ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxxii.

An Act for enabling the *Sunderland and South Shields* Water Company to extend their Works and their Supply of Water, and to raise additional Capital; and for other Purposes.

[25th *June* 1868.]

WHEREAS by "The *Sunderland and South Shields* Water- 15 & 16 Vict
works Act, 1852," (in this Act called "the Act of 1852,") c. xxvii.
the *Sunderland and South Shields* Water Company (in
this Act called "the Company") were incorporated, and were
authorized to supply Water within the Boroughs of *Sunderland*
and *South Shields*, and certain Parishes, Townships, and Places in
the Neighbourhood of such Boroughs respectively in the County of
Durham: And whereas by "The *Sunderland and South Shields* 22 Vict. c. vi.
Waterworks Amendment Act, 1859," (in this Act called "the Act
of 1859,") further Powers were granted to the Company for the
Extension of their Waterworks and the raising of additional Capital:
And whereas the Population within the Limits of the recited Acts
has greatly increased, and in order to meet the increased and increasing Demand for Water the Company require to provide from
Time to Time a further Supply, and it is expedient that they be
authorized to obtain such Supply, and to construct additional Reservoirs, Aqueducts, and other Works, and to raise additional Capital,
and to borrow a further Sum of Money: And whereas it is expedient

to define and extend the Limits within which the Company may supply Water: And whereas it is expedient to make further Provision for the Recovery of Water Rates, and for the Prevention of Waste and Misuser of Water, and that the Acts of 1852 and 1859 be amended; but the same cannot be done without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

1. This Act may be cited for all Purposes as "The *Sunderland and South Shields* Water Act, 1868."

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

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Waterworks Clauses Act, 1847," (except the Seventieth Section of such last-mentioned Act,) and "The Waterworks Clauses Act, 1863," (except the Twelfth Section,) are incorporated with this Act.

Certain Provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

3. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

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 Remedies of Creditors of the Company against the Shareholders;

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

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of the Shares into Stock; and

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

And Part I. and Part II. of "The Companies Clauses Act, 1863," are, so far as the same are not inconsistent with or varied or otherwise provided for by the Provisions of this Act, incorporated with and form Part of this Act.

Interpretation of Terms.

4. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Word "Aqueducts" or "Aqueduct" includes or means Cuts, Tunnels,

Tunnels, Conduits, Pipes, Feeders, and other Works of a similar Character; the Expression "the Street" in the Waterworks Clauses Act and this Act extends to any Turnpike Road along or across which any Aqueduct or Pipe may be carried; the Expression "the Company" means the *Sunderland and South Shields* Water Company; the Expression "the Company's former Acts" means the Act of 1852 and the Act of 1859; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute, and shall include any Court possessing Authority within the Limits of this Act to hear and determine any Causes and Proceedings instituted therein for the Recovery of Debts.

Power to make new Waterworks according to deposited Plans.

5. And whereas Plans and Sections showing the Lines and Levels of the additional Works intended to be constructed by virtue of this Act, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the same are intended to be made or pass, or which are required for the Purposes of the said additional Works, have been deposited with the Clerk of the Peace for the County of *Durham*: Therefore it shall be lawful for the Company, subject to the Provisions in this Act contained, and to the Powers of Deviation hereby given, to make and maintain the Waterworks, Reservoirs, and Aqueducts shown on such Plans, with all necessary and proper Works and Conveniences connected therewith, in the Line and Situation and upon the Lands delineated on the said Plans and described in the said Book of Reference, and on the Levels defined on the said Sections, and to enter upon, take, purchase, and use such of the Lands mentioned in the said Plans and Book of Reference as the Company may deem necessary for all or any of those Purposes: Provided always, that the Company shall not take or use any of the Lands of the Right Honourable the Earl of *Durham* situate in the Township of *Newbottle* in the Parish of *Houghton-le-Spring* without the Consent in Writing of the said Earl, his Heirs, Sequels in Right, or Assigns.

Power to deviate.

