CHAPTER ccxxxi.

An Act for the granting of further powers to the Newcastle and Gateshead Water Company and for other purposes. A.D. 1898.

[12th August 1898.]

WHEREAS the Newcastle and Gateshead Water Company (in this Act called "the Company") were incorporated by the Newcastle and Gateshead Waterworks Act 1863 and acting under the powers of that Act the Newcastle and Gateshead Waterworks Act 1866 the Newcastle and Gateshead Waterworks Act 1870 the Newcastle and Gateshead Waterworks Act 1876 the Newcastle and Gateshead Waterworks Act 1877 the Newcastle and Gateshead Waterworks Act 1889 the Newcastle and Gateshead Waterworks Act 1890 and the Newcastle and Gateshead Waterworks Act 1894 (which Acts are in this Act referred to collectively as the former Acts and each of them separately as an Act of the year in which the same was passed) the Company have constructed an extensive system of waterworks whereby they supply with water the city and county of Newcastle-upon-Tyne and the borough of Gateshead and certain parishes and places in the counties of Northumberland and Durham:

26 & 27 Vict. c. xxxiv.
29 & 30 Vict. c. xlix.
33 & 34 Vict. c. cxxiii.
39 & 40 Vict. c. cxcii.
40 & 41 Vict. c. lxxxvii.
52 & 53 Vict. c. xxxvi.
53 & 54 Vict. c. cvi.
57 & 58 Vict. c. lxxi.

And whereas it is expedient that the Company be empowered to construct additional works for more effectively utilising the resources of their undertaking:

And whereas the Company were authorised by the Act of 1894 to make in the county of Northumberland (among other works) a conduit or line of pipes (No. 2) and the period by that Act limited for the completion of the said work will expire on the 3rd day of July 1901 and it is expedient that the time should be extended as in this Act provided:

And whereas it is expedient to empower the Company to raise additional capital for the purposes of this Act and for the general purposes of their undertaking:

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

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

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

Short title.

1. This Act may be cited as the Newcastle and Gateshead Waterworks Act 1898.

Incorporation of general Acts.

2. The Lands Clauses Acts;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but for the purpose only of constructing the tramroads and such parts of the other works by this Act authorised as will be in tunnel and the works immediately connected therewith; and

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former of such Acts "with the consent in "writing of the owner or reputed owner of any such house "or of the agent of such owner";

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

Extending certain provisions of Companies Clauses Acts.

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and 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 consolidation of shares into stock;

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

The making of dividends;
The borrowing of money by the Company on mortgage or bond;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts shall (subject to the provisions of this Act) extend and apply to the Company and to the additional capital by this Act authorised to be raised.

Interpretation.

4. In this Act unless the subject or context otherwise requires—

"Mechanical power" means any motive power other than electrical and animal power;

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

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

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

Power to construct works.

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

(1) A conduit or line or lines of pipes (No. 1) commencing in the parish of Hallington in and out of the Whittle Dean watercourse of the Company at a point 8 chains or thereabouts measured in a westerly direction from the south-west corner of the Hallington reservoir-keeper's house and terminating in the parish of Nesbitt at or in the said Whittle Dean watercourse at a point 18 chains or thereabouts measured in a northerly direction from the bridge carrying the public road leading from Carlisle to Newcastle-upon-Tyne over the said watercourse:

(2) A conduit or line or lines of pipes (No. 2) situate wholly in the said parish of Hallington commencing in and out of the said Whittle Dean watercourse at a point 9 chains or thereabouts

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measured in a southerly direction from the south-west corner of the Hallington reservoir-keeper's house and extending for a distance of 5 chains or thereabouts in a southerly direction and terminating by a junction with the conduit or line or lines of pipes (No. 1) herein-before described:

(3) A conduit or line or lines of pipes (No. 3) commencing in the parish of Bingfield by a junction with the conduit or line or lines of pipes (No. 1) herein-before described at a point 4 chains or thereabouts west of the western entrance of the Ryal tunnel on the said Whittle Dean watercourse and terminating in the parish of Ryal at or in the said Whittle Dean watercourse at a point 2½ chains or thereabouts north-west of the said entrance of the said Ryal tunnel:

