CHAP. xxiii.

An Act to amend and enlarge the Provisions of "The Southport Waterworks Act, 1854," "The Southport Waterworks Act, 1856," and "The Southport Waterworks Act, 1867," to make further and better Provision for supplying the town of Southport and the adjoining districts with Water; and for other purposes. [12th May 1870.] A.D. 1870.

WHEREAS by "The Southport Waterworks Act, 1854," the Southport Waterworks Company, in this Act called "the Company," was incorporated for better supplying with water the town of Southport, in the county palatine of Lancaster, and the neighbourhood thereof, with power to construct certain works by that Act authorised, and to raise moneys by the creation of shares and by borrowing, and by "The Southport Waterworks Act, 1856," and "The Southport Waterworks Act, 1867," the Company was authorised to raise further sums of money by the creation of shares, and by borrowing, and by the said last-mentioned Act the Company was empowered to construct certain additional works on the line according to the levels and upon the lands delineated upon the plans and sections, and described in the book of reference deposited with the clerk of the peace for the county of Lancaster in respect of the said Southport Waterworks Act, 1867: 17 & 18 Vict. c. xvi. 19 & 20 Vict. c. viii. 30 & 31 Vict. c. cx.

And whereas the share capital authorised by the said several recited Acts amounts in the whole to the sum of eighty thousand pounds, and the Company are by such several Acts authorised to borrow sums not exceeding twenty thousand pounds:

And whereas the whole of the share capital authorised by the recited Acts has been issued, and the Company have exercised their powers of borrowing to the full amount which they are authorised to borrow under and by virtue of their said Acts:

And whereas the population, and the demand for water within the limits of the recited Acts, has much increased and is still increasing, and it is necessary to enlarge existing mains and pipes of

A.D. 1870.

the Company, and to lay down additional mains and pipes; and it is expedient that the Company should be authorised to raise further sums of money for the better and more effectually carrying out the objects and purposes of their said undertaking:

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

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

Short title.

1. In citing this Act for any purpose it shall be sufficient to use the expression "The Southport Waterworks Act, 1870;" and this Act and the said recited Acts may be cited together as "The Southport Waterworks Acts, 1854, 1856, 1867, and 1870."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Companies Clauses Consolidation Act, 1845," Parts 1, 2, and 3 of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," shall be incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith, shall have the same respective meanings, unless there shall be something in the subject or context repugnant to such construction; and the expression "superior courts, or courts of competent jurisdiction," or any other like expression in this Act, or any Act incorporated therewith, shall include a county court, and 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.

Power to construct works.

4. It shall be lawful for the Company, subject to the provisions of this and the recited Acts, to make, construct, and maintain the works herein-after described in the line and according to the levels and upon the lands delineated on the deposited plans and sections and described in the deposited book of reference, and for that purpose to purchase absolutely for a sum in gross, or in consideration of an annual rentcharge, and to enter upon, take, and use such of the lands delineated upon the said plans, and referred to in the said book of reference as shall be necessary for that purpose.

The works herein-before referred to and authorised by this Act, are—

1. A service reservoir with all necessary pipes, valves, sluices, drains, conduits, and other works and conveniences con-

nected therewith, situate in the parish of Aughton in the county of Lancaster, in or near to the north-westerly corner of a certain field there, called the Marl Pit Field, belonging or reputed to belong to Colonel Thomas Richard Plumbe Tempest, and occupied by John Fletcher and the Company, or one of them.

2. An aqueduct, conduit, or line of pipes, with all necessary cocks, valves, sluices, drains, and conveniences connected therewith, commencing by junction with the authorised line of pipes of the Company in the parish of Aughton aforesaid, at a point at or near to the junction of Brook House Lane with a street or road called Aspinwall Lane, otherwise Mercer's Lane, and being or passing thence wholly in or through the parish of Aughton aforesaid, or some part thereof, and terminating at the service reservoir herein-before described.

And also all such embankments, roads, engines, pumps, machinery, mains, conduits, weirs, channels, cocks, valves, sluices, drains, and other works and conveniences as may be required or deemed expedient in connexion with the construction of the said works, or any part thereof.

