CHAPTER xxxiii.

An Act for the granting of further powers to the Sunderland and South Shields Water Company and for other purposes. [11th June 1891.]

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WHEREAS the Sunderland and South Shields Water Company (in this Act called "the Company") were incorporated by the Sunderland and South Shields Waterworks Act 1852 and acting under the powers of that Act the Sunderland and South Shields Waterworks Amendment Act 1859 and the Sunderland and South Shields Water Act 1868 the Company have constructed an extensive system of waterworks and are supplying with water the boroughs of Sunderland South Shields and Jarrow and various other places in the county of Durham:

15 & 16 Vict. c. xxvii.
22 Vict. c. vi.
31 & 32 Vict. c. lxxii.

And whereas it is expedient that the Company be empowered to construct additional works and obtain a further supply of water:

And whereas it is expedient that the Company be authorised to raise additional share and loan capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas the share capital of the Company is divided into shares of five pounds each:

And whereas the Company have not created or issued any debenture stock:

And whereas it is expedient that the other provisions herein-after contained should be made:

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

And whereas plans and sections showing the lines situations and levels of the intended works and the lands which may be taken under the powers of this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of and describing such lands were duly deposited with the clerk of the peace for the county of Durham

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and are herein-after referred to as the deposited plans sections and book of reference:

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

Short title.

1. This Act may be cited as the Sunderland and South Shields Water Act 1891.

Incorporation of general Acts.

2. The following Acts:—

The Lands Clauses Acts;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof (but for the purpose only of constructing the service tanks and works immediately connected therewith by this Act authorised); and

The Waterworks Clauses Acts 1847 and 1863;

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

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

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

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the

Companies Clauses Act 1869 shall (subject to the provisions of this Act) extend and apply to the Company and the additional capital by this Act authorised to be raised.

Interpretation.

3. Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expression—

"Superior courts" or "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute:

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

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

Amendment of section 44 of the Waterworks Clauses Act 1847 for the purposes of this and the recited Acts.

4. Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act and of the recited Acts of the Company with which the first-mentioned Act is incorporated be read and have effect as if the words in that section "with the consent in writing of the "owner or reputed owner of any such house or of the agent of such "owner" were omitted therefrom.

Power to construct works.

5. Subject to the provisions of this Act the Company in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain wholly in the county of Durham the service tanks pumping stations aqueducts lines of pipes and other works shown on the deposited plans among which are the principal works herein-after mentioned and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes aforesaid and may stop up or divert such roads and footpaths as are shown on the deposited plans as intended to be stopped up or diverted The principal works herein-before referred to are the following (that is to say):—

(A.) A pumping station (Number 1) with a well a service tank (Number 1) and other works connected therewith wholly in the township of Easington-with-Thorpe in the parish of Easington to be situate at or in a field abutting on the east side of the road leading from the village of Shotton to the village of

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Dalton-le-Dale and numbered 537 on the ordnance map of the said parish on the scale of $\frac{1}{2500}$:

(B.) A line or lines of pipes (Number 1) commencing in the said township of Easington-with-Thorpe in the said service tank (Number 1) and terminating in the township of Cold Hesleden in the parish of Dalton-le-Dale at or in the existing service reservoir at the Dalton Pumping Station of the Company:

(C.) A service tank (Number 2) wholly in the said township of Easington-with-Thorpe to be situate in a field abutting on the west side of the said road leading from the village of Shotton to the village of Dalton-le-Dale and numbered 66 on the ordnance map of the parish of Easington on the scale of $\frac{1}{2500}$:

(D.) A line or lines of pipes (Number 2) wholly in the said township of Easington-with-Thorpe commencing in the said pumping station (Number 1) and terminating in the said road at a point therein seven chains or thereabouts to the northward of a farmhouse adjacent to the said road and called "The White House" by a junction with the line or lines of pipes (Number 3) next herein-after described:

(E.) A line or lines of pipes (Number 3) wholly in the said township of Easington-with-Thorpe commencing at or in the said service tank (Number 2) and terminating in the village of Easington at a point in the said road leading from the village of Shotton to the village of Dalton-le-Dale two chains or thereabouts measured in a north easterly direction from the public house in the said village of Easington called "The Half Moon":

(F.) A pumping station (Number 2) with a well a service tank (Number 3) and other works connected therewith wholly in the township of Easington-with-Thorpe to be situate at or in certain fields on Scalderish Hill and on the south side of Seaside Lane and numbered respectively 327 and 406 on the ordnance map of the parish of Easington on the scale of $\frac{1}{2500}$:

