ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cx.

An Act to enable the *Stockton and Middlesbrough* Waterworks Company to extend their Limits for the Supply of Water; to construct additional Works; to raise additional Capital; to alter and amend their existing Act; and for other Purposes. [23d *June* 1864.]

WHEREAS by "The *Stockton and Middlesbrough* Waterworks Act, 1858," (herein-after called the existing Act,) "The *Stockton, Middlesbrough, and Yarm* Waterworks Company" (herein-after called the dissolved Company) were dissolved, and the Acts relating thereto passed in the Years 1851 and 1854 respectively, and certain Portions of "The *Darlington* Gas and Waterworks Act, 1849," were repealed, and the Proprietors of Shares in the dissolved Company were united into a Company, and reincorporated by the Name of "The *Stockton and Middlesbrough* Waterworks Company," (herein-after called the Company,) for the Purpose of supplying Water within the Limits defined by Section Five of the existing Act: And whereas the Capital of the Company under the existing Act consists of the Sum of Ninety-two thousand three

21 & 22 Vict. c. cxxxiii.

three hundred and eighty-seven Pounds Ten Shillings, divided into Shares as follows; (that is to say,) Twenty-two thousand five hundred Pounds, Part thereof, divided into Eighteen hundred Shares of Twelve Pounds Ten Shillings each, paid up in full, called "original Shares," Ten thousand Pounds, further Part thereof, divided into Eight hundred Shares of Twelve Pounds Ten Shillings each, paid up in full, called "Class A. Shares," Nineteen thousand eight hundred and eighty-seven Pounds Ten Shillings, further Part thereof, divided into One thousand five hundred and ninety-one Shares of Twelve Pounds Ten Shillings each, called "Class B. Shares," on which Calls to the Amount of Eight Pounds *per* Share have been paid, and Forty thousand Pounds, the Residue thereof, divided into Four thousand Shares of Ten Pounds each, called "Class C. Shares," on which Calls to the Amount of Six Pounds *per* Share have been paid: And whereas the Company are authorized to raise and have raised the Sum of Twenty-three thousand Pounds by borrowing: And whereas the Parishes, Townships, and Extra-parochial Places following, all of which are upon or near the Lines of the Mains or Property of the Company, are at present insufficiently supplied with Water, namely, *Haughton*, *Haughton-le-Skerne*, *Dinsdale* (otherwise *Low Dinsdale*), *Morton Palms*, *Sadberge*, *Middleton*, *St. George*, *Long Newton*, *Elton*, *Egglescliffe*, *Preston-upon-Tees*, *East Hartburn*, *Coopen*, *Bewley*, and *Billingham*, all in the County of *Durham*, and *Stainton*, *Acklam*, *Linthorpe*, *Marton*, *Ormesby*, *Normanby*, *Eston*, *Lackenby*, *Lazenby*, *Wilton*, *Coatham*, *West Coatham*, *East Coatham*, and *Kirk Leatham*, all in the North Riding of the County of *York*, and the affording of a sufficient Supply of good and pure Water to the same Places and to other Places on the Lines of the Mains and Pipes of the Company would be of great Benefit to the said Parishes, Townships, and Places, and the Company are willing to construct the Works necessary for affording such Supply if authorized by Parliament so to do: And whereas in order to enable the Company to afford such Supply of Water, and to provide for the general Purposes of the Company, it is necessary that they should be authorized to raise further Sums of Money, and that some of the Powers and Provisions of the said existing Act should be amended and extended, and additional Powers vested in the Company: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Stockton* and *Middlesbrough* Waterworks Act, 1864."

2. "The

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 93. & 118. incorporated.

2. "The Companies Clauses Act, 1863," except Part IV. of that Act relating to the Change of Name, "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863," are incorporated with this Act.

Interpretation of Terms.