6. In constructing the said Works, or any of them, the Company may, notwithstanding any Provisions in the Waterworks Clauses Act or this Act, deviate to any Extent not exceeding the Limits of Deviation shown on the said Plans, and may also deviate from the Levels shown on the said Sections to any Extent not exceeding Three Feet in respect of the Reservoirs, and Five Feet in respect of the Aqueducts.

7. The

Power to purchase Lands for extraordinary Purposes.

7. The Company may from Time to Time by Agreement purchase and hold for the Purposes of this or of their existing Acts any Quantity of Land not exceeding Five Acres, in addition to the Lands which by any other Act they are authorized to purchase, and to the Lands which by this Act they are authorized to take by Compulsion.

Persons authorized to convey Lands may grant Easements.

8. The Persons by "The Lands Clauses Consolidation Act, 1845," authorized to convey Lands may by Agreement, and subject to the Provisions of such Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Company for the Purposes of this or of their existing Acts any Lands, or the Right of User thereof, or any Easement (not being an Easement for the taking of the Water of any Brook or Stream), Liberty, Privilege, Power, or Authority in or over the same, in perpetuity in consideration of an annual Rent.

Application of 23 & 24 Vict. c. 106. to Easements.

9. For the Purposes of this Act the several Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to Land and Rentcharges, so far as the same respectively are applicable in that Behalf, extend and apply to Easements and Rentcharges reserved by Grants and Leases of Easements respectively.

Powers for compulsory Purchases limited.

10. The Powers by this Act granted to the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

As to Aqueduct or Conduit across North-eastern Railway.

11. The Company shall only be entitled, unless otherwise agreed between the Parties, to lay down and maintain across the Railway of the *North-eastern* Railway Company in the Township of *Ryhope* an Aqueduct or Conduit placed outside of the Bridge which carries the Turnpike Road leading from *Bishopwearmouth* to *Norton* over that Railway, and on a Level with that Road, in such Manner and Position as shall be approved of by the Engineer of the *North-eastern* Railway Company, and all Works executed under the Authority of this Act on the Property of or affecting the said Railway Company shall be executed and subsequently maintained and repaired by the Company under the Superintendence and to the reasonable Satisfaction of the Engineer of the *North-eastern* Railway Company.

North-eastern Railway Company's Property not to be interfered with, &c.

12. The Company shall not purchase or take compulsorily any Land or Property of the *North-eastern* Railway Company, but they may purchase and acquire an Easement or Right of laying down and maintaining across the Railway of that Company the Aqueduct or Conduit by this Act authorized to be laid down across the same, and neither the Company nor any Person in the Execution of this Act shall

shall enter upon, use, or interfere with the Railway, Lands, or Property of the *North-eastern* Railway Company, save only so far as may be necessary for the Purpose of laying down, maintaining, and renewing the said Aqueduct or Conduit as by this Act authorized.

Period for Completion of Works.

13. If the Reservoirs, Aqueducts, and other Works hereby authorized shall not be completed within Ten Years from the passing of this Act, then and in such Case on the Expiration of the said Period all the Powers hereby given to the Company to make the Reservoirs and Aqueducts aforesaid shall cease to be exercised, except as to so much of the said Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Company from extending their Works, Mains, and Pipes from Time to Time whenever it shall be necessary for the Purpose of obtaining a Supply of Water for the Use of the Inhabitants and other Persons requiring the same within the Limits of this Act, and for distributing the same.

Sect. 42 of 15 & 16 Vict. c. xxvii. not to affect Powers of Company.

14. Section Forty-two of "The *Sunderland and South Shields* Waterworks Act, 1852," restricting the Execution of the Powers of that Act in the Township of *Ford*, shall not be construed to prevent the Company from supplying the Inhabitants of the said Township with Water, and from laying Pipes in any Street in that Township.

Additional Share Capital may be raised.

15. In addition to the several Sums of Money which the Company are authorized to raise by the Company's former Acts, the Company may from Time to Time raise by the Creation of new Shares or Stock any Sums not exceeding One hundred and fifty thousand Pounds.

Company to raise former authorized Capital in first instance.

16. The Company shall raise the Share Capital authorized by the Company's former Acts in manner prescribed by those Acts before they raise any of the additional Share Capital authorized by this Act.