(G.) A line or lines of pipes (Number 4) wholly in the said township of Easington-with-Thorpe commencing in the said service tank (Number 3) and terminating by a junction with the said line or lines of pipes (Number 1) in the said road leading from the village of Shotton to the village of Dalton-le-Dale at or near to the point where the said road is joined by Lea Lane:

(H.) A pumping station (Number 3) with a well and service tank (Number 4) wholly in the township of Seaton-with-Slingley in the parish of Seaham to be situate at or near Seaton Bank Top in fields respectively numbered 197 and 163 on the ordnance map of the parish of Seaham on the scale of $\frac{1}{2500}$:

(I.) A line or lines of pipes (Number 5) commencing in the said township of Seaton-with-Slingley at or in the said service tank (Number 4) and terminating in the township of Burdon in the parish of Bishopwearmouth at the service tank (Number 5) herein-after described:

(J.) A pumping station (Number 4) with a well and service tank (Number 5) wholly in the said township of Burdon to be situate in a field on the southern side of the road leading from Newbottle to Ryhope and numbered 43 and 45 on the ordnance map of the parish of Bishopwearmouth on the scale of $\frac{1}{2500}$:

(K.) A line or lines of pipes (Number 6) commencing in the said township of Burdon at or in the service tank (Number 5) and terminating in the township of Boldon in the parish of Boldon at or in the service tank (Number 6) herein-after described:

(L.) A line or lines of pipes (Number 7) commencing in the township of Ford in the said parish of Bishopwearmouth by a junction with the said line or lines of pipes (Number 6) at or near the junction of High Street with Sunniside and terminating in the township of Hylton in the parish of Monkwearmouth by a junction with the said line or lines of pipes (Number 6) at a point in Ferryboat Lane at or near the northern end of the row of houses known as "Ropery Row":

(M.) A service tank (Number 6) wholly in the said township of Boldon in the parish of Boldon in a field (abutting on the west side of the lane leading from Hylton Castle to West Boldon and known as Hylton Lane) numbered 331 on the ordnance map of the parish of Boldon on the scale of $\frac{1}{2500}$:

(N.) A line or lines of pipes (Number 8) commencing in the said township of Boldon in the said service tank (Number 6) and terminating in the township of Hedworth Monkton and Jarrow in the parish of Jarrow by a junction with the existing pipes of the Company in the borough of Jarrow at or near the junction of Palmer Street with Western Road:

(O.) A service tank (Number 7) wholly in the township of East Murton in the said parish of Dalton-le-Dale to be situate near to a farm-house in the village of Murton known as "Murton West House" partly in certain fields respectively numbered 43 and 45 on the ordnance map of the parish of Dalton-le-Dale on the scale of $\frac{1}{2500}$ and partly in an adjoining garden:

(P.) A line or lines of pipes (Number 9) wholly situate in the said township of East Murton commencing at or in the said service tank (Number 7) and terminating in the road leading from the village of Easington Lane to Murton Colliery at a

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point therein three chains or thereabouts measured in a westerly direction from the said Murton West House :

(Q.) A service tank (Number 8) wholly in the township of Hetton-le-Hole in the parish of Houghton-le-Spring in a field abutting on the south-western side of the road leading from the village of Easington Lane to the village of South Hetton and adjacent to a house known as "Prospect House" and which field is numbered 569 on the ordnance map of the parish of Houghton-le-Spring on the scale of $\frac{1}{2500}$:

(R.) A line or lines of pipes (Number 10) wholly in the said township of Hetton-le-Hole commencing at or in the said service tank (Number 8) and terminating in the said road leading from the village of Easington Lane to the village of South Hetton at a point therein two chains or thereabouts measured in a south-easterly direction from the south-eastern end of the said house called Prospect House.

Power to make subsidiary works.

6. The Company may on any lands for the time being belonging to them make and maintain all such cuts channels aqueducts culverts tunnels drifts adits wells shafts bore-holes drains sluices overflows waste-water channels weirs stand-pipes water-towers tanks banks walls tramways approaches engines machinery electric apparatus and appliances as may be necessary or convenient in connexion with the before-mentioned works or any of them or for the obtaining raising taking and distributing of water and may obtain raise collect impound use and distribute any water found in on or under such lands Provided that nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them.

Limits of deviation.

