ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxxvi.

An Act to extend the Provisions and enlarge the Powers of the *Staffordshire Potteries* Waterworks Act, 1847. [26th *June* 1849.]

WHEREAS an Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for supplying with Water certain Parts of the* Staffordshire Potteries, *and the Town of* Newcastle-under-Lyme, *and several Townships and Places adjoining or near thereto*, whereby a Company was incorporated by the Name of "The *Staffordshire Potteries* Waterworks Company," and was empowered to supply with Water the District included within the Limits of the said Act: And whereas under and by virtue of the said recited Act the Company were authorized to raise for the Purposes thereof the Sum of Sixty thousand Pounds by the Issue of Shares, and a farther Sum of Twenty thousand Pounds by borrowing on Mortgage or Bond; and the Sum of Forty-five thousand Pounds or thereabouts, Part of such Sum of Sixty thousand Pounds, has been raised and expended by the Company in the Construction of certain Portions of the Works by the said recited Act authorized to be made, but the said Works have not yet been completed: And whereas the several Towns, Hamlets, and Places after mentioned, in or near the *Staffordshire Potteries* are inadequately supplied with Water; and the Construction of Reservoirs, Aqueducts, and other Works for supplying the same with pure Water would be of great

10 & 11 Vict. c. 204.

great Advantage, Comfort, and Convenience to the Inhabitants thereof: And whereas the Company are willing to carry the said Undertaking into execution; but the same 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, That the said recited Act, and the several Acts incorporated therewith, shall, so far as not inconsistent with or not otherwise provided by this Act, be incorporated with and form Part of this Act.

Recited Act incorporated with this Act.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Deeds, and Proceedings, it shall be sufficient to use the Expression "The *Staffordshire Potteries* Waterworks Extension Act, 1849."

Interpretation. III. And be it enacted, That the Expression "the Company" in this Act shall mean the *Staffordshire Potteries* Waterworks Company incorporated by the said recited Act.

Limits of Act. IV. And be it enacted, That the Limits of this Act shall comprise and include the Towns of *Longton* and *Lane End*, and the several Townships, Hamlets, or Vills of *Normacot*, *Meir*, and *Blurton*, all in the County of *Stafford*.

Power to raise additional Capital by Creation of new Shares. V. And whereas the estimated Expense of the Works by this Act authorized, including the Purchase of Lands, is Ten thousand Pounds: Be it enacted, That it shall be lawful for the Company to raise for the Purposes of this Act, in addition to any Sums which they are already authorized to raise, any further Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, by the Creation of new Shares or Stock of the Company, upon such Terms and in such Manner as may have been or may be agreed upon at any General Meeting of the Company specially called for the Purpose; and the new Shares or Stock created by the Company under the Powers of this Act shall become Part of the general Capital of the Company: Provided always, that in the Creation of such new Shares or Stock, no preference or guaranteed Shares, to have priority over the original Shares, shall be created or issued.

Votes of Proprietors of new Shares. VI. And be it enacted, That the Proprietors of the new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the Amount of Capital represented by such Shares would entitle them to under the said recited Act.

Calls. VII. And be it enacted, That One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make on the Holders of Shares created by this Act, and Three Months at least shall be the Interval between successive Calls.

Power to borrow Money VIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums of Money not exceeding in the

the whole the Sum of Three thousand three hundred and thirty-three Pounds Six Shillings and Eight-pence; but no Part of such Sum shall be borrowed until the whole of the said Capital of Ten thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

on Mortgage.

IX. Provided always, and be it enacted, That all Mortgages or Bonds made or granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be made or granted in virtue of this Act.

Former Mortgages to have Priority.

X. And whereas Plans and Sections describing the Line and Situation of the Reservoir at or near *Tunstall* in the Parish of *Wolstanton*, and other intended Works, and the Lands in or through which the same are to be made and maintained, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of such Lands respectively, have been deposited at the Office of the Clerk of the Peace for the County of *Stafford*: Be it enacted, That such Plans, Sections, and Book of Reference shall be kept by the said Clerk of the Peace, who shall permit all Persons to inspect the same at all seasonable Times, and shall make out Copies and Extracts therefrom for all Persons requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Plans deposited with the Clerk of the Peace to be open for Inspection.