3. In this Act and in the Acts incorporated herewith the following Words and Expressions have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Company" means "The *Stockton and Middlesbrough* Waterworks Company:"

The Word "Highways" includes Turnpike and other Roads, Highways, Lanes, Streets, and Passages, whether public or private, within the Parishes, Townships, Extra-parochial and other Places named on the said Plans as the Parishes, Townships, and Extra-parochial and other Places within which the proposed Works are situate:

The Term "Court of competent Jurisdiction," or any other like Expression, 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:

The Expression "Quarter Sessions" shall, in relation to Matters arising within the County of *Durham*, be construed to mean the Quarter Sessions for the County of *Durham* holden at the City of *Durham*, and shall, in relation to Matters arising within the North Riding of the County of *York*, mean the Quarter Sessions for the said North Riding holden at *Northallerton*.

Same Meanings to Words in the incorporated Acts as in this Act.

4. The several Words and Expressions to which Meanings are assigned by the Acts incorporated with this Act shall have in this Act the same Meanings respectively as those assigned to them by such incorporated Acts, unless other Meanings are assigned to them by this Act.

Limits of Act.

5. The Limits within which the Company after the passing of this Act shall supply Water shall comprise and include the Limits under the existing Act, and also the several Parishes, Townships, and Extra-parochial or other Places following; (that is to say,) *Haughton*, *Haughton-le-Skerne*, *Dinsdale* otherwise *Low Dinsdale*, *Morton Palms*, *Sadberge*, *Middleton St. George*, *Long Newton*, *Elton*, *Egglescliffe*, *Preston-upon-Tees*, *East Hartburn*, *Coopen*, *Bewley*, and *Billingham*, all in the County of *Durham*, and *Stainton*, *Acklam*, *Linthorpe*, *Marton*, *Ormesby*, *Normanby*, *Eston Lackenby*, *Lazenby*, *Wilton*, *Coatham*, *West Coatham*, *East Coatham*, and *Kirkleatham*, all in the North Riding of the County of *York*: Provided

vided always, that it shall not be lawful for the Company to supply Water for Consumption within the Township of *Haughton* without the Consent in Writing of the Local Board of Health for the District of the Township of *Darlington* for that Purpose first had and obtained.

Power to make Works according to deposited Plans.

6. And whereas Plans and Sections of the Waterworks intended to be constructed, laid down, and maintained under the Authority of this Act, showing the Lines, Situations, and Levels thereof respectively, together with a Book of Reference to such Plan containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in, over, upon, through, or under which the same are intended to be constructed, laid down, and maintained, have been deposited with the Clerk of the Peace for the County of *Durham*, and with the Clerk of the Peace for the North Riding of the County of *York*: Therefore it shall be lawful for the Company, subject to the Provisions and Restrictions in this Act and the said incorporated Acts contained, to make, construct, and maintain the said Waterworks, and all necessary and proper Conveniences connected therewith, in the Lines and Situations, and upon the Lands, Highways, Bridges, Rivers, Railways, and Railway Bridges, delineated upon the said Plans, and described in the said Book of Reference, and according to the Levels shown on the said Sections, and for that Purpose to purchase and to enter upon, take, and use all or any of the said Lands delineated on the said Plans, and described in the said Book of Reference, or any Right of Way, or of laying, relaying, renewing, maintaining, enlarging, altering, examining, regulating, cleansing, draining, and repairing Mains and Pipes, and any other Easements, Privilege, Power, or Authority, upon, in, or over such Lands, and to enter upon, take, and use all or any of the Highways, Bridges, Rivers, Railways, and Railway Bridges delineated on the said Plans, or of the Lands situate on either Side of any such Highways, and comprised within the Limits of Deviation delineated or marked or referred to on the said Plans, which in any of the Cases aforesaid the Company shall deem necessary for the Purposes of the said Works, or any of them, or for any other Purposes connected therewith, and the Waterworks constructed by the Company under this Act shall be deemed Part of the Undertaking of the Company, and as such be subject to the Provisions of the existing Act and this Act: Provided always, that it shall not be lawful for the Company to construct the Main Pipe shown on the said deposited Plans as commencing at or near the Point where the Highway between the Villages of *Airsome* and *Newport* crosses and intersects the *Stockton and Middlesbrough* Turnpike Road, and terminating in the public Highway near the Office of Messieurs *Hopkins & Co.* in the Borough of *Middlesbrough*, without the Consent in Writing of the Owners, Lessees, and Occupiers for

for the Time being of any private Lands through which such Main Pipe would or might otherwise be laid under the Authority of this Act.