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

Provided that no part of any aqueduct conduit or line of pipes shall be constructed or laid in any public road so as to be above the surface thereof or elsewhere more than three feet above the general surface of the ground.

Company may acquire easements

8. The Company may in lieu of acquiring any lands for the purpose of any pipes by this Act authorised acquire such easements

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

only in certain lands.

9. Notwithstanding anything contained in this Act the Company shall not enter upon take or use any of the properties distinguished on the deposited plans by the numbers 10 to 21 and 23 to 33 (all inclusive) and 28a and 30a in the said township of Hylton except with the previous consent in writing of Mary Thompson and Margaret Thompson or the survivor of them or other the owners or owner for the time being of the said properties.

For the protection of the Misses Thompson.

10. The Company shall not without the consent in writing of the North-Eastern Railway Company (herein-after called "the railway company") purchase or take any lands or property owned leased or occupied by the railway company but they may purchase and take such easement and rights in over under or upon any such lands or property as shall be necessary for the purpose of constructing laying maintaining cleansing and repairing the pipes and other works by this Act authorised and the Company shall not either temporarily or permanently enter upon use or interfere with any lands or property owned leased or occupied by the railway company save only so far as may be necessary for the purposes aforesaid.

Not to take lands of North-Eastern Railway Company.

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Works affecting the North-Eastern Railway Company.

11.—(1.) Any pipes or other works which under the authority of this Act the Company may construct lay and subsequently maintain upon along across over or under or by the side of or which shall interfere with any railway or works or property whether owned leased or occupied by the railway company shall be constructed laid and subsequently maintained by the Company at such reasonable times as may be required or approved by and under the direction and superintendence and to the reasonable satisfaction of the engineer of the railway company and in accordance with plans sections and specifications previously submitted to and approved by him.

(2.) The said pipes or other works shall be so constructed laid and subsequently maintained and used as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works or property of the railway company.

(3.) The railway company may from time to time at their own cost alter the situation and position of the said pipes or other works when necessary in connexion with alterations or additions to their railway and works.

(4.) The Company shall at all times keep the railway company indemnified against all damages losses expenses or injury which they or the traffic on their railway may sustain or incur by reason or in consequence of the construction laying maintaining and using of any pipes or other works of the Company or otherwise in connexion therewith.

(5.) In case of any difference between the railway company and the Company as to any of the matters referred to in this section the same shall be determined by a single arbitrator to be appointed in manner provided by the Arbitration Act 1889.

For the protection of the River Wear Commissioners.

12. For the protection of the River Wear Commissioners (hereinafter called "the commissioners") the following provisions shall apply and have effect:—

(1.) The works by this Act authorised to be constructed by the Company and all or any temporary subsidiary or permanent works connected therewith so far as the same affect the River Wear shall if constructed be executed according to plans sections and specifications to be approved in writing by the commissioners and deposited at their office two months previous to the commencement of the works and all the works shall be executed and performed with reasonable despatch and to the reasonable satisfaction of the engineer for the time being of the commissioners and all temporary works shall be afterwards

removed with the like despatch and to the like satisfaction and the traffic of the river shall not be interfered with in the construction of any of the works and if after the Company shall have commenced to construct any of the works affecting the commissioners the Company do not proceed with the same with reasonable despatch or if after completing the said works they do not without undue delay remove any temporary works the Company shall within one month after notice in writing from the commissioners so to do remove such temporary works or any materials for the same which may have been placed on the shore of or in the said river by the Company and on their failing to do so the commissioners may remove such temporary works and materials charging the Company with the expense of so doing and the Company shall repay to the commissioners all expenses so incurred and on their failing to do so on demand the commissioners may recover the same with full costs of suit in any court of summary jurisdiction.

(2.) If any injury or damage shall at any time hereafter arise from or in any way be owing to any of the works or operations of the Company or to the bursting leakage or failure of any mains pipes culverts or works on under or near the River Wear the Company shall make compensation to the commissioners in respect thereof the amount of such compensation to be agreed between the commissioners and the Company or failing agreement to be determined by arbitration in manner herein-after provided.

(3.) Notwithstanding anything in this Act contained the commissioners shall not be responsible or held liable for any damage to the mains pipes culverts or works of the Company that may arise from or be in any way in consequence of dredging or blasting by the commissioners or otherwise in the lawful exercise of the powers and authorities of the commissioners for widening deepening and otherwise improving the River Wear conferred upon them by the several Acts of Parliament (whether now existing or hereafter to be passed) affecting that river or any or either of them.

