said parish of Saint Botolph, the said extra-parochial place of South or Canwick Common, and the parish of Bracebridge, in the parts of Kesteven in the county of Lincoln, and terminating by a junction with the reservoir next herein-after described :

11. A reservoir in the said parish of Bracebridge on lands belonging or reputed to belong to Charles Coningsby Waldo Sibthorp, Esquire, and in the occupation of Mr. Edward Clarke, situate on the east side of the turnpike road leading from Lincoln to Sleaford, and at a point fifty yards or thereabouts west of the farmhouse called White Hall, in the occupation of the said Edward Clarke :

12. An aqueduct, conduit, or main pipe commencing at the Bargate Bridge by a junction with the aqueduct ninthly described, and thence passing in, through, and from the said extra-parochial place of South or Canwick Common, and the said parishes of Saint Botolph, Saint Peter-at-Gowts, Saint Mark, Saint Mary-le-Wigford, Saint Benedict, Saint Peter-at-Arches, and Saint Martin, in the city of Lincoln and county of the said city, and terminating in the High Street, in the said city and county, at or near Saint Martin's Church :

And the Company may take and appropriate for the purposes of their undertaking the waters of the Prial Brook, the Catchwater Drain, the Upper River Witham, and the Pike Drain, and also any waters, springs, and streams shown or mentioned on the deposited plans as taken or intercepted, or intended to be taken or intercepted, by any of the waterworks, and for the purposes of section sixty-one of "The Waterworks Clauses Act, 1847," the Prial Brook, the Catchwater Drain, the Upper River Witham above a point five hundred yards below its junction with the Catchwater Drain, and the Pike Drain shall be deemed to be belonging to the Company.

Limits of deviation.

10. In constructing the waterworks the Company may deviate laterally to any extent not exceeding the extent shown on the deposited plans, and may deviate vertically from the levels, as shown on the deposited sections, to any extent not exceeding five feet.

Temporary occupation of lands.

11. The provisions with respect to the temporary occupation of lands of "The Railways Clauses Consolidation Act, 1845," incor-

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porated with this Act, shall apply only to the reservoirs authorised by this Act and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if reservoirs and works were therein mentioned instead of the railway, and the boundaries of reservoirs and works instead of the centre of the railway.

Period for completion of works.

12. The new waterworks hereby authorised shall be completed within seven years from the passing of this Act, and on the expiration of those periods respectively the powers by this Act granted to the Company for the construction of those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the works as shall then be completed: Provided always, that nothing in this Act contained shall be construed to restrain the Company from erecting and maintaining, and from time to time altering and enlarging, their pumping and filtering apparatus, or from enlarging and extending their mains and pipes from time to time whenever it shall be necessary for the purpose of supplying water within their limits.

Powers for compulsory purchases limited.

13. The powers of the Company for the compulsory purchase of lands granted by this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to acquire additional lands by agreement.

14. In addition to the lands which the Company are by this Act authorised to purchase compulsorily, they may from time to time by agreement purchase, either absolutely or in consideration of any yearly or other rent, any additional quantity of land not exceeding in the whole five acres, or any easement or right (not being an easement or right of water) over such additional lands which they may from time to time think requisite for any of the purposes of their undertaking under the recited Acts or this Act.

Owners may grant easements.

15. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell and convey or release lands, shall, subject to the provisions of those Acts respectively, have full power to grant, convey, surrender, or assign to the Company in fee or for years, either absolutely or in consideration of any yearly or other rent, any lands, or any easement, right, privilege, power, or authority (not being an easement or right of water in, over, or affecting any lands) by this Act authorised to be purchased by the Company compulsorily or by agreement, and which the Company from time to time think requisite for any of the purposes of their undertaking.

Application of "Lands Clauses Act, 1860," to easements.

16. For the purposes of this Act the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges granted or reserved by grants and leases respectively of easements under this Act.

Act not to affect agreements with landowners, &c.

17. Nothing in this Act shall prejudice or affect any agreement already entered into by the Company with any owner, lessee, or occupier of or other person interested in any lands or waters entered upon, taken, or used by the Company for the purposes of the existing waterworks.

As to works affecting Midland Railway Company.

18. The intended aqueduct or line of pipes where the same crosses the Nottingham and Lincoln branch of the Midland Railway, as also all other works to be executed by the Company across or in any way affecting the said branch railway of the Midland Company or any of the bridges or works thereof, shall be constructed and executed in all respects to the reasonable satisfaction and under the superintendence of the principal engineer for the time being of the Midland Company, and according to plans to be previously approved in writing by him, but in all things at the expense of the Company, and such aqueduct, conduit, or line of pipes for the entire length thereof across the said branch railway, and the lands and works thereto belonging, shall be of such material, quality, and thickness as such engineer shall in writing reasonably require, and such aqueduct, conduit, or line of pipes, and all the works so to be constructed by the Company, shall be maintained by the Company, and such repairs effected to the reasonable satisfaction and under the superintendence of such engineer; and if and whenever the Company fails so to do the Midland Company may make and do in and upon as well their own lands as the lands of the Company all such works and things as the Midland Company may reasonably think requisite in that behalf, and the same from time to time reasonably certified by such engineer to be the amount of their expenditure in that behalf shall be repaid to the Midland Company by the Company, and in case of nonpayment may be recovered from the Company, with full costs, in any court of competent jurisdiction; and the Company shall not in any manner obstruct, hinder, or interfere with the free, uninterrupted, and safe user of the said branch railway, or any railway of the Midland Company.