Limiting compulsory Power to purchase Lands or Easements.

7. Provided also, That it shall not be lawful for the Company, without the Consent of the Owners thereof, to purchase or take any Lands on the Line or Course of any Main Pipe or Aqueduct delineated on the said Plan, except such Lands as shall be necessary for the Erection and Occupation of Houses for Persons having the Care of the Stopcocks or Stopvalves on the Line of such Pipes, or without such Consent as aforesaid to purchase, take, or use by Compulsion any other Estate, Right, Easement, Privilege, Power, or Authority whatsoever in, over, or upon any such Lands, except such and so far as shall be necessary for the Purpose of laying and constructing and of obtaining Access to, examining, regulating, cleansing, draining, maintaining, renewing, and keeping in good Repair, Order, and Condition such Pipes and other Works as may be required for and are incident to the Purpose of conveying Water to the Reservoirs by this Act authorized, or to any other Reservoir of the Company.

Power to purchase Lands and Easements by Agreement.

8. It shall be lawful for the Company to agree with the Owner of any Lands which the Company may think requisite or proper to purchase or use for the Purposes of this Act for the absolute Purchase for a Consideration in Money of any such Lands, or of a Right of Way in, over, upon, or under any such Lands, or any other Easement in, upon, over, or under the same, upon such Terms and Conditions as may be agreed on between the Company and such Owners and Persons; and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall apply to the Purchase of any such Right or Easement as well as to the Purchase of Lands.

Power to take Water from River Tees.

9. It shall be lawful for the Company, for the Purposes authorized by the existing Act and this Act, to divert, take, and use Water from the River *Tees* at or near the Place called *Broken Scar* in the Township and Parish of *Darlington*, and with such Water to supply or to continue to supply the District, Bodies, and Persons now supplied or authorized to be supplied by the Company under the existing Act, or intended to be supplied by them under this Act: Provided always, that the Quantity of Water so to be taken from the River *Tees* shall not exceed Sixty million Gallons in any One Week, reckoned from Twelve o'Clock at Noon on one *Saturday* to Twelve o'Clock at Noon on the following Saturday.

Period within which Works are

10. The Waterworks authorized by this Act shall be completed within Five Years from the passing of this Act, and on the Expiration of

to be completed.

of such Period the Powers by this or the said incorporated Acts granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend so as to restrain the Company from extending their Mains and Pipes, or from laying down and making larger or additional Mains and Pipes, from Time to Time, whenever it shall be necessary for the Purpose of supplying the Inhabitants within the Limits of this Act with Water.

Water need not to be laid on under Pressure.

11. Subject to the Provisions contained in Section Seventy-one of the existing Act, the Water to be supplied by the Company need not be constantly laid on under a Pressure greater than that to be afforded by the Pipes supplied from the Reservoirs of the Company in the Parish of *Dinsdale*, or, as the Case may be, by the Pipes supplied from the Works of the Company at *Tees Cottage*: Provided always, that nothing in this Act contained shall be construed to repeal or affect the Provisions contained in Section 71 of the existing Act, or to prejudice the Rights intended to be secured thereby, but the Company shall at their own Expense, within Three Calendar Months after Notice in Writing shall at any Time hereafter have been given to them by the *Middlesbrough* Local Board of Health requiring the same to be done, erect the Stand Pipes or other Apparatus specified in the said Section.

Rates at which Water is to be supplied.

12. 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 shall be laid, or of any Person who, under the Provisions of this Act or any Act incorporated therewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for his domestic Uses at the Rates specified in Sections 67, 68, and 69 of the existing Act.

Water for other than domestic Purposes.