XI. And be it enacted, That it shall be lawful for the Company, with the Consent of the Most Noble *George Granville* Duke and Earl of *Sutherland* under his Hand and Seal, and subject to the Provisions and Restrictions contained in this and the said recited Act and in the Acts incorporated therewith, from Time to Time to divert and alter the Course of and to take and use the Waters of the several Springs described on the said Plans as intended to be taken for the Purposes of this Act, and situated in or upon Lands belonging to the said Duke and Earl of *Sutherland* at or near *Meir* in the Parish of *Caverswall*, and at or near *Normacot* in the Parish of *Stone*, and to convey such Waters, by Pipes, Aqueducts, or Conduits, into a Reservoir or Reservoirs constructed or to be constructed at or near *Meir* and *Normacot* aforesaid.

Company empowered to take certain Springs.

XII. And be it enacted, That it shall be lawful for the Company, if they shall think proper so to do, to purchase or take on Lease from the said Duke and Earl of *Sutherland* all his Estate and Interest of and in a certain Reservoir situated at or near *Meir* aforesaid, and known by the Name of the *Meir* Reservoir, and of and in a certain other Reservoir situated at or near *Normacot* aforesaid, and known by the Name of the *Furnace* Reservoir, and also of and in the Buildings, Mains, Pipes, and other Works and Property of whatever Kind belonging to or vested in the said Duke and Earl of *Sutherland*, and now used for the Purpose of supplying with Water the Inhabitants of the said Towns of *Longton* and *Lane End* and Places adjoining, and that for such Price and upon such Conditions as shall be mutually agreed

Company may purchase or lease existing Waterworks.

agreed upon between the said Duke and Earl of *Sutherland* and the Company.

Consideration for Purchase or Lease of Waterworks may be an annual Sum.

XIII. And be it enacted, That, if the said Duke and Earl of *Sutherland* and the Company shall so agree, the Consideration for the Purchase or Lease of the said Springs of Water and the said Reservoirs, Works, and Property may be either solely or in part an annual Sum of Money payable by the Company either in Perpetuity or for a Term of Years; and if the Consideration for the said Springs of Water, Reservoirs, Works, and Property shall be an annual Sum of Money, such annual Sum shall be secured by the Bond of the Company in a sufficient Penalty, and shall constitute a Charge on the Capital of the Company in priority to any Charge to be created on the same Capital under this Act, or under any Act of Parliament relating to the Company which may be hereafter passed; and if at any Time such annual Sums be unpaid for Thirty Days after the Day of Payment thereof, then, in addition to any other Remedy consequent on such Charge, the same shall be recoverable from the Company, with Costs of Suit, by Action of Debt in any of the Superior Courts, or by Distress of the Goods and Chattels of the Company, which Distress may be managed, sold, and disposed of in like Manner, and with the like Powers in relation thereto, as Distresses for Rent reserved on common Demises are or for the Time being may be by Law managed, sold, and disposed of.

Company to perform certain Acts required to be done by North Staffordshire Railway Company.

XIV. Provided always, and be it enacted, That from and after the passing of this Act, and after the said Duke and Earl of *Sutherland* shall have been authorized by Parliament to sell or grant a Lease of the Reservoir and Spring of Water referred to in the *North Staffordshire* Railway Act, 1847, and therein described as being situate in certain Lands of the said Duke and Earl of *Sutherland* in the Parish of *Caverswall*, the Company and their Successors and Assigns shall and they are hereby required thenceforth to perform and do all and every the Acts, Matters, and Things directed by the said last-mentioned Act to be performed and done by the *North Staffordshire* Railway Company with reference to the said Reservoir and Spring of Water; and the Company shall also at all Times and for ever thereafter indemnify the said Railway Company, and their Successors or Assigns, for all Damages, Costs, or Expenses suffered or sustained by them in consequence of the Non-performance of such Acts, Matters, and Things, or any of them.

Power to construct Works according to deposited Plans.