(4) A conduit or line or lines of pipes (No. 4) situate wholly in the said parish of Bingfield commencing in and out of the said Whittle Dean watercourse at a point 1·50 chains or thereabouts north-west of the western entrance of the said Ryal tunnel and terminating by a junction with that tunnel at a point 14 chains or thereabouts measured in an easterly direction from the said western entrance of the said tunnel:

(5) A conduit or line or lines of pipes (No. 5) situate wholly in the parish of West Matfen commencing by a junction with the conduit or line or lines of pipes (No. 1) at a point 4 chains or thereabouts measured in a westerly direction from the bridge carrying the public road leading from Ryal to Corbridge over the Whittle Dean watercourse and terminating at or in that watercourse at a point 4 chains or thereabouts measured in a north-westerly direction from the said bridge:

(6) A tramroad (No. 1) 7 miles 2 furlongs 6·5 chains in length commencing in the said parish of West Matfen at a point 2 chains or thereabouts measured in an easterly direction from the bridge carrying the public road leading from Matfen to Fenwick Shields over the said Whittle Dean watercourse and terminating in the parish of Horsley at a point in the Horsley Wood 2·50 chains or thereabouts measured in a northerly direction from the northern corner of the northernmost boiler house of the Company's Wylam pumping station:

(7) A tramroad (No. 2) 4 furlongs 8·6 chains in length commencing in the said parish of Horsley at a distance of 1 chain or thereabouts north of the termination of tramroad (No. 1) herein-before described and terminating in the parish of Prudhoe Castle in the property of or reputed to belong to the North Eastern Railway Company at a point 2 chains or thereabouts

measured in a westerly direction from the bridge carrying the road over the Newcastle and Carlisle branch of the North Eastern Railway at West Wylam Junction:

(8) A tramroad (No. 3) 3·1 chains in length situate wholly in the said parish of Horsley commencing by a junction with the tramroad (No. 2) herein-before described at a point ·75 of a chain or thereabouts measured in a south-westerly direction from the southern corner of the said pumping station and terminating at a point 3 chains or thereabouts measured in a north-easterly direction from the commencement thereof:

(9) A conduit or line or lines of pipes (No. 6) situate wholly in the parish of Benwell commencing at a point 11 chains or thereabouts measured in a south-easterly direction from the southern buildings of the farmstead known as Delaval Farm and terminating in the road to the west of Handyside Buildings at a point 2·50 chains or thereabouts measured in a northerly direction from the southern end of the said buildings:

(10) A conduit or line or lines of pipes (No. 7) situate wholly in the parish of All Saints in the county borough and city of Newcastle-upon-Tyne commencing at a point in Pilgrim Street 1·50 chains or thereabouts measured in a south-easterly direction from the eastern end of Mosley Street and terminating at a point in the public road at the eastern end of Manor Bridge near the north-eastern corner of the hospital for sick children known as the "Lady Armstrong Memorial":

(11) A conduit or line or lines of pipes (No. 8) situate wholly in the said parish of All Saints commencing at the junction of Ouse Street with City Road and terminating at a point in Walker New Road opposite the public-house known as the "Rose and Crown":

And the Company may maintain so much of the said tramroads as is already constructed.

(2.) The Company may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the before-mentioned purposes Provided as follows (that is to say):—

(A) The Company shall not except by agreement enter upon take or use any lands required for the purposes of the said tramroads not being public roads or highways:

(B) The Company in the exercise of any powers by this Act conferred upon them for or in connexion with the construction or maintenance of the said tramroads or any of the works connected therewith shall not cross break up interfere with or

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affect or place any works upon or over any road under the jurisdiction of the Northumberland County Council without in all cases the previous consent in writing of the clerk to that council.

Limiting quantity of commonable land to be taken.

6. The Company shall not under the powers of this Act purchase or acquire a greater quantity of Matfen Green than a quarter of an acre:

Provided that the Company if so required by notice in writing in that behalf by the parish council of West Matfen shall in lieu of acquiring any portion of the said green acquire only such an easement therein as shall be necessary for constructing placing laying inspecting maintaining cleansing repairing conducting and managing the said conduit or line or lines of pipes (No. 5).

Power to make subsidiary works.