13. It shall be lawful for the Company to supply any Person with Water for other than domestic Purposes for such Remuneration and upon such Terms and Conditions as shall be agreed upon between the Company and the Persons desirous of having such Supply of Water, and such Water may, if so agreed, be supplied by the Company in Bulk by Measure: Provided always, that within the Limits of the existing Act the Sections numbered 70 and 71 of that Act shall continue in full Force; provided also, that with respect to any such Supply of Water to Persons whose Consumption of Water for such Purposes shall be less than Five million Gallons *per* Quarter Year, the Company shall from Time to Time, as

Circumstances

Circumstances may in their Judgment require, make a graduated Scale of Charges, according to which they will supply Water in Bulk by Measure for other than domestic Purposes to Persons within the District whose Consumption shall be less than Five million Gallons *per* Quarter of a Year, and all such Persons shall be entitled to a Supply of Water in Bulk by Measure for other than domestic Purposes at the Charges and upon the Terms and Conditions mentioned in the Scale of Charges for the Time being in force, and such Scale shall be published in the Office of the Company; provided that any Agreement to be made in pursuance of this Enactment may be determined by either Party by a Three Months Notice in Writing; provided also, that no Person shall be entitled to such Supply of Water, or to have such Supply of Water continued, if the Company shall be of opinion that such Supply would render insufficient the Supply of Water for domestic Purposes to be afforded under this Act or the Acts incorporated herewith; provided also, that the Company shall not be required to supply Water for other than domestic Purposes to any Premises situate more than One hundred Yards from any then existing Main Pipe of the Company.

Recovery of Charges for Water.

14. In case any Person who shall have been supplied with Water by the Company, or who shall be liable to Payment in respect of a Supply of Water, under or by virtue of the Provisions of this Act, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Fourteen Days after Demand thereof by their Collector or Agent, it shall be lawful for any Justice having Jurisdiction where such Person shall then reside, or where such Water shall have been supplied, to issue his Summons to such Person requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of such Person, or in default of Appearance after the Proof of the Service of the Summons either personally or at the last known Place of Abode or of Business of such Person, no sufficient Cause shall be shown to the contrary, it shall be lawful for any Justice to issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of such Person for the Recovery of the Amount which may be proved before such Justice to be due from such Person, together with such Cost as to such Justice shall seem just and reasonable.

Works affecting the North-eastern Railway to be done under Inspection of their Engineer.

15. In laying down, making, executing, and subsequently maintaining and repairing any Mains and Pipes or other Works of the Company upon, along, across, or under or by the Side of the *North-eastern* Railway, including the *Stockton and Darlington* Railway now forming Part thereof, as shown on the deposited Plans, and wheresoever elsewhere the same or any of them shall interfere with or be upon

upon or under or by the Side of the said Railway, or the Works or Property of the *North-eastern* Railway Company, the Company shall lay down, make, execute, and subsequently maintain and repair the same, and all Excavations and Works necessary for those Purposes, or any of them, under the Direction and Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the *North-eastern* Railway Company, and shall pay and make good to the *North-eastern* Railway Company all Loss, Costs, Charges, Damages, and Expenses whatsoever which they shall pay, expend, or be put to by, in, about, or in consequence of the laying down, making, and executing the said Mains, Pipes, and other Works upon, along, across, or under the said Railway and Property of the said Railway Company, or any Part thereof, and of the subsequent Maintenance and Repair thereof, or any of such Works, or of any other Injury caused by the Works of the Company or the Use thereof to the said Railway, or the Works or Traffic thereof, or other the Property of the said Railway Company; and in case of any Difference between the Engineer of the Company and the Engineer of the *North-eastern* Railway Company as to any of the Matters aforesaid, the same shall be determined by Arbitration in the Manner prescribed by the Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, and for such Purposes those Clauses shall be incorporated with and deemed Part of this Act: Provided always, that nothing in this Act contained shall enable the Company in any way to interfere with any Station, Station House, Engine Shed, Warehouse, Shop, or other Building of the *North-eastern* Railway Company without the Consent of such Company in Writing in every Case first obtained.