In case of injury Company to make compensation.

19. If by reason of any of the works or proceedings of the Company, or the failure of such works, or the leakage or bursting of any of their aqueducts, conduits, or lines of pipes, the said branch railway, or any railway of the Midland Company, or any of the works thereof, shall be injured or damaged, such injury or damage

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shall be forthwith made good by the Company at their own expense, or in the event of their failing to do so, then the Midland Company may make good the same, and recover the expenses thereof, with full costs, against the Company in any court of competent jurisdiction; and if any interruption shall be occasioned to the traffic of the said branch or other such railway by reason of any of the operations or the failure of any of the works of the Company, or any such leakage or bursting as aforesaid, the Company shall on demand pay to the Midland Company all reasonable costs and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of such interruption, such costs and expenses and compensation to be recovered, with full costs, as aforesaid.

Execution of works affecting the Great Northern Railway Company.

20. Where the Company shall in the construction or execution of any works interfere with the railway, or any of the bridges, works, or conveniences of the Great Northern Railway Company, they shall execute and complete the work to the reasonable satisfaction of that Company, and so as to interrupt as little as may be the traffic on the railway.

For protection of Great Northern Railway Company as lessees of Witham Navigation.

21. And whereas by "The Great Northern Railway Act, 1845," (section one hundred and thirty-one,) the navigation of the river Witham was transferred to and vested in the Great Northern Railway Company (herein-after called "the Railway Company") for a term of nine hundred and ninety-nine years, with the burden of repairing and upholding the navigation and drainage of or appertaining to the said river, and by the one hundredth and thirty-sixth section of the same Act the Railway Company are required to preserve a depth of not less than five feet of water in the said navigation, and by the one hundredth and thirty-eighth and one hundredth and thirty-ninth sections of the same Act the Railway Company have the general duty imposed upon them of keeping the navigation of the said river Witham in a good, perfect, and efficient state: And whereas the waters of the Upper Witham supply the river Witham, and the Railway Company are apprehensive lest the abstraction of the said waters under the powers of this Act may interfere with the efficient navigation of the said river, and with the depth of water required as aforesaid: Be it therefore enacted, that if in the execution of the powers of this Act the Company shall appropriate or divert the waters of the Upper Witham so as to diminish the depth of water in the river Witham below five feet, or to impair the efficient navigation of the said river, they shall pay to the Railway Company the cost of obtaining water from some other source to supply the said deficiency, and any costs or damages the Railway Company may have been put to by reason of the interruption of or

interference with the navigation; and if any question arises between the Company and the Railway Company as to the fact that the river Witham has been diminished below five feet in depth, or that the efficiency of the navigation has been impaired in consequence of such abstraction of water, or as to the expense incurred by the Railway Company in supplying such deficiency, every such question shall from time to time be referred to arbitration in the manner provided by "The Common Law Procedure Act, 1854."

For protection of premises of Richard Gallsworthy.

22. If by the exercise of the powers by this Act conferred on the Company the level of the Upper River Witham shall be reduced below the upper edge of the mouth of the conduit, which on the seventeenth day of March one thousand eight hundred and seventy-one supplied the tanyard and premises belonging or reputed to belong to Richard Gallsworthy with water from the said river, the Company shall, if so required in writing by the occupier for the time being of the said tanyard and premises, but so long only as such reduction continues, supply free of charge on the said tanyard and premises so much water from the mains and pipes of the Company as with the then supply of water through such conduit shall be sufficient for the requirements of the said tanyard and premises.

Saving Sincil Dyke.

23. Notwithstanding anything in this Act contained, it shall not be lawful for the Company to enter upon, take, or use the bed or channel of the Sincil Dyke, or to abstract any water from the dyke.

Saving the rights of the Witham Drainage General Commissioners.

24. Provided always, that, except as is by this Act expressly provided, nothing in this Act contained shall be construed to give authority to the Company acting under this Act to hinder or obstruct the drainage of certain fen lands and low grounds by the river Witham now under the jurisdiction and control of the General Commissioners for such drainage, acting under or by virtue of an Act of Parliament passed in the second year of the reign of His Majesty King George the Third, intituled "An Act for draining "and preserving certain low lands called the Fens, lying on both "sides of the river Witham in the county of Lincoln, and for "restoring and maintaining the navigation of the said river from "the High Bridge in the city of Lincoln through the borough of "Boston to the sea," and under and by virtue of a certain Act of Parliament made and passed in the fifty-second year of the reign of His said Majesty King George the Third, intituled "An Act for "rendering more effectual an Act of His present Majesty for drain-"ing lands lying on both sides of the river Witham in the county "of Lincoln, and for restoring the navigation of the said river, "and for repealing another Act of His present Majesty in relation to

2 G. 3. c. xxxii.

52 G. 3. c. cviii.

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"the said drainage and navigation," nor in any manner to supersede, lessen, or interfere with any of the rights, interests, powers, privileges, and authorities vested in such General Commissioners by virtue of the said above-mentioned Acts or any other Act now in force, but that the same shall be and continue in force to all intents and purposes as if this Act had not passed, anything herein contained to the contrary thereof in anywise notwithstanding.