7. The Company in addition to the foregoing works may from time to time upon any lands acquired or to be acquired by them make and maintain all such cuts channels adits catchwaters aqueducts culverts tunnels shafts drains sluices by-washes weirs gauges stand-pipes filter-beds tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works or any of them or for the purposes of their undertaking but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them:

Provided that as to any such lands as have been or may be acquired by the Company and which at the date of such acquisition formed or may form part of the estates of the Most Noble Algernon fourth Duke George fifth Duke Algernon George sixth Duke of Northumberland or the Right Honourable Henry George Baron Lovaine commonly called Earl Percy the powers of this section shall be exercised subject to the covenants conditions and restrictions contained in the grant of such lands to the Company or its predecessors in title.

Works below high-water mark not to be commenced without consent of Board of Trade.

8. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time

alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Limits of deviation.

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

Provided as follows (that is to say) :—

(A) In lieu of constructing or laying the conduit or line or lines of pipes (No. 8) across the Ouseburn on or over New Glasshouse Bridge the Company may with the consent in writing of the Tyne Improvement Commissioners and the owners lessees and occupiers of the property in or through which the same will be constructed or laid construct or lay the same so as to pass under the Ouseburn at a depth of not less than 25 feet below the level of the bed thereof:

(B) No deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade:

(C) No part of any conduit or line of pipes shall be constructed or laid so as to be above the general surface of the ground unless it be so shown on the deposited sections and then only to the extent shown except for the purpose of crossing over a stream or railway.

For protection of Newcastle-upon-Tyne and Gateshead Gas Company.

10. For the protection of the Newcastle-upon-Tyne and Gateshead Gas Company (in this section called "the gas company") the following provisions shall have effect with respect to the making and maintaining of the respective conduits or lines of pipes (No. 7) and (No. 8) by this Act authorised unless otherwise agreed on between the Company and the gas company (that is to say):—

(1) If the Company lay or place any mains in Manor Street they shall not without the consent of the gas company lay the same in any lines or situations other than those indicated by blue

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lines on the plan signed by the respective engineers of the Company and the gas company:

(2) In laying their pipe or pipes under or adjacent to the steps and landings near Jesus Hospital which connect Manor Street with City Road the Company shall leave sufficient space between their southernmost line of pipes and the parapet wall forming the northern boundary of City Road to enable the gas company to lay and maintain a gas main 24 inches in diameter:

(3) The expense of moving the said steps and landings and the retaining walls connected therewith and of replacing the same to the satisfaction of the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne shall be borne by the Company and the gas company proportionately according to the number and size of pipes laid by the two companies:

(4) The Company shall at any time when requested by the gas company execute so much of the before-mentioned works as may affect the said steps and landings so as to enable the gas company to lay their said 24-inch main adjoining the said parapet wall as aforesaid:

(5) The Company shall not in the construction or maintenance of any of the said works remove displace or interfere with any of the mains pipes and works of the gas company or do anything to impede the passage of gas through such mains or pipes until good and sufficient mains or pipes and all other works necessary or proper for continuing the supply of gas as sufficiently as the same was supplied by the mains or pipes proposed to be removed displaced and interfered with shall at the reasonable expense of the Company have been first made and laid down in lieu thereof and be ready for use in a position as little varying from that of the mains or pipes proposed to be removed displaced and interfered with as may be and to the reasonable satisfaction of the engineer of the gas company:

(6) Before the Company shall in the construction or maintenance of the said works remove displace or interfere with any mains pipes or other works of the gas company they shall give to the gas company or their engineer notice in writing of their intention not less than forty-eight hours before beginning such removal displacement or interference and no such main pipe or other work of the gas company shall be removed displaced or interfered with except under the superintendence of the gas company or their engineer and according to such plan section and specification as shall be approved of by the gas company or their engineer If the gas company shall fail to attend at

the time fixed for any interference with any of their mains pipes or other works after having had such notice as aforesaid or shall refuse or neglect to superintend the work of interference the Company may perform the work specified in such notice without the superintendence of the gas company:

(7) The Company shall be responsible for and make good to the gas company all costs losses damages and expenses sustained by them by reason of any injury or damage which may be occasioned to persons or property in consequence of any interruption to or diminution of the supply of gas by the gas company arising from the construction or maintenance of the said works whether by the Company or their contractors or their respective agents officers servants or workmen and shall indemnify the gas company against all claims or demands which may be made upon or against them in respect thereof:

(8) If the gas company or their engineer as the case may be fail to signify their approval or disapproval or to state their requirements in relation to any plans sections or specifications submitted to them respectively within twenty-one days after such submission they shall be deemed to have approved thereof:

(9) If any difference arise between the Company and the gas company or their engineer touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed (unless otherwise agreed on) upon the application of either of the parties in difference by the President of the Institution of Civil Engineers.