Power to take additional lands.

5. The Company may from time to time for the purposes of their undertaking, purchase by agreement in addition to the lands which they are authorised to take by compulsion, any lands not exceeding in the whole five acres.

Owners may grant easements by agreement.

6. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively to sell or convey lands shall, subject to the provisions of these Acts respectively, have power, but by agreement only, and not by compulsion; to grant to the Company any easement, not being an easement of water, in, over, or affecting any lands by this Act authorised to be purchased by the Company; and all the provisions of the said Acts with respect to the purchase of lands by agreement and to rentcharges, shall extend and apply to such easements and to rentcharges granted for the same.

Limits of lateral deviation.

7. Whenever and so far as the line of any works shown upon the deposited plans passes along any road, and no limits of lateral deviation are marked thereon, the Company may in the construction of such works deviate laterally from the line thereof as laid down on such plans to the extent of the boundaries of such road, and elsewhere the Company may in constructing the said works deviate laterally from the lines thereof as laid down on the said plans to the extent of the limits of lateral deviation shown thereon.

A.D. 1870.

Limits of vertical deviation.

8. In constructing the said works the Company may deviate vertically from the level thereof as shown on the deposited sections to any extent not exceeding five feet; provided that the Company may erect any water tower, stand pipe, or other like work of any height, which for the time being may be necessary or proper for the purposes of this Act.

Limitation of time for construction of works.

9. On the expiration of five years from the passing of this Act the powers by this Act granted to the Company for constructing the works hereby authorised shall cease, except as to so much thereof as is then completed, but nothing herein contained shall restrict the Company from extending, enlarging, deepening, increasing the number of, altering or removing any of their engines, machinery, wells, shafts, mains, or pipes at any time, and from time to time as the Company may think fit for improving the supply of water.

Power to raise additional share capital.

10. In addition to the capital authorised by their existing Acts the Company may from time to time by virtue of this Act raise such further sums as they from time to time think requisite, not exceeding in the whole the sum of seventy thousand pounds.

Mode of raising additional share capital.

11. The additional capital by this Act authorised shall be raised by the creation and issue of new shares or new stock, ordinary or preference, or partly ordinary and partly preference, at the option of the Company, but the dividend on such new ordinary shares or stock shall not exceed seven pounds per centum per annum, and the dividend on such new preference stock shall not exceed six pounds per centum per annum.

New share capital to be subject to same powers, &c. as existing share capital.

12. Except so far as by or under the authority of this Act, or any Act incorporated herewith, is otherwise provided, the additional share capital to be 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 subsisting at the passing of this Act, and those shares were shares in that ordinary capital.

Shares not to issue until one fifth paid up.

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

Calls.

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

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

Power to borrow on mortgage.

15. The Company may from time to time, in addition to any sum which they are for the time being independently of this Act authorised to raise by mortgage, borrow on mortgage any further sums not exceeding in the whole seventeen thousand five hundred pounds, at the times and subject to the restrictions herein-after mentioned (that is to say), when thirty thousand pounds, part of the additional capital by this present Act authorised, has been subscribed for, issued, and accepted, and one half part thereof has been paid up, the Company may borrow on mortgage any sum not exceeding seven thousand five hundred pounds; and when the remainder of the said additional capital has been subscribed for, issued, and accepted, and one half part thereof has been paid up, the Company may borrow on mortgage any further sum not exceeding ten thousand pounds; but no money shall be borrowed under this Act until the additional capital authorised by this Act is subscribed for to the extent necessary to authorise such borrowing and the respective parts thereof are paid up, according to the provisions of this section, and 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 such additional capital has been so issued and accepted, and that such respective parts thereof are so paid up and that not less than one half of the amount of each separate share or portion of stock has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such additional capital was issued bonâ fide and is held by 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 certificate shall be sufficient evidence thereof.

Repeal of previous powers to appoint a receiver.

16. The several clauses of the recited Acts whereby the mortgagees of the Company are empowered to appoint a receiver are hereby repealed, but without prejudice to any appointment heretofore made or any proceedings now pending.