Saving Rights of the North-eastern Company.

16. Nothing in this Act contained shall extend to authorize the Company absolutely to purchase or take the Land or Soil or Property of the *North-eastern* Railway, or of any Branch Railway belonging thereto, or any Land or Soil or Property of or belonging to the said Railway Company, or to abridge, alter, prejudice, or take away any of the Rights, Privileges, Powers, or Authorities of or belonging to or vested in such Railway Company, but all their Rights, Privileges, Powers, and Authorities, as well under their Acts of Parliament as otherwise, are hereby saved and reserved, except so far as the same are by this Act expressly varied or affected: Provided nevertheless, that it shall be lawful for the Company (subject nevertheless to the Restrictions herein and in the said incorporated Acts contained) to purchase and take of and from the said Railway Company the free and uninterrupted Right and Power at all Times hereafter to lay, continue, and maintain, and from Time to Time examine, repair, and replace, the same or other Pipes or Works of the Company in and through the Lands or Grounds of the said Railway

Railway Company as shown on the Plans deposited with the Clerks of the Peace as herein-before mentioned, and as near as may be in the Course or Direction shown on the same Plans, with all proper Apparatus and Conveniences connected therewith, and with all necessary free and uninterrupted Rights of Ingress, Egress, Progress, and Regress to, along, and from the same; provided also, that all such Ingress, Egress, Progress, and Regress shall only be had and enjoyed in and about the laying, continuing, and maintaining, and from Time to Time repairing, restoring, renewing, inspecting, and examining, the said Pipes, and shall not be used, had, or enjoyed for any other Purposes or Intent whatsoever, the Company paying to the said Railway Company, their Successors or Assigns, such Money by way of Compensation in gross, or such clear yearly Rent, as may be agreed upon between the said Two Companies, or in default of such Agreement then as may be determined by reference to Arbitration, or by the Verdict of a Jury, in manner in "The Lands Clauses Consolidation Act, 1845," mentioned and provided, and the Company also paying to the said Railway Company reasonable Damages for all Injury from Time to Time occasioned or to be occasioned by the bursting of the Pipes or otherwise, or by the Exercise of such Privileges as aforesaid; and in case any Dispute shall arise respecting such last-mentioned Damages, such Dispute shall be determined and settled in the Manner provided in "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Power to raise additional Capital for Works by this Act authorized, by Creation of Class D. and Class E. Shares.

17. It shall be lawful for the Company from Time to Time by Order of any Meeting thereof to raise, in addition to the Sum which they are by the existing Act authorized to raise, any further Sum or Sums of Money not exceeding in the whole the further Sum of One hundred and fifty-eight thousand Pounds by the Creation of additional Shares, either ordinary or preference, or partly ordinary and partly preference; and any additional ordinary Shares so created shall be called Class D. Shares, and any additional Preference Shares so created shall be called Class E. Shares.

Additional Capital to be divided into Shares.

18. The Class D. Shares or the Class D. and Class E. Shares by which the said Sum of One hundred and fifty-eight thousand Pounds shall be raised shall be divided respectively into Shares as the Company shall think fit, and the Shares of each Class shall be of such nominal Value, not less than Ten Pounds, and shall be distributed or sold and disposed of in such Manner, and, subject to the Provisions of this Act, upon such Terms, as any General Meeting of the Company shall hereafter direct, and shall be considered as Part of the general Capital of the Company, and (subject as herein-after mentioned) the Directors of the Company shall from Time to Time, as they shall think

think proper, fix the Amount and Time of making and Payment of Calls.

Prescribed Rate of Dividend on Class E. Shares.

19. The prescribed Rate of Dividend or Interest which may be attached to any Class E. Shares shall not exceed the Rate of Six Pounds *per Centum per Annum*.

Shares Classes D. and E. not to issue until One Fifth paid up.

20. It shall not be lawful for the Company to issue any Class D. Share or Class E. Share, nor shall any such Share 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 shall have been paid up in respect thereof.

Calls.