Terms of Issue of the additional Share Capital.

17. Such new Shares or Stock shall (subject to the Provisions of this Act) be issued and disposed of or distributed in such Manner and upon such Terms in all respects, and subject to such Provisions and Restrictions, and with such Rights, and such Shares may be of such nominal Amount, as any General Meeting of the Company shall from Time to Time direct or authorize, and the same shall be considered as Part of the general Capital of the Company in the same Manner in all respects as if the same were original Capital and original Shares or Stock, except as to the Amount and Time of making and Payment of Calls, which (subject as herein-after mentioned) the Directors of the Company shall fix from Time to Time as they shall think proper.

Limit of Dividend on new Capital.

18. The Company shall not in any Year make out of their Profits any larger Dividend on the additional Share Capital of One hundred and fifty thousand Pounds to be raised under the Powers of this Act than Seven Pounds in respect of every Hundred Pounds actually paid up of such Capital.

Calls.

19. One Fifth Part 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 Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Shares not to issue until One Fifth paid up.

20. It shall not be lawful for the Company to issue any such new 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 is paid up in respect thereof.

Rights of new Shareholders to be proportionable to the Value of new Shares.

21. Every Person who shall have become entitled to any new Share to be created under this Act shall in respect of the same Share be a Shareholder in the Undertaking, and be entitled, when such Share shall have been paid up, to a Dividend *pro ratâ*, but up to Seven *per Centum* only with the other Holders of the ordinary Capital, but until such Share shall have been fully paid up the same shall not be entitled to Dividend at a higher Rate than Five Pounds *per Centum per Annum* on the Amount paid up on such Shares, and such new Shares shall also confer on the respective Holders or Proprietors thereof the same Rights of voting and Qualifications as are conferred by the other Shares in the ordinary Capital of the Company.

Power to borrow on Mortgage.

22. The Company may from Time to Time raise by borrowing on Mortgage such Sum or Sums of Money as may by an Order of any Meeting of the Shareholders be authorized to be so borrowed, not exceeding in the whole Thirty-seven thousand five hundred Pounds, in addition to the Sums which they were already authorized to borrow prior to the passing of this Act; but no Part of such Sum or Sums of Thirty-seven thousand five hundred Pounds shall be borrowed until Twenty-five thousand Pounds of the additional Capital of One hundred and fifty thousand Pounds hereby authorized shall have been subscribed for and accepted, and One Half thereof actually paid up and certified as herein-after mentioned, when the Sum of Six thousand two hundred and fifty Pounds may be borrowed, and so on for each further Portion of Twenty-five thousand Pounds of such additional Capital of One hundred and fifty thousand Pounds, and in respect of each such further Portion the further Sum of Six thousand two hundred and fifty Pounds may be borrowed:

borrowed; but no Part of any of the said respective Sums of Six thousand two hundred and fifty Pounds shall be borrowed until the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that such respective Portions of the additional Capital have been respectively issued and accepted, and that One Half of such respective Portions has been paid up, and that not less than One Fifth Part 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 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 Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver.

23. 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 authorize 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 Five thousand Pounds in the whole.

Existing Mortgages to have Priority.

24. All Mortgages and Bonds granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages and Bonds have Priority over any Mortgages to be granted by virtue of this Act.

Application of Monies.

25. All Monies raised under this Act, whether by Shares or borrowing, shall be applied for the Purposes of the Company's former Acts and of this Act.

Qualification of Directors.