For appointment of a receiver.

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

Priority of mortgages under existing powers.

18. All mortgages granted by the Company under the recited Acts shall, while respectively in force, have priority over all mortgage and debenture stock granted and issued under this Act.

Debenture stock.

19. The Company may create and issue debenture stock.

Application of money raised under this Act.

20. All money raised under this Act, either by the creation and issue of shares or stock, or by borrowing, shall be applied to the purposes of the Company's undertaking, and not otherwise.

Expenses of Act.

21. All the costs, charges, and expenses of and preparatory and incidental to the application for and passing of this Act shall be paid by the Company.

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CHAP. xxiv.

An Act for dissolving the Yeadon Waterworks Company limited, and re-incorporating the Proprietors therein with others for more effectually supplying with Water the Township of Yeadon, and certain parts of the Township of Rawden, both in the Parish of Guiseley, in the West Riding of the County of York; and for other purposes. A.D. 1870.

[12th May 1870.]

WHEREAS "The Yeadon Waterworks Company, Limited" (in this Act called "the existing Company"), was constituted and established under the provisions of the Acts relating to Joint Stock Companies with limited liability, and in pursuance thereof a memorandum of association, bearing date the twenty-ninth day of January one thousand eight hundred and sixty-two, was executed, whereby the existing Company were empowered to supply water in the township of Yeadon, in the parish of Guiseley, in the West Riding of the county of York:

And whereas the existing Company have since their incorporation been and now are supplying with water the said township of Yeadon:

And whereas it is expedient that the provisions of "The Waterworks Clauses Acts, 1847 and 1863," should be made applicable to the undertaking of the Company, and for that purpose that the existing Company should be dissolved and their proprietors be re-incorporated:

And whereas it is expedient that the limits within which the Company may supply water should be defined:

And whereas the present paid-up capital of the existing Company is five thousand nine hundred and ninety-one pounds nine shillings, divided into four thousand and sixty-two shares of one pound each fully paid up, and four thousand and sixty-two shares of one pound each on which nine shillings and sixpence have been paid up on each share, and they have not any mortgage or bond

A.D. 1870.

debt, and it is expedient that the Company be authorised to raise further capital:

And whereas the purposes 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:

Short title.

1. This Act may for all purposes be cited as "The Yeadon Waterworks Act, 1870."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," and "The Lands Clauses Consolidation Acts, 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement), 1860, and 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

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 excluded by the subject or context, and the expression "the Company" means the Company incorporated by this Act; the expression "superior courts" or "courts of competent jurisdiction," or any other like expression in this Act or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by Statute, and in the Acts wholly or in part incorporated with this Act the word "share" shall include stock.

Limits of Act.

4. The limits of this Act shall comprise and include the township of Yeadon, in the parish of Guiseley, in the West Riding of the county of York, and so much of the township of Rawden in the parish of Guiseley aforesaid as is bounded on the one side by the township of Yeadon aforesaid, and on the other side by an imaginary line commencing at a point in the Plain Tree Road, in the township of Rawden aforesaid, on the easterly side of and distant seven chains from the Dudley Hill, Killinghall, and Harrogate turnpike road, and thence running to a point in a footpath leading to Rawden, in the township of Rawden aforesaid, known as Canada Footpath, also on the east side of and distant seven chains from the said turnpike road, and thence to a point in Canada Street, in the said township of Rawden, on the east side of and distant