For protection of Tyne Improvement Commissioners.

11. The following provisions for the protection of the Tyne Improvement Commissioners (herein-after called "the commissioners") shall (unless otherwise agreed in writing by the commissioners) take effect:—

(1) The conduit or line or lines of pipes (No. 8) shall for the purpose of being carried over the Ouseburn be laid either along or underneath the surface of the roadway or of the footway of the existing New Glasshouse Bridge or be attached to the said bridge or be laid on a separate aqueduct or pillars to be erected by the Company:

(2) If the Company decide to attach the said conduit or line or lines of pipes to the said bridge then the same shall be attached so and in such manner that neither any temporary or permanent staging or other temporary or permanent erections or platforms used for that purpose nor for the said conduit or line or lines of pipes when placed in its or their final position shall at any time

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interfere with the waterway of the Ouseburn or interfere with or diminish the clear headway of the said bridge above the surface of the water in the Ouseburn:

(3) If the Company decide to erect a separate aqueduct over the Ouseburn or lay the said pipes upon pillars then such aqueduct or the girders across the said pillars shall have a span of not less than 65 feet and a clear headway of not less than 35 feet above high-water at spring tides in the Ouseburn:

(4) Before commencing any of the said works mentioned in this section the Company shall submit to the commissioners for their approval plans and sections showing the works proposed to be executed and the mode of execution and such works shall not be carried out until such plans and sections have been approved by the commissioners and shall be carried out in accordance with the plans and sections approved by and to the satisfaction of the commissioners all responsibility with regard to such works whether of construction or maintenance or of damage caused thereby remaining with the Company and after any such works shall have been commenced or constructed it shall not be lawful for the Company at any time to alter such works without the approval of the commissioners:

(5) Provided that if the commissioners shall not within three months from the receipt of such plans and sections express to the Company their approval or disapproval thereof the commissioners shall be deemed to have approved thereof And if the Company shall not agree with the commissioners as to their disapproval of any such plans and sections the difference shall be referred to arbitration under the provisions of the Railways Clauses Consolidation Act 1845:

(6) The Company in constructing removing or maintaining any of the said works shall carefully remove all material used or excavated by them and not allow any of such material to fall into or remain in the said Ouseburn:

(7) No claim shall at any time hereafter be made by the Company against the commissioners for any damage which shall happen to any of the said works by anything done by the commissioners bonâ fide and without negligence for the maintenance or improvement of any of the rivers and streams under their jurisdiction or of the waterway thereof:

(8) The Company shall have access for the purposes of renewals maintenance and repairs and any such renewals maintenance and repairs shall be carried out so as not to interfere with the navigation of the Ouseburn and to the reasonable satisfaction

of the engineer of the commissioners and his reasonable requirements in regard to the times and mode of carrying out the works shall be complied with by the Company.

Company may acquire easements only in certain lands.

12. The Company may in lieu of acquiring any lands for the purpose of any conduits or pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Company for the purpose of laying conduits or pipes therein where such conduits or pipes are laid underground the Company shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

Period for compulsory purchase of lands.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing thereof.

Period for completion of works.

14. If the works authorised by this Act are not completed within the period of seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Company from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus filter beds mains pipes or other works or plant at any time and from time to time as occasion may require.

Power to take additional lands by agreement.

15. The Company may for the purposes of their undertaking acquire by agreement in fee simple in addition to lands which they are already authorised to hold under the powers of the former Acts or the Act of 1889 or the Act of 1890 or the Act of 1894 or to take by compulsion under the powers of this Act any lands not exceeding in the whole one hundred acres or any easement right or privilege therein thereunder or thereover (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Company shall not deal with such lands so as to create or permit a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company.

Power to grant easements &c.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company in fee and in consideration either of a sum in gross or of any yearly or other rent any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

17.—(1.) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2.) For the purposes of this section the expression "labouring class" means mechanics artizans 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.