21. Twenty Pounds *per Centum* on the nominal Amount of a Share shall be the greatest Amount of any One Call which the Company may make on the Holders of Class D. and Class E. Shares, and Three Months at the least shall be the Interval between successive Calls, and not more than Four Fifths of a Share shall be called up in any One Year.

Limiting Rate of Dividend on Class D. and Class E. Shares.

22. With reference to the Clauses, "The Waterworks Clauses Act, 1847," with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, the prescribed Rate of Profits to be divided among the Undertakers in any Year shall be Eight Pounds in the Hundred by the Year on the Class D. Shares, and on Class E. Shares to which a special Preference or Priority in Payment of Dividend or Interest shall have been assigned shall be the Rate so assigned.

Rights of new Shares of Holders to be in proportion to the Value of Class D. and Class E. Shares.

23. Subject to the Provisions of this Act and of the Acts incorporated herewith, and to the Terms of Issue of any Class D. Shares or Class E. Shares, every Person who shall accept or become entitled to any such Class D. Shares or Class E. Shares shall in respect thereof be a Shareholder of the Company, and be considered to have subscribed towards the Capital thereof and of the Undertaking to the Extent of the nominal Amount of Shares so accepted by him in the Undertaking; and such Class D. Shares and Class E. Shares respectively shall, unless otherwise provided by the prescribed Terms of Issue or Creation, on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Shares, and not in proportion to the Number of such Shares, and for such Purposes every entire Sum of Twelve Pounds Ten Shillings of such nominal Value of Shares shall be equivalent to One Share of Twelve Pounds Ten Shillings in the existing Capital of the Company, and no Shareholder shall vote in respect of

any

any Number of such Class D. Shares or Class E. Shares which shall constitute a less Interest in the Capital of the Company than Twelve Pounds Ten Shillings.

Receipts of incapacitated Persons.

24. If any Money be payable to any Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Classes of Shares may be consolidated into Stock.

25. From Time to Time, whenever and as often as all the Shares in Two or more of the several Classes of Shares into which the Capital of the Company is for the Time being divided, bearing the same Rate of Dividend or Interest, shall be paid up in full, it shall be lawful for the Company to consolidate those Classes of Shares into Stock in the Manner prescribed by the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Consolidation of Shares into Stock incorporated with this Act.

Power to borrow on Mortgage.

26. It shall be lawful for the Company, in addition to the Sum of Twenty-three thousand Pounds which they are authorized by the existing Act to borrow and reborrow on Mortgage of their Undertaking or on Bond, from Time to Time by Order of any General Meeting of the Company to borrow and reborrow on Mortgage any Sum or Sums of Money not exceeding the Sums following; (that is to say,) when the Company have created new Shares or Stock to the Amount of Forty thousand Pounds, and the whole of such new Shares or Stock shall have been subscribed for, and One Half thereof shall have been actually paid up, and all the Shares or Stock for the same have been issued, and Twenty *per Cent.* at least has been paid on each separate Share or Portion of Stock, the Company may borrow and re-borrow on Mortgage any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds; and when the Company have created new Shares or Stock to the Amount of the further Sum of Forty thousand Pounds, and the whole of such new Shares or Stock shall have been subscribed for, and One Half thereof shall have been actually paid up, and all the Shares or Stock for the same have been issued, and Twenty *per Cent.* at least has been paid on each separate Share or Portion of Stock, the Company may borrow and re-borrow on Mortgage any further Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds; and when the Company have created new Shares or Stock to the Amount of the further Sum of Forty thousand Pounds, and the whole of such new Shares or Stock shall have been subscribed for, and One Half thereof shall have been actually paid up, and all the Shares or Stock for the same have been issued, and Twenty *per Cent.* at least has been paid on each separate Share or Portion of Stock, the