Saving rights of the Crown and the Duchy of Lancaster.

25. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed by the Queen's most Excellent Majesty, her heirs and successors, as well in right of her Crown as in right of her Duchy of Lancaster.

Power to raise additional share capital.

26. In addition to the existing share capital of the Company, they may from time to time, by virtue of this Act, raise such sums as they think requisite, not exceeding in the whole the sum of forty thousand pounds, by the creation and issue of new ordinary shares or new ordinary stock, or new preference shares or new preference stock: Provided always, that the nominal amount of any share or allotment of stock shall be not less than twenty-five pounds.

New shares to be subject to same provisions as shares existing.

27. Except as by or under the authority of this Act, or any Act incorporated wholly or in part with this Act, is otherwise provided, the additional share capital created by the Company under this Act, and the shares therein, and the holders of those shares respectively, shall be entitled and subject to the same powers, rights, privileges, and liabilities in all respects as if that new capital were part of the ordinary share capital of the Company created under the provisions of the Act of 1846, and those shares were shares in that ordinary capital.

No share or stock to be issued until one fifth paid.

28. The Company shall not issue any share or stock under this Act, nor shall any such share or stock vest in the person accepting it, unless and until a sum not being less than one fifth part of such share or stock is paid in respect thereof.

Power to borrow.

29. The Company may from time to time, by virtue of this Act, borrow on mortgage any sums not exceeding in the whole the sum of ten thousand pounds, and the Company may, when four thousand pounds of the said additional capital has been from time to time bonâ fide subscribed for, issued, and accepted, and one half thereof has been paid up, borrow on mortgage any sum or sums not exceeding in the whole one thousand pounds, and when and as each further sum of four thousand pounds of the said additional capital has been bonâ fide issued and accepted, and one half the amount thereof respectively has been paid up, the Company may borrow on mortgage such further sum or sums of money, not

exceeding in the whole one thousand pounds in respect of each such four thousand pounds; but in none of the before-mentioned cases shall any part of the said respective sums be borrowed until 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 the additional capital in respect of which such borrowing powers are sought to be exercised has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share or portion of stock in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a receiver.

30. The mortgagees of the Company under this or any former Act 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 principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Application of money.

31. All money raised under this Act, either as additional share capital or by borrowing, shall be applied for the purposes of this Act and for the general purposes of the Company's undertaking, and not otherwise.

Conversion of moneys already borrowed into capital.

32. The powers of "The Companies Clauses Consolidation Act, 1845," with respect to the conversion of borrowed money into capital, shall extend and apply to any money already borrowed, or which may be from time to time borrowed by the Company.

Power to create debenture stock.

33. The Company may create and issue debenture stock.

Company may manufacture, sell, &c. meters, &c.

34. The business of the Company includes the manufacture, sale, and letting for hire meters and other apparatus in connexion with the supply of water as the directors see fit.

Penalty for using water for other than domestic purposes.

35. In addition to and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company, no person supplied by the Company with water for domestic purposes shall, except with the consent of the Company in writing, use such water, or suffer the same to be used, for the

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purpose of affording power or in connexion with any machinery or apparatus whatsoever; and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding five pounds.

Company not bound to supply water in certain cases.

36. No person shall be entitled to require, nor shall the Company be bound to supply, any dwelling-house with water (otherwise than by meter or special agreement) where any part of such dwelling-house is used for any trade or business purpose for which water is required.

As to supply for water-closets and baths.

37. The supply of water for domestic use, and the rates granted in respect thereof by section fifty-three of the Act of 1846, shall include a supply for one watercloset, and the rates in respect of waterclosets granted by that section shall only apply to any additional watercloset over and above the first; but the Company shall not be compellable to furnish a supply of water to any dwelling-house or part of a dwelling-house for less than six shillings per annum. The Company shall, at the request of the occupier of any dwelling-house, supply water for one bath in such dwelling-house at a rate not exceeding ten shillings per annum.

For preventing fouling water.

38. The Company shall not be compellable to supply with water any watercloset or any private bath, or the apparatus or pipes connected therewith respectively, unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the Company, and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Company, nor if such private bath shall be capable of containing, when filled for use, more than fifty gallons of water.

Pressure.

39. Water supplied by the Company need not be laid on under a pressure greater than that to be afforded from the reservoir of the Company from which such supply is given.

As to supply of water by measure.

40. The Company may supply water by measure, provided that no water-meter nor any index thereto, whether supplied by the Company or the consumer, shall at any time or times be altered or repaired, connected or disconnected, except under the direction or with the consent of the Company or their manager; and every person offending against this enactment shall for every such offence forfeit and pay to the Company any sum not exceeding five pounds.

Water for other than domestic purposes.