(3.) The provisions of this section shall not extend or apply to temporary buildings erected for the occupation of or occupied wholly or partially by persons of the labouring class employed in the construction of the works of the Company.

Sale of superfluous lands.

18. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of

superfluous lands so far as such provisions are in each case applicable from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking except such lands as were acquired from the said Algernon fourth Duke George fifth Duke Algernon George sixth Duke of Northumberland and Earl Percy and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Tramroads to be used only for purposes of Company.

19. The tramroads shall form part of the undertaking of the Company and shall be used exclusively for the purposes thereof.

As to crossing public roads &c.

20.—(1.) The tramroads where laid across a road on the level shall be laid and maintained as a single line and in such a manner that the uppermost surface of the rails shall be on a level with the surface of the road.

(2.) The Company shall erect and maintain at all times gates across the tramroads at each side of the said roads respectively and shall unless otherwise permitted by the Board of Trade from time to time in writing under the hand of an assistant secretary employ proper persons to open and close such gates and such gates shall be kept constantly closed across the said tramroads except during the time when engines carriages or trucks passing along the tramroads shall have occasion to cross the said roads respectively and such gates shall be of such dimensions and so constructed as when closed to fence in the tramroads and prevent cattle or horses passing along the said respective roads from entering upon the tramroads and the conductors of any engines carriages or trucks passing along the tramroads or other the person whose office or duty it may be to open or close the said gates shall cause the same to be closed as soon as such engines carriages or trucks shall have passed through the same under a penalty of forty shillings for every default therein.

(3.) No trucks carriages or engines shall be allowed to stand on any part of any road crossed on the level by any of the said tramroads.

Agreements between Company and road authorities.

21. The Company and any local or road authority may enter into agreements with respect to the mode of constructing and the maintaining renewing repairing and using of such part or parts of

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the tramroads as shall cross any road situate within the district of such local or road authority and the repairing of the road where crossed by the tramroad.

Motive power.

22. The carriages used on the tramroads may be moved by mechanical power.

Extending time for completion of certain work authorised by Act of 1894.

23. The time limited by the Act of 1894 for the completion of the conduit or line of pipes (No. 2) is hereby extended to the third day of July one thousand nine hundred and four and section 25 of the Act of 1894 shall be read and construed accordingly.

Company may raise additional capital.

24. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise under the provisions of any Acts relating to the Company and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole four hundred and eighty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes which shares or stock shall for all purposes form part of the general capital of the Company Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of four hundred and eighty thousand pounds.

As to vesting of new shares.

25. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until the full price of such share including any premium obtained upon the sale thereof shall have been paid in respect thereof.

As to votes of proprietors of new shares or stock.

26. The proprietors of any shares or stock whether ordinary or preference to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Limit of dividend on new capital.

27. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of five pounds in respect of every one hundred pounds actually paid up of such

capital as shall be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary share capital which shall have fallen short of the said sum of five pounds per centum per annum.

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

28. In case in any year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the maximum dividend to which each class of ordinary shares or ordinary stock in the capital of the Company is entitled a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each class.

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

29. Notwithstanding anything in this Act contained the Company shall when any new shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Time for paying up shares or stock sold.

30. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof together with any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Notice to be given as to sale of shares or stock.

31. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the city and county of Newcastle-upon-Tyne and to the town

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clerk of the borough of Gateshead and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said city and borough.

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

32. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares or stock created under the powers of this Act and the reserve put upon such shares or stock may upon such subsequent auction or tender if the directors of the Company think fit be less than the nominal amount thereof and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

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

Power to borrow in respect of additional capital authorised by this Act.

34. The Company may from time to time borrow on mortgage of their undertaking in respect of the additional capital by this Act authorised any moneys not exceeding in the whole one-fourth part of such additional capital raised by shares or stock and at the time actually issued and fully paid up.

Repealing existing provisions as to receiver.

35. Section 45 (For appointment of a receiver) of the Act of 1894 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending at the passing of this Act under any such provision.

For appointment of a receiver.

36. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on

their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

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

Debenture stock.

38. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

As to conversion of borrowed money into capital.

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

Application of sums raised under this Act.

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

Saving rights of Crown.

41. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice

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diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights of Crown in foreshore.

42. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Costs of Act.

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

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