thirteen chains from the said turnpike road, and thence to a point in Stony Croft or Batter Road, in the said township of Rawden, also on the easterly side of and distant thirteen chains and a half from the said turnpike road, and thence to a point in a footpath leading to Rawden aforesaid called Pease Hill Footpath, on the easterly side of and distant eleven chains from the said turnpike road, and thence in a south or south-easterly direction to a point in Prospect Place, in the said township of Rawden, on the north or north-easterly side of and distant six chains and a half from the Kirkstall, Otley, and Shipley turnpike road, and thence to a point in Henley Lane, in the said township of Rawden, on the north or north-easterly side of and distant six chains and a half from the said Kirkstall, Otley, and Shipley turnpike road, and thence to a point in Carr Lane, in the said township of Rawden, on the north or north-easterly side of and distant four chains and a half from the said Kirkstall, Otley, and Shipley turnpike road, and thence to a point in Layton Hall Road, in the said township of Rawden, on the north or north-easterly side of and distant sixteen chains from the said Kirkstall, Otley, and Shipley turnpike road, and thence to a point in the middle of the Gill Beck otherwise the Red Beck, in the said township of Rawden, on the north or north-easterly side of and distant twenty-two chains from the said Kirkstall, Otley, and Shipley turnpike road, and then running along the Gill Beck, otherwise the Red Beck aforesaid, in a southwardly or south-westwardly direction until it joins the River Aire, in the township of Rawden aforesaid, and then running along the centre of the River Aire aforesaid in a westwardly direction to the junction at Apperley Bridge of the said township of Rawden with the township of Yeadon aforesaid.

Dissolution of existing Company.

5. The existing Company is by this Act dissolved and their memorandum of association is by this Act cancelled and annulled.

Incorporation of Company.

6. The several persons who immediately before the passing of this Act were shareholders in the existing Company, and all other persons and corporations who from time to time become entitled to shares of the capital of the Company, and their respective executors, administrators, successors, and assigns, are by this Act united into a company for the purpose of supplying water within the limits of this Act, and for doing all acts necessary for that purpose, and for other the purposes by this Act and the incorporated Acts authorised, and for those purposes are incorporated by the name of "The Yeadon Waterworks Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

A.D. 1870.

Waterworks, &c. vested in Company.

7. All the undertaking, reservoirs, waterworks and apparatus, engines, main pipes, lands, springs, streams, buildings, rights and easements, moneys, securities, credits, property, effects, choses in action, claims, and demands whatsoever of or to which immediately before the passing of this Act the existing Company, or any persons in trust for them, were seised, possessed, or in anywise entitled at law or in equity, with their respective rights, members, and appurtenances, are by this Act vested in the Company as their undertaking, waterworks, property, and effects for all the estate and interest which the existing Company, or such persons, had therein, but subject to all debts, liabilities, and engagements of the existing Company in respect thereof.

Company to represent the dissolved Company.

8. Except only as is by this Act otherwise expressly provided, the Company shall, with respect to their undertaking, waterworks, property, and effects, and all matters connected with the same, respectively represent the existing Company, as if that Company and the Company had originally been and had continued without intermission to be one and the same body corporate.

General saving of rights.

9. Notwithstanding the dissolution of the existing Company, and the cancelling and annulling of their memorandum of association, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed by or under the memorandum of association shall be as valid as if the dissolution, cancellation, and annulling had not happened; and the dissolution, cancellation, annulling, and the operation of this Act shall accordingly be subject and without prejudice to everything so done, suffered, or confirmed, and to all rights, liabilities, claims, and demands, both present and future, which, if the dissolution, cancellation, and annulling had not happened, would be incident to or consequent on any and every thing so done, suffered, and confirmed, and with respect to everything so done, suffered, and confirmed, and all such rights, liabilities, claims, and demands, the Company shall to all intents and purposes represent the existing Company: Provided always, that the generality of this provision shall not be restricted by any of the other provisions of this Act.

Contracts, &c. preserved.

10. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all purchases, sales, conveyances, leases, mortgages, bonds, deeds, securities, contracts with respect to supply of water, and other contracts entered into or made before the passing of this Act, by, to, or with the existing Company, or any person on their behalf, shall continue and be as effectual to all intents for, against, and with respect to the Company as if the same had been made or executed by, to, or with respect to the Company instead of the

existing Company, or the trustees or persons acting on behalf of the existing Company, and may be proceeded on and enforced by and against the Company accordingly.

Actions, &c. not to abate.