41. The Company may supply any person with water for other than domestic purposes on such terms as he and the Company agree on. Notwithstanding any such agreement, no person shall be entitled to such a supply whenever and as long as the Company

are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Act. Every such agreement may be, by virtue of this Act, determined by the Company on one month's notice in writing.

Notice of discontinuance.

42. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it is in writing, and is left at the principal office for the time being of the Company.

Power to remove pipes and fittings.

43. The Company, after forty-eight hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if there be no occupier, then to the owner or lessee, of any building or lands in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of water is from any cause other than the default of the Company discontinued, may enter such building or lands between the hours of nine in the morning and four in the afternoon, or at any other time with the authority in writing of a justice, for the purpose of removing and may remove every such pipe, meter, and fitting, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode or business in England, or if such person or his usual place of abode or business in England is not known to the Company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Company's officers to enter buildings.

44. The Company's manager or other officer duly appointed for the purpose by the Company may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with water by the Company, and inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, and see whether they are in good repair; and if such manager or other officer at any such time 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, or, instead of proceeding for such penalty, the Company may cut off the supply of water to such premises.

Power for Company to make regulations for preventing waste of water.

45. Subject to the provisions of this Act, the Company may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste, misuse, or contamination of water; and, among other things, may prescribe the size, nature, make, strength, and arrangement of the pipes,

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cocks, cisterns, meters, and other apparatus used for the purposes of the supply.

Power for Company to refuse supply where regulations not complied with.

46. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Company may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with.

Penalty for interfering with Company's pipes or service pipes without notice to Company.

47. Any person who shall make any connexion with any of the pipes of the Company, or shall make any addition to or alteration in any of the service pipes connected therewith, without giving forty-eight hours previous notice in writing to the Company, stating particulars of such connexion, addition, or alteration, shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Recovery of charges for supply of water.

48. In case any person who shall have been supplied with water by the Company, or who shall be liable to payment in respect of a supply of water, under or by virtue of the provisions of this Act, shall neglect or refuse to pay the amount due in respect of such supply for the space of seven days after demand thereof by the Company, their agent or collector, the Company may cut off the supply of water to his premises, and it shall be lawful for any justice having jurisdiction where such person shall then reside, or where such water shall have been supplied, to issue his summons to such person, requiring him to appear before two justices having jurisdiction as aforesaid, at a time and place named, then and there to show cause why the sum so demanded should not be paid; and if on the appearance of such person, or in default of appearance after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause shall be shown to the contrary, it shall be lawful for such two justices to issue their warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justices to be due from such person, together with such costs as to such justices shall seem just and reasonable.

Recovery of sums by action.

49. Whenever any person neglects to pay any rent, rate, or sum due to the Company under this Act, they may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the Company under this enactment shall be in addition to their other remedies for the recovery of such rent, rate, or sum.

Recovery of water rents, &c.

50. If any person supplied with water or a water-meter by the Company neglects to pay the rent due for the same to the Company (such rent not exceeding the sum of ten shillings a quarter) for

the space of ten days after demand in writing, with notice of distress in default of payment, and does not within that time give notice in writing to the Company that he disputes the demand, it shall be lawful for the Company or the directors, or any person acting under their authority, to levy the sum so due, or any part thereof, together with costs, by distress and sale of the goods and chattels of the person neglecting to pay the same, wherever such goods and chattels may be found, in the same manner as rents in arrear on common demise may by law be recovered, rendering the surplus (if any) to the person so neglecting to pay, after deducting the necessary charges for such distress and sale.

Incoming tenant not liable for arrears.

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

Liability to water rent not to disqualify justices, &c.

52. A justice or a judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate, rent, or charge under this Act, or of his being a shareholder of the Company.

Summonses, warrants, &c.

53. Any summons, warrant, demand, or notice, or other such document to be issued or given for any of the purposes of this Act may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the Company, the signature thereof by the secretary or manager to the Company shall be a sufficient authentication, and any summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Application of penalties.

54. Every penalty imposed by the recited Acts or this Act, or any Act incorporated with this Act, shall (except where the Company shall be the party by whom the penalty has to be paid) be paid to the Company.

Penalties not cumulative.

55. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act, and any Act incorporated wholly or in part with this Act, shall be deemed several Acts.

Agreement confirmed, and undertaking of Company vested in the Local Board.

56. The said agreement, a copy whereof is contained in the schedule to this Act annexed, is by this Act confirmed and made binding upon the Local Board and the Company respectively, and shall be executed and carried into effect accordingly, and on payment or satisfaction of the purchase money, ascertained in the mode provided by that agreement, and the interest thereon (if any), and upon

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the execution by the Company of a conveyance under their common seal, and duly stamped, the undertaking of the Company (in which term are included all the works, reservoirs, drains, aqueducts, watercourses, conduits, main, service, and other pipes, water valves, air vessels, stopcocks, engines, apparatus, implements, utensils, and plant of every description now belonging to or used or held by the Company, and also all the freehold and leasehold messuages, lands, tenements, and hereditaments which have been acquired and are held by or belong to the Company, and all other the property and effects, rights, powers, and privileges of the Company, whether acquired under this Act or any previous Act relating to the Company, or otherwise howsoever, and all the incidents and adjuncts of the said undertaking) is by this Act absolutely transferred to and vested in, and may be used, worked, exercised, or enjoyed by the Local Board: Provided always, that the Company shall be entitled to their cash in hand, water rates, rents, and other revenues up to the twenty-ninth day of September next, and to exercise their rights and remedies for enforcing payment thereof.