Company

Company may borrow and re-borrow on Mortgage any further Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds; and when the Company have created new Shares or Stock for the remaining Sum of Thirty-eight thousand Pounds, and the whole of such new Shares or Stock shall have been subscribed for, and One Half thereof shall have been actually paid up, and all the Shares or Stock for the same have been issued, and Twenty *per Cent.* at least has been paid on each separate Share or Portion of Stock, the Company may borrow and re-borrow on Mortgage any further Sum or Sums of Money not exceeding in the whole the Sum of Nine thousand five hundred Pounds; but no Part of any of the said several Sums of Ten thousand Pounds and Nine thousand five hundred Pounds shall be borrowed until in each Case the Company shall have proved to the Justice who is to certify under the Provisions of the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said additional Capital in respect of which such borrowing Power is proposed to be exercised has been subscribed for *bonâ fide*, and all the Shares or Portions of Stock therein have been issued, and that not less than One Fifth Part of the Amount of each Share or Portion of Stock has been paid on Issue of the same, and that such Shares or Portions of Stock are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Application of Money.

27. All Money to be raised under the Provisions of this Act, whether by means of Class D. Shares or Class E. Shares, or by Exercise of the Power of borrowing, shall be applied to the Purposes of the Undertaking by this Act and the existing Act authorized, and to no other Purpose.

Arrears may be enforced by Appointment of a Receiver.

28. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest or the Principal and Arrears of Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize the Requisition for a Receiver shall be Five hundred Pounds.

Receiver to be the Receiver of all the Mortgagees for the Time being.

29. Provided, that notwithstanding anything in "The Companies Clauses Consolidation Act, 1845," to the contrary, all Money to be received by a Receiver shall be so much Money received by or to the Use of all the Mortgagees for the Time being of the Company in proportion to the respective Sums for the Time being due to such Mortgagees, and in the Order in which such Mortgagees shall be entitled to the same respective Sums.

30. If

Power to re-borrow.

30. If the Company shall pay off any Part of the Money borrowed or to be borrowed under the Powers of the existing Act or of this Act, it shall be lawful for them from Time to Time, so often as the said Event shall happen, again to borrow the Amount paid off: Provided always, that the Amount of Money borrowed by the Company on Mortgage or Bond shall not at any Time exceed the Sum by this Act authorized to be borrowed.

Existing Mortgagees to have Priority.

31. Provided always, That nothing in this Act contained shall affect the existing Priorities of the several Mortgages or Bonds granted by the Company previous to the passing of this Act, but the respective Holders of all such Mortgages and Bonds shall during the Continuance thereof respectively be entitled to the same Priorities, Rights, and Privileges in all respects as they would have been entitled to if this Act had not been passed.

Certain Provisions of 8 & 9 Vict. c. 16. extended to this Act.

32. All the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters, (that is to say,)

With respect to the Construction of the Act, and of other Acts to be incorporated therewith;

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage;

With respect to the Conversion of borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock;

With respect to the Powers of the Directors and the Powers of the Company to be exercised only in General Meeting;

With respect to the keeping of Accounts, and the Inspection thereof by the Shareholders;

With respect to the giving of Notices; and

With respect to the Provision to be made for affording Access by the Special Act by all Parties interested,

shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act, and apply to the Company and the Shareholders thereof, and by the Capital authorized and Money to be borrowed, and Notices required by this

Act, and to the several other Matters and Things relating thereto respectively provided for by such Clauses and Provisions respectively.

Power to convert Loan Capital into Debenture Stock, bearing a fixed Interest.

33. It shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, in person or by proxy, at any General Meeting of the Company convened with due Notice of such Object, to raise all or any Part of the Monies which they shall for the Time being have raised or be authorized to raise by Mortgage or Bond by the Creation and Issue or Disposal of Debenture Stock of the Company, to be called "*Stockton and Middlesbrough* Waterworks Debenture Stock," instead of, and to the same Amount as, or, if so agreed, in exchange for, the whole or any Part of the Money which may at any Time hereafter be owing to the Company, or which they may have Power to raise on Mortgage, and to guarantee to such Debenture Stock a fixed Interest, payable half-yearly on the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year, with a proportionate Part for any Period less than Half a Year, and to commence at once, or at any future Time or Times, when and as any such Stock shall be issued, or as such Meeting shall resolve.