11. Notwithstanding the dissolution, cancellation, and annulling aforesaid, nothing in this Act contained shall release, discharge, or suspend any action, suit, prosecution, or other proceeding commenced by or against the existing Company before the passing of this Act, but, on the contrary, the same shall continue and take effect, both in favour of and against the Company, in like manner to all intents and purposes as the same might continue and take effect in favour of or against the existing Company, save only that when necessary the Company shall be substituted therein for the existing Company.

Rates to be paid to Company.

12. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all water rates or rents, meter rents, and other charges with respect to the supply of water which immediately before the passing of this Act were due or payable or accruing or secured to the existing Company, shall be payable and paid to and may be collected and recovered by the Company in like manner as any water rates or rents, meter rents, and other charges under this Act.

Debts to be paid.

13. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all persons who immediately before the passing of this Act owed any money to the existing Company, or to any person on their behalf, shall pay the same, with all interest (if any) due and payable or accruing for the same to the Company, and all debts and moneys which immediately before the passing of this Act were due or owing or recoverable from the existing Company, or for the payment of which they were or, but for this Act, would be liable, shall be paid, with all interest (if any) due or payable or accruing for the same, by or be recoverable from the Company.

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

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

A.D. 1870.

Reimbursement of shareholders in such case.

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

Books, &c. continued evidence.

16. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all documents, books, and writings which, if the dissolution, cancellation, and annulling had not happened, would be receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Officers, &c. to continue.

17. All officers and servants of the existing Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, and be deemed to be the officers of or persons employed by the Company, at the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom, and they and their respective sureties shall be liable in all respects as if they respectively had been appointed and had become bound under this Act.

Capital.

18. The capital of the Company shall be twenty-one thousand nine hundred and ninety-one pounds and nine shillings, and shall consist of

(A.) Capital stock to the amount of five thousand nine hundred and ninety-one pounds nine shillings to be deemed fully paid up; and

(B.) The additional share capital of sixteen thousand pounds by this Act authorised to be raised.

Stock vested in shareholders of existing Company.

19. The said capital stock of five thousand nine hundred and ninety-one pounds nine shillings is by this Act appropriated to and vested in the several persons and corporations who immediately before the passing of this Act were the holders of the capital of the existing Company, in proportion to their respective holdings in and the sums which they have respectively paid up towards that capital.

Stock so vested to be subject to same trust as shares in existing Company.

20. All stock by this Act appropriated as aforesaid shall be subject and liable to the same trusts, powers, provisoes, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the then share or shares in the existing Company for which the appropriated stock is substituted,

and so as to give effect to and not to revoke any will or other instrument disposing of or affecting such existing share or shares.

Existing certificates to be cancelled.

21. The Company shall call in and cancel the existing certificates of shares in the existing Company, and issue in lieu thereof certificates of the substituted stock, in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the holders of any such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company, to be cancelled, the certificates of proprietorship issued to them before the passing of this Act, or shall have proved, to the reasonable satisfaction of the directors of the Company, the loss or destruction thereof.

Power to raise additional capital.

22. In addition to the said capital stock of five thousand nine hundred and ninety-one pounds nine shillings, it shall be lawful for the Company from time to time to raise, by the creation and issue of new ordinary or new preference shares or stock in their capital, or at the option of the Company by any of those modes, such further sum or sums of money as they may think proper, not exceeding in the whole sixteen thousand pounds: Provided always, that no share to be so created shall be of less amount than ten pounds.

Shares not to be issued until one fifth part paid up.

23. The Company shall not issue any share or stock in the additional capital of sixteen thousand pounds by this Act authorised, nor shall any such share or stock vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share or stock shall have been paid up in respect thereof.

Calls.

24. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Profits of existing Company to be applicable to dividend of Company.

25. Profits of the existing Company by this Act vested in the Company shall, for the purpose of dividends, be deemed profits of the Company, and shall be applicable to dividend among the proprietors of the Company.

Receipt of guardian, &c.

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

A.D. 1870.

Power to borrow.