(4.) Nothing contained in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the commissioners or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of the passing of this Act the commissioners did or might lawfully claim use or exercise.

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(5.) Any dispute or difference which may arise between the Company and the commissioners with reference to the provisions of this section or in any way arising thereout or with reference to any works to be carried into effect in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the Board of Trade on the application of the Company and the commissioners or either of them and the costs of such arbitration shall be in the discretion of the arbitrator.

Not to take lands of owners of Burdon Hall.

13. The Company shall not under the powers of this Act without the consent in writing of the owner or owners for the time being of Burdon Hall (in this section called "the owners") purchase or take any lands or property owned leased or occupied by the owners situate within a radius of one mile from Burdon Hall nor within that radius construct any pumping-station service tank or other work except the line of pipes by this Act authorised but the Company may purchase and take such easement and rights in over under or upon any such lands or property as shall be necessary for the purpose of constructing laying maintaining cleansing and repairing the aforesaid pipes and the Company shall not under the powers of this Act without such consent as aforesaid either temporarily or permanently enter upon use or interfere with any lands or property within the aforesaid radius owned leased or occupied by the owners save only so far as may be necessary for the purposes last aforesaid.

For the protection of the trustees of the estate of the late John Gregson.

14. For the protection of the trustees of the estate of the late John Gregson deceased (herein-after called "the trustees") the following provisions shall have effect:—

(1.) If by reason of the operations of the Company under the powers of this Act any of the wells or springs which supply with water Haverley House Stott Fold House (otherwise Seaton Moor) the gamekeepers' cottage at Seaton Bank Burdon Hall and Burdon Village (consisting of two farms one house and three cottages) shall at any time hereafter be dried up or injuriously affected in any way or the supply therefrom diminished the Company shall on demand and without charge substitute a supply of water to the before-mentioned dwelling-houses farm-houses farmsteads or cottages respectively from the works by this Act authorised sufficient for domestic use and ordinary farm purposes not exceeding in the whole six thousand gallons per diem and the lines of pipes necessary for giving and maintaining the before-mentioned supply shall be laid and kept in repair by and at the expense of the

Company and may be so laid and maintained through any lands belonging to the trustees and shall be so laid and maintained at a depth of not less than three feet below the surface of the ground.

(2.) The Company shall at all times in connexion with permanent works at the pumping station Number 3 and the well and service tank Number 4 by this Act authorised to be constructed in the township of Seaton-cum-Slingley use such mechanical apparatus as at the time of the construction of those works shall be deemed most suitable for the purpose of consuming or preventing the emission of smoke and in case of any dispute arising between the trustees or any of the occupiers for the time being of any lands situated in the township of Seaton-cum-Slingley and belonging to the trustees and the Company respecting the kind of apparatus to be so used the same shall be settled by an engineer to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

(3.) In the event of any other dispute arising between the Company and the trustees in respect of any of the provisions of this section such dispute shall be settled by arbitration in the manner provided by the Arbitration Act 1889.

For protection of the County Council of Durham.

15. Notwithstanding anything contained in this Act the following provisions for the protection of the County Council of Durham (herein-after called "the county council") shall have effect (that is to say) :—

(1.) The Company shall from time to time and at all times make good any damage which the county council may sustain either directly or indirectly in consequence of any injury being caused or happening to the Hawthorn Dene (County) Bridge or the approaches thereto within three hundred feet of such bridge by reason or in consequence of any line of pipes of the Company being laid or being in or over such bridge or approaches.

(2.) The notice required by the thirtieth section of the Waterworks Clauses Act 1847 shall be not less than seven days instead of three days.

Period for compulsory purchase of lands.

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

Period for completion of works.

17. If the works authorised by this Act are not completed within fifteen years from the passing of this Act then on the expiration of

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that period the powers by this Act granted to the Company for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing in this Act shall restrict the Company from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus mains pipes or other works or plant at any time and from time to time as occasion may require.

Power to take additional lands by agreement.

18. The Company may from time to time for the purposes of their undertaking acquire by agreement (in addition to lands which they are already authorised to hold under the powers of the former Acts of the Company or to take by compulsion under the powers of this Act) any lands not exceeding in the whole thirty acres but the Company shall not deal with such lands so as to create a nuisance nor use any such lands for any building except buildings required for the undertaking of the Company.

Power to grant easements.