Acts relating to Company to apply to Local Board.

57. The recited Acts relating to the Company or their undertaking and this Act, so far as they are in force at the time of the transfer, shall (with the exception of the provisions thereof with respect to general meetings, or directors, or the management of the internal affairs of the Company, or the raising of money by shares or by borrowing) remain in full force, and all rights and powers thereby conferred on and vested in the Company in relation to their undertaking may be enjoyed and exercised by the Local Board in relation to the undertaking; and all matters to be done, continued, or completed, or which but for the transfer would, might, or could be done, continued, or completed by the Company, or their directors, officers, or servants, under or by virtue of those Acts, shall or may be done, continued, or completed by the Local Board and their officers and servants, as the case may be, and the recited Acts and this Act shall be read and construed and have effect as if the name of the Local Board had been used therein in relation to the undertaking instead of the name of the Company.

Saving conveyances, contracts, &c.

58. All deeds, conveyances, grants, assignments, leases, purchases, sales, mortgages, bonds, covenants, agreements, contracts, and securities which before the transfer have been executed, made, or entered into by, with, to, or in relation to the Company or the directors thereof, and which are in force at the time of the transfer, and all obligations and liabilities thereunder which before the transfer have been incurred by or to, or which but for the transfer might or would have arisen in relation to the Company or the directors thereof, shall be as valid and of as full force and effect in

favour of, against, or in relation to the Local Board as if the same had been executed, made, or entered into by, with, or to, or in relation to, or had been incurred by or to, or had arisen in relation to the Local Board by name.

Causes and rights of action reserved.

59. All causes and rights of action or suit accrued before the time of transfer, and then in any manner enforceable by, for, or against the Company, shall be and remain as good, valid, and effectual for or against the Local Board as they would or might have been for or against the Company if the transfer had not been effected.

Actions not to abate.

60. Nothing in this Act shall cause the abatement, discontinuance, or determination of, or in anywise prejudicially affect, any action, suit, or other proceeding at law or in equity commenced by or against the Company or to which the Company were parties immediately before the transfer, and then pending, but the same may be continued, prosecuted, or enforced by or against the Local Board, either solely or, as the case may require, jointly with the other parties thereto; and all persons committing offences against any of the provisions of the recited Acts or this Act before the transfer may be prosecuted, and all penalties incurred by reason of such offences may be sued for and recovered in like manner in all respects as if the transfer had not been effected, the Local Board being in respect of all such matters considered as identical with the Company.

Officers of Company to be accountable for books, &c.

61. All officers and persons who at the time of the transfer have in their possession or under their control any books, documents, papers, or effects belonging to the Company, or to which the Company would, but for such transfer, have been entitled, shall be liable to account for and deliver up the same to the Local Board, or to such persons as the Local Board may appoint to receive the same, in the same manner and subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books, documents, papers, or effects for the Local Board.

Books, &c. to be evidence.

62. All books and documents which would have been evidence in respect of any matter for or against the Company shall be admitted as evidence in respect of the same or the like matter for or against the Local Board.

Byelaws to remain in force.

63. All the byelaws, rules, and regulations of the Company relating to the management, use, or control of their undertaking shall, notwithstanding the transfer, continue to be in force and applicable to and in respect of the undertaking, and shall and may

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be enforced by and available to the Local Board in their own name, as well for the recovery of penalties as for all other purposes, as if the same respectively had been originally made by the Local Board, until the expiration of twelve months after the time of transfer, or until other byelaws, rules, and regulations are duly made by the Local Board in their stead, whichever first happens.

General saving of rights and claims.

64. Notwithstanding the transfer, everything before the time of transfer done, suffered, and confirmed respectively under or by virtue of any Act relating to the Company shall be as valid as if this Act had not been passed, and the transfer and this Act respectively shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, present or future, which if the transfer had not taken place, and this Act had not been passed, would be incident to or consequent on anything so done, suffered, and confirmed respectively; and with respect to all things so done, suffered, and confirmed respectively, and to all such rights, liabilities, claims, and demands, the Local Board shall to all intents represent the Company; and the generality of this present provision shall not be deemed to be restricted by any other of the provisions of this Act.

Restricting as between the Company and the Local Board the liability of the latter.