27. The Company may at any time after the passing of this Act, and from time to time, borrow on mortgage any sum or sums not exceeding in the whole one thousand five hundred pounds, and the Company may also from time to time borrow on mortgage any further sum or sums not exceeding in the whole four thousand pounds, in manner following; (that is to say), when four thousand pounds of the additional capital of sixteen thousand pounds by this Act authorised has been subscribed for, issued, and accepted, and one half thereof paid up, the Company may borrow a sum of one thousand pounds, and they may borrow from time to time not exceeding one thousand pounds in respect of every remaining four thousand pounds of such sixteen thousand pounds, but no part of any such sum of one thousand pounds shall be borrowed until the whole of the respective sum of four thousand pounds capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845" (before he so certifies), that the portion of capital in respect of which the Company propose to exercise the power of borrowing hereby granted 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 portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such portion of 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.

Money borrowed on mortgage to have priority.

28. All money borrowed on mortgage under this Act, from the time when the same is advanced, and the interest for the time being due thereon, shall have priority against the Company, and all the property from time to time of the Company, over all other claims on account of any debts to be incurred or engagements to be entered into by them: Provided always, that such priority shall not prejudice or affect any claim, right, or remedy against the Company or their property in respect of any rentcharge to be granted by them in pursuance of the provisions of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect any claim or lien in respect of any lands taken, used, or occupied by the Company for the purposes of their under-

taking, or by the exercise of any of the powers by this Act conferred on the Company.

For appointment of a receiver.

29. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less in the whole than one tenth part of the then mortgage debt of the Company.

Debenture stock.

30. The Company may create and issue debenture stock.

Application of moneys.

31. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

Ordinary meetings.

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

Number of directors.

33. The number of directors, until reduced under the power herein-after contained, shall be nine.

Qualification of directors.

34. The qualification of a director shall from time to time be the possession in his own right of paid-up capital in the undertaking to the amount herein-after mentioned; (that is to say,)

Until the first general meeting of the Company after the capital of the Company shall have been increased, seventy pounds; thenceforward until the first general meeting of the Company after the capital of the Company shall have been increased to the extent of four thousand pounds, one hundred pounds; and thenceforward two hundred pounds.

Power to reduce number of directors.

35. The Company may from time to time, by order of any general meeting, reduce the number of directors, provided that the number when so reduced be not less than six.

Quorum of directors.

36. The quorum of a meeting of directors shall (unless and until the number of directors is reduced to six) be four, and if the number of directors be reduced to six the quorum shall be three.

First directors.

37. William Thornton, James Turner, Joseph Parkinson, Edward Brayshaw, George Hudson, Slater Ibbitson, John Laycock, John Pickard, and Richard Waugh shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy, may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors or directors to supply the places of those not continued in office, the directors appointed by this Act

Election of directors.

A.D. 1870.

being, if qualified, eligible for re-election, and at the first ordinary meeting in every year after the first ordinary meeting the shareholders present, in person or by proxy, shall (subject to the powers herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office in accordance with the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in the manner provided by that Act.

Contracts not to disqualify for office of director.

38. Any contract to be made with any local board, corporation, or public body under this Act, shall not disqualify any of the members of any such local board, corporation, or public body for the office of the director, and no shareholder of the Company shall be disqualified to be a member of any such local board, corporation, or public body, by reason of any contract between the Company and such local board, corporation, or public body.

Power to take additional lands by agreement.

39. The Company may from time to time, for the purposes of this Act, purchase by agreement any lands in addition to the lands vested in them by this Act, and the Company may hold the same not exceeding in the whole at one time ten acres.

Power to take easements, &c. by agreement.

40. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Company any easement, right, or privilege not of water in, over, or affecting any such lands; and the provisions of the last-mentioned Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

Sale of superfluous lands.

41. The Company may at any time hereafter sell and dispose of any lands which are by this Act vested in them, or which they may hereafter acquire, and which shall not be required for the purposes of the Company, and the provisions of "The Lands Clauses Consolidation Act, 1845," sections 128 to 132 (both sections inclusive), shall apply to any such sale, and the Company may also from time to time sell and dispose of any works, buildings, or erections on any lands belonging to them which shall not be required for the purposes of the Company.

Power to supply fittings, &c.