19. Persons empowered by the Lands Clauses Acts or otherwise enabled to sell and convey or release lands may subject to the provisions of those Acts and of this Act grant to the Company in fee either absolutely or in consideration of any yearly or other rent any easement interest right privilege or power (not being an easement of water) required for the purposes of this Act in over affecting or belonging to any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements interests rights privileges and powers as aforesaid respectively.

Sale of superfluous lands.

20. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Restriction on taking houses of labouring class.

21.—(1.) The Company shall not under the powers of this Act except with the consent of the Local Government Board purchase or acquire in any city borough or urban sanitary district ten or more houses which after the passing of this Act have been or on the

fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

(2.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

For the protection of the Corporations of Sunderland South Shields and Jarrow.

22. Notwithstanding anything in this Act or any other Act relating to the Company or in any Act incorporated with those Acts or any or either of them contained the following provisions for the protection of the mayor aldermen and burgesses of the borough of Sunderland of the borough of South Shields and of the borough of Jarrow (herein-after called "the corporations") shall apply and have effect (that is to say):—

(1.) From and after the thirty-first day of March one thousand eight hundred and ninety-one the Company shall supply water to the respective corporations for all purposes for which and in such quantities as the corporations may respectively require it at a price which shall not exceed fivepence per thousand gallons Provided always that the Company shall not charge for water supplied by them to the respective corporations for purposes for which they are required by law to supply it free of charge.

(2.) The owner lessee or occupier of any dwelling-house warehouse office or other building within the borough of Sunderland or the borough of South Shields or the borough of Jarrow supplied with water by the Company may provide and use for the purposes of any water-closet in or adjoining any such dwelling-house warehouse office or other building a syphon cistern capable of holding two gallons of water the design construction and fittings of such cistern to be subject to the reasonable approval of the Company.

Company may raise additional capital.

23. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and may (subject to the provisions of Part II. of the Companies Clauses Act 1863) for the purposes of this Act and for the general purposes of their undertaking from time to time raise any additional capital not exceeding in the whole five hundred thousand pounds by the creation and

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issue at their option of new ordinary shares or stock or wholly or partly by either of those modes which shares or stock shall for all purposes form part of the general capital of the Company.

As to vesting of new shares.

24. The Company shall not issue any share created under the authority of this Act of less nominal value than five pounds nor shall any such share vest in the person or corporation accepting the same unless and until the full nominal amount of such share (if the same be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital by shares or stock than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the said sum of five hundred thousand pounds.

As to votes of proprietors of new shares or stock.

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

Limit of dividend on new capital.

26. The Company shall not make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than at the rate of five pounds per centum per annum in respect of every one hundred pounds actually paid up of such capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of five pounds per centum per annum.

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

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

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

28. Notwithstanding anything in this Act contained the Company shall when any new shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than five hundred pounds nominal value of shares or stock and that the reserved price

put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

Time for paying up shares or stock sold by auction.

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

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

30. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the respective town clerks of Sunderland South Shields and Jarrow and to the secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said boroughs.

Shares or stock not sold by auction or by tender to be offered to share-holders.

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

Application of premium arising on issue of shares or stock.

32. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off

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money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

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

33. The Company in respect of the additional capital of five hundred thousand pounds which they are by this Act authorised to raise may from time to time borrow on mortgage any sum or sums not exceeding in the whole one hundred and twenty-five thousand pounds Provided that in respect of each fifty thousand pounds of such additional capital issued and accepted and one-half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole twelve thousand five hundred pounds But no part of any of the before-mentioned sums of twelve thousand five hundred pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half of such capital 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 shares for the whole of such portion of additional capital have been issued and accepted and that one-half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of each portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or 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.

Repealing existing provisions as to receiver.

34. Every provision with respect to the appointment of a receiver for enforcing payment by the Company of the arrears of principal or interest or principal and interest contained in any Act passed before the present session of Parliament whereby the Company are authorised to borrow money is hereby repealed but without prejudice to any appointment which may have been made or to the

continuance of any proceedings pending at the passing of this Act under any such provisions.

For appointment of a receiver.

35. 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 arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

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

Debenture stock.

37. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

As to conversion of borrowed money into capital.

38. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the creation and issue of debenture stock or any part thereof respectively by the creation of shares or stock instead of by borrowing or to convert into capital any money borrowed under the powers of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Application of sums raised under this Act.

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

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Saving rights of the Crown.

40. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any foreshore or bed of the River Wear or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in the right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

Costs of Act.

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

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