26. The Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Limits of Act.

27. The Limits of the Company's former Acts and this Act shall comprise and include, in addition to the Places already comprised and included in the Limits of the Company's former Acts, the following Townships, Parishes, and Places, namely, *Easington*, *Shotton*, *Haswell*, *Hawthorn*, *Cold Hesleden*, *East Murton*, *Dalton-le-Dale*, *Dawdon*, *Seaham*, *Seaton-cum-Slingley*, *East* and *Middle Herrington*, *West Herrington*, *Offerton*, *Painshaw*, *Newbottle*, *Morton Grange*, *Houghton-le-Spring*, *Warden*, *Law*, *Hetton-le-Hole*,

Hole, Great Eppleton, Little Eppleton, East Rainton, West Rainton, Moorsley, Bourn Moor, Cocken, South Biddick, Moor House, Ford, Silksworth, Burdon, Tunstall, Ryhope, Bishopwearmouth, Monkwearmouth, Monkwearmouth-Shore, Fulwell, Southwick, Hylton, Boldon, East Boldon, West Boldon, Whitburn, Jarrow, Harton, Westoe otherwise *Wivestoe, Saint Hilda, South Shields, Cleadon, Washington, Barmston, Usworth, Great* and *Little Usworth, North Biddick, Hedworth, Monkton* and *Jarrow*, and *Heworth*, and the Company may accordingly exercise throughout the Townships, Parishes, and Places to which the Limits of their former Acts are extended by this Act the same Powers as the Company's former Acts and this Act would have enabled them to exercise therein had they been originally comprised and included within the Limits of the Company's former Acts.

Limiting Service Pressure.

28. Notwithstanding anything in "The Waterworks Clauses Act, 1847," contained or employed to the contrary, it shall not be incumbent on the Company to supply Water under any Degree of Pressure greater than that afforded from the Service Reservoir of the Company from which such Water is actually supplied by the Company.

Recovery of Charges for Water.

29. In case any Person supplied with Water by the Company, or who shall be liable to Payment in respect of a Supply of Water under the Provisions of the Company's former Acts or this Act, or any Act incorporated herewith, shall neglect or refuse to pay the Amount due in respect of such Supply for the Space of Fourteen Days after Demand thereof in Writing by the Company, their Agent or Collector, it shall be lawful for any Justice to issue his Summons to such Person requiring him to appear before any Two Justices in Petty Sessions assembled 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 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 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 Two Justices in Petty Sessions assembled to be due from such Person, together with such Costs, including the Costs of cutting off the Water, if the same shall have been cut off by the Company, as to such Justices shall seem just and reasonable.

Undisputed Rates, &c. may be recovered by Distress.

30. All Water Rates or Sums due to the Company, and all Damages, Costs, and Expenses by this or the Company's former Acts,

Acts, or any Act incorporated therewith, directed to be paid, and the Amount whereof shall not be disputed, may be levied by Distress, and any Justice on Application may issue his Warrant accordingly after the Defaulter has been duly summoned.

Several Names in One Warrant.

31. Any Number of Names and Sums may be included in any Summons, Warrant of Distress, or Notice obtained or given by the Company for any of the Purposes of this or the Company's former Acts, and may be stated either in the Body of the Summons, Warrant, or Notice, or in a Schedule thereto.

Costs of Distress.

32. Any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Rate or Sum shall be paid by the Person liable to pay such Rate or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Rate or Sum.

Regulations for preventing Waste, &c. of Water.

33. The Company for preventing Waste, Misuse, undue Consumption, or Contamination of their Water may from Time to Time make Regulations to be observed by Persons supplied with Water, and by any 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 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 Water, and may interdict any Arrangement and the Use of any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Watercloset, or other Apparatus or Receptacle which in their Judgment will be likely to occasion Waste, Misuse, undue Consumption, or Contamination of the Water, and which Regulations before being acted upon shall be inserted for Two successive Weeks in any Two Newspapers published in *Sunderland*, and if any Newspaper be published in *South Shields* then also in a Newspaper published in *South Shields*; the Company shall not be bound under any Agreement or otherwise to supply or to continue to supply Water to any Person unless their Regulations are duly observed by him: Provided always, that if at any Time any Dispute shall arise respecting the Reasonableness of any such Regulations between the Company and any Local Board of Health within the Limits of this Act, such Dispute shall be settled by an Engineer to be named by the Chairman of the Company and the Chairman of such Local Board for the Time being, or, in case of Disagreement between them, by the Board of Trade.

Expenses of Act.

34. All the Costs, Charges, and Expenses incurred in applying for and obtaining this Act and incidental thereto shall be defrayed by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.