65. Provided always, and notwithstanding anything in the last preceding section contained, it is hereby expressly declared that as between the Company and the Local Board, the only obligations of the Company to which the Local Board shall, upon the transfer being effected, become liable (except the obligation to pay and discharge the bond debt of the Company, if they shall take upon themselves that obligation), are the covenants and conditions affecting the Company contained in the agreement, deed, and indenture hereafter mentioned; (that is to say,)

1. An agreement dated the first day of April one thousand eight hundred and forty-seven, and made between Richard Ellison, Esquire, of the one part, and the Company of the other part;
2. A deed dated the fifth day of April one thousand eight hundred and forty-seven, and made between Richard Ellison, Esquire, of the one part, and the Company of the other part;
3. An indenture dated the twenty-sixth day of June one thousand eight hundred and fifty, and made between Richard Carline, gentleman, of the one part, and the Company of the other part;

and the Company shall indemnify the Local Board against any outstanding debts and liabilities of the Company, save such as may arise

under the aforesaid agreement, deed, and indenture; and if (save as aforesaid) the Local Board shall pay any outstanding debts and liabilities of the Company, they may deduct the amount so paid from the purchase money payable to the Company, or may recover the amount in any court of competent jurisdiction; but as regards the said bond debt (if the Local Board shall take upon themselves the payment thereof), and the covenants and agreements on the part of the Company contained in the said agreement, deed, and indenture, the Local Board shall indemnify the directors and shareholders of the Company, and their respective heirs, executors, administrators, successors, and assigns, estates and effects, from all liabilities, costs, charges, and expenses by reason thereof, or of the non-performance or undue performance thereof respectively: Provided also, that nothing in this section shall be deemed to increase or diminish the value of the undertaking, to be ascertained as provided by the agreement in the schedule to this Act.

Company to wind up their affairs.

66. Forthwith after the conveyance of their undertaking the Company shall proceed to wind up their affairs, and in order thereto shall, subject to the payment, satisfaction, and discharge of all their debts, contracts, and liabilities, pay their net moneys to and among the several persons and corporations who shall then be the registered shareholders of the Company, in proportion to the value of their respective shares of such capital, or their respective executors, administrators, successors, or assigns.

Receipt of committee of any shareholder to discharge Company.

67. For the purpose of such winding up the receipt of any committee of any shareholder in the Company shall be an effectual discharge to the Company, and to the directors thereof, for so much of the purchase money or other moneys as in such receipt shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid.

Payment into court by Company.

68. Provided that where the Company are for twelve months after the period for the distribution of their net moneys unable, after diligent inquiry, to ascertain the person to whom any part thereof ought to be paid, or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same, the Company may pay the same into the Court of Chancery, under any Act for the time being in force for the relief of trustees, and every such payment into court shall conclusively discharge the Company from all further liability with respect to the net moneys so paid, and for the purposes of this Act shall be deemed to be a payment thereof to the person absolutely entitled thereto; and any person afterwards showing to the satisfaction of the court that he

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is entitled thereto may obtain payment thereof out of court accordingly.

Dissolution of Company.

69. The Company, when all their debts and liabilities are fully paid and satisfied, and their affairs are wound up, shall be and are hereby dissolved.

Act to be executed by Local Board as if powers conferred by Public Health Acts.

70. Except as otherwise provided by this Act, on the transfer of the said undertaking to the Local Board, the Public Health Acts shall, in relation to the Local Board and the powers by this Act conferred upon them, be read and construed as though those powers had been conferred upon the Local Board by, and the provisions of this Act with reference to those powers had been contained in, the said Public Health Acts; but nothing in this section contained shall be deemed to lessen or abridge any powers of the Local Board under the Public Health Acts to construct and maintain waterworks.

Power to Local Board to borrow on mortgage.

71. The Local Board may from time to time, under the authority and for the purposes of this Act, in addition to any moneys they are authorised to borrow under the Public Health Acts, borrow at interest on mortgage of the undertaking when vested in them, and of the water rates and of the general district rates, and any other rates and charges leviable by them under the Public Health Acts, or of any such securities, either together or separately, all such sums as they may from time to time think requisite for the purpose of defraying all the costs, charges, and expenses mentioned and referred to in the last section of this Act, and in effecting the purchase of the undertaking of the Company under the provisions of this Act, and of the agreement in the schedule hereto, and of constructing any new waterworks which may be undertaken by the Local Board, whether authorised by this Act or by the Public Health Acts, and of otherwise carrying this Act as regards objects the expenditure on which ought to be defrayed out of capital into execution, not exceeding in the whole eighty-five thousand pounds.

Mortgages under this Act to be a first charge on undertaking.

72. The mortgages created by the Local Board under the powers of this Act, and the mortgages from time to time created and issued by them in lieu thereof respectively, shall be designated "Lincoln Local Board Waterworks Bonds," and shall have priority over all other mortgages which may be granted by the Local Board of the undertaking by this Act transferred to them.

Existing mortgages to have priority.

73. Provided always, that 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 thereof, shall during their respective continuance have priority over any mortgages granted by the Company or by the Local Board by virtue of this Act.

Extending Public Health Act to borrowing powers of Local Board under this Act.

74. Subject to the provisions of this Act, the provisions of "The Local Government Act, 1858," with reference to mortgages by the Local Board, shall apply to all money borrowed by the Local Board under this Act.

Arrears may be enforced by appointment of a receiver.

75. The mortgagees of the Local Board under the provisions of this Act may enforce payment of the arrears of interest or principal, or principal and interest, due on their respective mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees applying for a receiver shall not be less than two thousand pounds.

Trustees, &c. may accept bonds in lieu of their proportion of purchase money.