42. The Company may purchase, supply, hire, sell, let, lay down, place, and maintain fittings for the supply of water, meters, taps, ferrules, pipes, and other articles and things connected with water-

works or with the supply of water for public or private consumption in such manner as the Company think proper.

Power to Company to let meters.

43. The Company may let for hire any meter for ascertaining the quantity of water consumed or supplied, and any fittings thereto, for such remuneration in money and on such terms with respect to repair of such meter and fittings and for securing the safety and return to the Company of such meter as may be agreed upon between the hirer and the Company, and such remuneration shall be recoverable in the same manner as the water rents due to the Company, and such meters and fittings shall not be subject to distress for rent of the premises where the same are used, or to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons having possession thereof.

Power to remove meters and fittings.

44. The Company after twenty-four hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if there is 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.

Notice to Company of putting up meters, &c.

45. Before any person connects or disconnects any meter through which any of the water of the Company is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Company of his intention to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repairs of meters.

46. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water, in default whereof the Company may cease to supply water through such meters, and the Company shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, such

A.D. 1870.

taking off, removal, testing, and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order, but otherwise at the expense of the consumer.

Register of meter to be primâ facie evidence.

47. The register of the meter when in perfect working order shall be primâ facie evidence of the quantity of water consumed by any customer of the Company in respect of which any water rent is charged and sought to be recovered by the Company.

Fraudulently injuring meters, &c.

48. If any person wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any pipe, meter, or fitting belonging to the Company, or fraudulently alters the index to any meter, or fraudulently prevents any such index from duly registering the quantity of water supplied, he shall (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds, and the Company may, in addition thereto, recover the amount of any damages sustained by them, and the Company may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damages are paid, notwithstanding any contract previously existing, and the existence of artificial means for causing such alteration or prevention, when such meter is under the custody or control of the consumer, shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such meter.

Company's officers to enter building.

49. The Company's agent, 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 in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, and to see whether the meters, pipes, fittings, cisterns, or other apparatus provided be in good repair, and if such agent 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.

Reservation of water rights, &c. on sale.

50. On the sale by the Company of any lands, they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions, and provisions with respect to use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter as they think fit.

Constant pressure, &c.

51. Water supplied under this Act need not be constantly laid on under pressure, or be supplied in any case at a level above that at which water can be supplied by gravitation from the existing service reservoir from which the supply is furnished.

Rate at which water is to be supplied for domestic purposes.

52. The Company shall, at the request of the owner or occupier of any house, or part of a house, in any street in which any pipe of the Company is or shall be laid, or on the application of any person who, under the provisions of this Act, is entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic use at rates not exceeding the following; (that is to say,)

If the rackrent or (if not let at a rackrent) the annual value of the house, or part of a house, do not exceed four pounds per annum, the rate of twopence per week.

If such rackrent or (as the case may be) annual value exceed four pounds, but do not exceed eight pounds per annum, the rate of ten shillings per annum, and so in proportion for any shorter period.

If such rackrent or (as the case may be) annual value exceed eight pounds, but do not exceed thirty pounds per annum, the rate per annum of one shilling and sixpence in the pound upon such rackrent or annual value as the case may be, and so in proportion for any shorter period.

If such rackrent or (as the case may be) annual value exceed thirty pounds, but do not exceed forty pounds per annum, the rate of forty shillings per annum, and so in proportion for any shorter period.

If such rackrent or (as the case may be) annual value exceed forty pounds, but do not exceed fifty pounds per annum, the rate of fifty shillings per annum, and so in proportion for any shorter period.

If such rackrent or (as the case may be) annual value exceed fifty pounds per annum, the rate per annum of one shilling in the pound upon such rackrent or annual value as the case may be, and so in proportion for any shorter period.

Rates for watercloseta and baths.

53. In addition to the rates for the supply of water for domestic purposes, the Company may demand and receive for every water-closet beyond or more than one in any house any yearly sum not exceeding ten shillings, and for every private bath in any house any yearly sum not exceeding twelve shillings and sixpence.