XV. And be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions contained in this and the said recited Act, and in the Acts incorporated therewith, to make and maintain the said Reservoir and other intended Works in the Line and Situation and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands, Streams, and Waters described on the said Plans and in the said Book of Reference as shall be necessary for that Purpose, or to agree for a Lease of such Lands, Streams, and Waters, and to take therefrom such Water as the Company may require for the Purposes of this and the said recited Act.

XVI. And

Period for Completion of Works.

XVI. And be it enacted, That the Works authorized by this Act to be made shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers granted by this and the said recited Act, and the Acts incorporated therewith, for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Provision as to Works at the Meir Tunnel of the North Staffordshire Railway.

XVII. And be it enacted, That in the event of the Company constructing, under the Authority of this Act, any Works at or near the *Meir* Tunnel of the said *North Staffordshire* Railway, such Works shall be constructed under the Superintendence and to the Satisfaction of the Engineer for the Time being of the said *North Staffordshire* Railway Company; and after such Works shall be completed, all subsequent Alterations and Repairs thereupon shall be made and executed with the Consent, under the Superintendence, and to the Satisfaction of the Engineer of the said Railway Company for the Time being, and all such Works, Alterations, and Repairs shall be made, executed, and completed at the sole Risk of the Company, who shall be liable for all Damages occasioned by such Works, Alterations, and Repairs to any of the Works or Property of the said Railway Company.

Penalty for impeding Traffic on the Railway.

XVIII. And be it enacted, That if any Works shall be so constructed by the Company as to impede or interfere with the Traffic upon the said Railway, or if the said Traffic shall be impeded or interfered with in consequence of any Act or Omission of the Company, or any of their Agents, Servants, or Workmen, then the Company shall pay to the said Railway Company, as and by way of ascertained Damages, the Sum of Fifty Pounds for every Hour during which such Impediment or Interruption shall continue; and in default of Payment of the Sum or Sums which may have been ascertained to be due in respect of such Damage, within Seven Days after Demand in Writing made by the Solicitor or Agent of the said Railway Company upon any Clerk or Officer of the Company, the said Railway Company may sue for and recover the same, together with full Costs of Suit, from the Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

Lands of Railway Company not to be taken.

XIX. And be it enacted, That nothing contained in this Act or in the Acts incorporated therewith shall extend or be deemed or construed to extend to authorize the Company to purchase, take, or use any Land which the said Railway Company have already purchased or are authorized to purchase for the Purposes of their Railway or the Works connected therewith, without the Consent of the said Railway Company, such Consent to be signified in Writing under the Hand of the Secretary for the Time being of the said Railway Company.

Saving Rights of Railway Company.

XX. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, Privileges, or Authorities vested in the said Railway Company, but all their Rights, Powers, Privileges, and Authorities under their several Acts of Parliament are hereby expressly reserved.

Same Rates to be taken as in former Act.

XXI. And be it enacted, That it shall be lawful for the Company to demand and receive, for and in respect of any Water supplied under the Provisions of this Act, the same Rates as the Company are by the said recited Act authorized to demand and receive for and in respect of Water supplied under the Provisions of the said recited Act.

Places within Limits of former Act may be supplied under this Act.

XXII. And whereas it may be more convenient and expedient to supply with Water certain Parts of the Districts comprised within the Limits of the said recited Act from the Works authorized by this Act to be constructed: Be it enacted, That it shall be lawful for the Company, if they shall think fit so to do, to supply with Water any of the Places particularly mentioned in or comprised within the Limits of the said recited Act, from and by means of the Works to be constructed under the Authority of this Act, or any Part thereof, and to demand and receive for the Water so supplied the same Rates as they are entitled to demand and receive for any Water to be supplied under the Provisions of this or the said recited Act.

Undertaking not to be exempt from Provisions of 11 & 12 Vict. c. 63.

XXIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Company from the Provisions of "The Public Health Act, 1848," or of any general Act relating thereto or to the Subject Matter thereof, which may pass during the present or any future Session of Parliament.

Expenses of Act.

XXIV. And be it enacted, That all Costs, Charges, and Expenses incurred preparatory to and in the applying for, obtaining, and passing of this Act shall be paid by the Company out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Public Act.

XXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.