76. All executors, administrators, trustees, guardians, or committees, being respectively in any such capacity proprietors of shares in the Company, may, if they shall so think fit, accept of mortgages created under the provisions of this Act for the apportioned amount to be received by them respectively in respect to the shares held by them respectively, or for any part thereof, and such bonds shall be held on the same trusts as the shares in respect whereof the said bonds shall be accepted would have been held.

Protection to lenders from inquiry as to application of money.

77. Any person lending money to the Local Board shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss, misapplication, or non-application of such money, or any part thereof.

Money borrowed to be applied for authorised purposes.

78. All money borrowed by the Local Board under this Act shall be carried to a separate account, and shall be applied for the purposes for which it is by this Act expressly authorised to be borrowed.

Power to re-borrow.

79. If the Local Board pay off any part of any money borrowed by them under this Act other than by means of a sinking fund, they may re-borrow the same, and so from time to time, but nothing herein contained shall enable the Local Board to re-borrow any money paid off by means of a sinking fund.

Sinking fund for discharge of moneys borrowed.

80. In order to form a sinking fund to be applied in paying off and discharging the principal money borrowed by the Local Board on mortgage for the purposes of this Act, the Local Board shall every year appropriate and set apart out of the funds standing to the credit of the water account, and in the event of a deficiency in those funds, then out of the general district rate, a sum equal to one fiftieth part of the sums borrowed on the security of such funds or rates until the whole of the money so borrowed is paid off; and

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may from time to time pay off such proportion of the principal moneys so borrowed as shall be equal to such fiftieth part so to be annually appropriated and set apart as aforesaid, or may from time to time cause such sinking fund to be invested in the purchase of Exchequer bills or other government securities, and to be increased by accumulation, in the way of compound interest or otherwise, until the same shall be of a sufficient amount to pay the principal debt to which such sinking fund shall be applicable, or some part thereof which the Local Board shall think ought then to be paid off.

Application of water rent.

81. All rates and charges received by the Local Board on account of their water undertaking shall be carried to a separate account to be called "The Water Account," and to be applied by the Local Board to the following purposes, and in the following order; (that is to say,)

1. In discharging the interest from time to time payable by the Local Board on the principal moneys borrowed by the Local Board under this Act:
2. In discharging the costs, charges, and expenses of and incident to the maintenance and management of the waterworks, and the obtaining and affording of the supply of water:
3. In paying any sum required to be set apart as a sinking fund, or payable in instalments to repay the moneys borrowed under this Act:
4. The surplus, if any, shall be expended in improving and extending the waterworks and mains, or shall be carried to the credit of the district fund account of the Local Board, and shall be applied by them in aid of the payment of any charges or expenses for the time being payable out of the general district rates leviable by the Local Board, or shall be applied otherwise for the public benefit of the inhabitants of the district and the improvement of such district, as the Local Board shall from time to time think proper.

Deficiency of funds of waterworks.

82. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon, and the execution of this Act with respect to the waterworks and the water supply, the deficiency shall be made up out of the general district rates by carrying an adequate sum therefrom to the credit of the water account, and the Local Board from time to time in preparing the estimates of the amount required in the judgment of the Local Board to be raised by means of a general district rate for the purposes of their said district may include therein, and in making such rates, such sums respectively, if any, as

in the judgment of the Local Board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account, and shall collect the same as part of such general district rates.

Expenses of Act.

83. All costs, charges, and expenses of the Company of and preliminary and incident to the preparing for, obtaining, and passing of this Act, or the preparation and completion of the said agreement, or otherwise in relation thereto, shall be paid in the first instance by the Company, and shall be repaid to the Company by the Local Board; and all the costs, charges, and expenses of the Local Board of and incident to their petitioning against the Bill as introduced into Parliament, and subsequently promoting the same, and of and incident to the preparation and completion of the said agreement, shall be paid by the Local Board.

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SCHEDULE referred to in the foregoing Act.

An Agreement made this 4th day of April 1871, between the Lincoln Waterworks Company, (herein-after called "the Company,") of the one part, and the mayor, aldermen, and citizens of the city of Lincoln, acting as the Local Board for the corporate district of the said city, in pursuance of "The Local Government Act, 1858," (herein-after called "the Local Board,") of the other part.

Whereas by "The Lincoln Waterworks Act, 1846," and by "The Lincoln Waterworks Act, 1856," (herein-after called "the Acts of 1846 and 1856,") the Company were incorporated, and were authorised to construct the waterworks described on the plans and sections deposited for the purposes of the Act of 1846 with the clerk of the peace for the city of Lincoln and county of the same city, and with the clerk of the peace for the parts of Kesteven in the county of Lincoln, and with the clerk of the peace for the parts of Lindsey in the county of Lincoln, and to supply water within the city of Lincoln, and certain parishes and places adjacent thereto:

And whereas the Company have supplied water within the limits authorised by the Act of 1846, and being desirous to construct additional waterworks, and to supply water within the parishes of Canwick and Greetwell, adjacent to their present limits, and to raise additional capital, and to define and extend their undertaking, have for those purposes deposited in Parliament a Bill under the short title of "The Lincoln Waterworks Act, 1871:"

And whereas the Local Board presented a petition in opposition to such Bill, but their opposition has been withdrawn on the terms herein-after contained:

Now these presents witness that in consideration of the premises the Company hereby contract and agree to sell and dispose of to the Local Board at such price as shall be fixed by arbitration, as herein-after provided for, and the Local Board for the consideration aforesaid hereby contract and agree to purchase at the price which shall be so fixed the undertaking of the Company, in which term are included all works, reservoirs, drains, aqueducts, watercourses, conduits, main, service, and other pipes, water valves, air vessels, stopcocks, engines, apparatus, implements, utensils, and plant of every description now belonging to or used or held by the Company; and also all the freehold and leasehold messuages, lands, tenements, and hereditaments which have been acquired and are now held by or belong to the Company, and all other the property and effects, rights and privileges, of the Company, and all the incidents and adjuncts of the said undertaking.

The reference to arbitration aforesaid shall be in all respects, save as herein otherwise expressly provided, in accordance with the provisions of the Lands Clauses Consolidation Act, 1845, as regards questions of disputed

compensation to be settled by arbitration, the Local Board being for that purpose deemed to be the promoters of the undertaking; and the Company shall, before the appointment of an arbitrator or arbitrators, deliver to the Local Board the particulars of their estate and interest in the undertaking, with its appurtenances, and the sum claimed by them for the purchase thereof, so as to enable the Local Board, if so minded, to make them an offer for the purchase; but it is understood and is hereby expressly agreed between the parties heretofore as follows:

1. That no amendment, modification, or addition to be introduced into the said pending Bill, and embodied in the Act when passed, shall be held to lessen or diminish the value of the Company's undertaking for the purpose of the sale to and purchase by the Local Board; and that, on the other hand, all additional advantages and privileges accruing or to accrue from the passing of the said Bill into an Act shall enure to the sole and exclusive benefit of the Local Board, and shall not be taken into account in the said reference to arbitration as enhancing the value of the undertaking to be purchased, or the price to be paid by the Local Board to the Company for the same:
2. That in ascertaining the price to be paid by the Local Board to the Company for their said undertaking, the Company's works shall be considered as having been constructed and used in strict conformity with the provisions of the Acts of 1846 and 1856, and the Local Board shall not be entitled to claim any reduction or abatement by reason or in respect of any irregularity or excess of power in the construction or use by the Company of such works:
3. That each party to the arbitration shall bear and pay their own costs of the reference, including therein one half of the costs of the award, but the Local Board shall repay to the Company the amount of such costs of the Company up to but not exceeding the sum of two hundred pounds.

The Local Board may deduct and retain from the purchase money awarded the amount of the bond debt of the Company subsisting at the time of the completion of the purchase (now stated to be the sum of 6,000*l.*), with the interest, if any, due or accruing thereon, and in that case they shall take upon themselves the obligation of satisfying the said debt and interest, and indemnify the Company against the same.

The Company shall proceed with the said pending Bill under and subject to the control of the Local Board, and shall introduce or concur in introducing therein such amendments, additions, and modifications as the Local Board may require and Parliament sanction, and for that purpose the Company shall present or join in presenting all necessary petitions for additional provisions, and will bonâ fide use their best endeavours to obtain the sanction of Parliament to the Bill with such additional or amended provisions.

The Local Board shall pay to the Company the whole of the costs, charges, and expenses (incurred and to be incurred by the Company) of and preliminary and incident to the preparing for and promoting the said Bill now before Parliament.

The said purchase shall be completed and the purchase money become payable on the 29th day of September next, on which day the Local Board

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shall be let into possession of the said undertaking, and into the receipt of the rents and profits thereof, and shall then and thenceforth assume and retain all the privileges, duties, powers, and liabilities of the Company. And up to the day aforesaid the Company shall continue in possession of the said undertaking, and in receipt of the rents and profits thereof, and shall pay and defray all outgoings in respect thereof, and shall maintain, uphold, and keep the same in as good state and condition as at present, subject to necessary or reasonable wear and tear. And if from any cause whatsoever the said purchase shall not be completed on the day aforesaid, the Local Board shall pay to the Company interest at the rate of 5*l.* per cent. per annum on the sum agreed upon or awarded for the purchase money from the day aforesaid until the completion of the said purchase.

On payment in manner aforesaid of the said purchase money, and all interest which may have become due for the same, the Company and all other necessary parties shall and will execute all proper and reasonable conveyances and assignments of the said undertaking and premises hereby agreed to be sold, free from incumbrances, except as to the bond debt aforesaid. In witness whereof the said parties hereto have hereto affixed their common corporate seals, the day and year first above written.

The Company's seal was affixed hereto at a special general or extraordinary meeting of the proprietors held in the Guildhall of the city of Lincoln on the 4th day of April 1871.

T. J. N. Brogden, Chairman.
Rd. Cotton Carline, Secretary.

L.S.

The common corporate seal of the mayor, aldermen, and citizens of the city of Lincoln was hereto affixed at a meeting of the Local Board for the corporate district of the city of Lincoln, held at the Guildhall on the 4th day of April 1871, and by order of such Board, in the presence of

Chas. Pratt, Mayor.
H. K. Hebb,
Clerk of the Local Board.

L.S.

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