Regulations for preventing Waste, &c. of Water.

34. The Company may from Time to Time make such Rules and Regulations as they may think necessary to be observed by the Persons supplied with Water by the Company, and may thereby direct the Use, and prescribe the Size, Nature, Strength, and Materials, and the Mode of Arrangement, Alteration, and Repair, of the Pipes, Valves, Cocks, 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 such Water, and may thereby interdict any Arrangement and the Use of any Pipes, Valves, Cocks, Cisterns, Baths, Soil-pans, Waterclosets, and other Apparatus or Receptacles which in their Judgment will be likely to occasion any Waste, Misuse, undue Consumption, or Contamination of Water, and shall not be bound to supply or continue to supply Water to any such Person unless such Rules and Regulations be and continue to be duly observed by him, and the Pipes, Valves, Cocks, Cisterns, Baths, Soil-pans, Waterclosets, and other Apparatus or Receptacles used or to be used shall be made of such Size, Nature, Strength, and Materials, and shall be so arranged, kept, and repaired, as the Company shall from Time to Time so prescribe or approve: Provided always, that whenever the Pipes, Valves, Cocks, Cisterns, Baths, Soil-pans, Waterclosets, or other Apparatus or Receptacles of any Person supplied with Water by the Company have been previous to the passing of this Act allowed by the Company to be used without Objection, or which have been heretofore or which may be hereafter made or altered in compliance with the Rules and Regulations of the Company for the Time being in force, the Company shall not be entitled under

under the same or any other Rules and Regulations (except in the Case of ascertained Waste or Fraud) to require any further Alteration thereof at the Expense of such Persons; and in the event of any Dispute as to whether any such Pipes, Valves, Cocks, Cisterns, Baths, Soil-pans, Waterclosets, or other Apparatus were previous to the passing of this Act allowed by the Company to be used without Objection, or have been made or altered in compliance with the Rules and Regulations of the Company for the Time being in force, or as to whether such Rules and Regulations have been complied with by any Persons supplied with Water by the Company, every such Dispute shall, on the Requisition of either Party, be settled by Two Justices in manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices; provided also, that all such Rules and Regulations as shall hereafter be made by the Company shall be made in Writing under the Common Seal of the Company, and the Company may from Time to Time, but not oftener than once in every Three Years, alter or repeal any such Rules and Regulations by any subsequent Rules and Regulations sealed as aforesaid, and Copies of any such Rules and Regulations as may for the Time being be in force shall be printed, and a Copy thereof given to any Consumer of Water who may apply for the same at any of the Offices of the Company; provided also, that Notices of such Rules and Regulations having been made, altered, or repealed shall from Time to Time be published in some public Newspaper usually circulated within the Limits of the existing Act and this Act within Fourteen Days after the same shall have been made, altered, or repealed, and such Rules or Regulations shall not come into force until the Expiration of Four Calendar Months after such Publication.

Occupier liable to Water Rent in certain Cases.

35. Except in the Case in which the Owner of any Dwelling House or Tenement the annual Value of which shall not exceed the Sum of Ten Pounds shall have agreed with the Company to pay the Water Rent for the Supply of Water to such Dwelling House or Tenement, the Water Rent due in respect of such Supply shall be payable by and may be recovered from the Occupier of such Dwelling House or Tenement.

Penalties imposed by this Act not accumulative.

36. No Penalty or Forfeiture imposed by the incorporated Acts or any of them for or in respect of the same Act or Default of the Company shall be cumulative on any Penalty or Forfeiture imposed for or in respect of the same Act or Default by any other Act of Parliament, but it shall be lawful for the Company, or for any Person entitled to proceed for any such Penalty or Forfeiture, to elect to proceed

proceed under such last-mentioned Act or any of the said incorporated Acts.

Saving Rights of the Crown.

37. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

38. All the Costs, Charges, and Expenses of and attending or incident to the applying for, obtaining, and passing of this Act, and incidental thereto, shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.