For preventing fouling water.

54. Provided always, that 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

A.D. 1870.

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 unless such private bath shall be so constructed as to contain, when filled for use, not more than fifty gallons of water.

Water for other than domestic purposes.

55. The Company may supply any person with water for other than domestic purposes on such terms as he and the Company agree on, but, 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, and every such agreement shall be by virtue of this Act determinable by the Company on one month's notice in writing.

Notice of discontinuance.

56. 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.

Regulations for preventing waste of water.

57. For preventing waste, misuse, undue consumption, or contamination of the water of the Company, the following provisions shall have effect; (namely,)

(1.) The Company may from time to time make such reasonable regulations as they think necessary for the objects aforesaid to be observed by persons supplied with water:

(2.) By such regulations the Company may direct the use, and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the meters, pipes, valves, cocks, ferrules, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for conveying, delivering, and receiving water, and may interdict any arrangement and the use of any meter, pipe, valve, cock, ferrule, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water:

(3.) The Company shall not be bound under any agreement or otherwise to supply, or to continue to supply, water to any person unless such regulations as are for the time being in force are duly observed by him:

(4.) In case of the failure of any such person to observe such regulations as are for the time being in force, the Company may, if they think fit, after twelve hours notice in writing, and by or under the direction of their duly autho-

rised officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the expense of every such repair, replacement, or alteration shall be repaid to the Company by the person on whose credit the water is supplied, and may be recovered by them as damages for the recovery of which no special provision is made:

(5.) If any dispute arises between the Company and any person as to whether any such regulations are reasonable or not, or whether such regulations have been complied with by such person, such dispute shall be referred, on the application of either party, to the determination of two justices, whose decision thereon shall be final and binding on both parties.

Power for Company to supply materials, &c.

58. The Company may, if requested by any person supplied or about to be supplied by them with water, furnish to him, and from time to time repair or alter any such meters, pipes, valves, cocks, ferrules, cisterns, baths, soil-pans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf.

Contracts for supplying water for public purposes.

59. The Company on the one hand, and any local board of health or local board, or any other corporations, bodies, or persons on the other hand, may from time to time enter into and carry into effect any contract or arrangement for the supply of water by the Company for public purposes, within the limits of this Act, for any period not exceeding under any one such contract or arrangement seven years, and may from time to time, by mutual consent, vary, suspend, or rescind any such contract or arrangement, or enter into or carry into effect other contracts or arrangements in lieu thereof, or in addition thereto, and any board, corporations, bodies, or persons so agreeing may apply for the purposes of any such contract or arrangement, and in payment of any periodical or other remuneration or other consideration payable to the Company under or by virtue thereof, any funds or moneys which they have raised or may raise under the powers of any Act of Parliament, and which may not be required for the specific or particular purpose (if any) to which by the Act authorising the raising thereof such funds or moneys are made exclusively applicable.

Incoming tenant not liable for arrears.

60. The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter 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.

A.D. 1870.

Where several houses are supplied by one pipe each to pay.

61. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the Company's mains by a separate and distinct pipe: Provided always, that the Company shall not be compelled to supply water to the owner or occupier of any dwelling house or premises, unless the water rate is paid for the whole of such dwelling house and premises.

Recovery of sums due.

62. If any person fails on demand to pay any water rent, meter rent, rate, damages, costs, expenses, or other sum due to or recoverable by the Company under this Act, or any Act incorporated wholly or in part with this Act, they may recover the same by proceedings in any court of competent jurisdiction, or if the amount thereof is not bonâ fide disputed, the same may be levied by distress (the person in default being first duly summoned), and any justice may issue his warrant accordingly, and the remedies of the Company under this section shall be in addition to their other remedies for recovery of any such rent, rate, damages, costs, expenses, or other sum.

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

63. 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 rent, meter rent, rate, or charge under this Act.

Contents of summons.

64. 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.

Costs of distress.

65. Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money, and in that case such costs shall be ascertained by the justice, and shall be included in the warrant of distress.

Penalties not cumulative.

66. 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 or any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Expenses of Act.

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

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