ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xxvii.

An Act for better supplying with Water the Boroughs of *Sunderland* and *South Shields* and other Places in the County of *Durham*.

[28th *May* 1852.]

WHEREAS in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty an Act was passed, called "The *Sunderland* Waterworks Act, 9 & 10 Vict.
1846," whereby a Company was incorporated under the Style of c. 36.
"The *Sunderland* Water Company:" And whereas an Act was passed in the Twelfth Year of the Reign of Her present Majesty, called "The *Sunderland* Waterworks Amendment Act, 1849:" And 12 & 13 Vict.
whereas the said Company have proceeded with the Works by the said c. 2.
first-mentioned Act authorized, and now supply with Water the Inhabitants within the Limits of such Act: And whereas it would be for the public Benefit that the Powers of the said Company should be extended for the supplying the Inhabitants of the Town of *South Shields* and the Neighbourhood thereof with Water, and that the said Company should be empowered to extend and enlarge their existing Works, and to construct new Reservoirs and Aqueducts, and to obtain a further Supply of Water, and to increase the Capital of the Company: And whereas it is expedient to change the Name of the Company to the "*Sunderland and South Shields* Water Company:" And whereas

it is expedient that some of the Powers and Provisions of the said recited Acts should be altered, amended, and enlarged, and that further Powers should be given to the said Company: And whereas by an
28 G. 3. c. 15. Act of the Twenty-eighth Year of *George* the Third, intituled *An Act for supplying with Water the Town of* Sou h Shields *and Parts adjacent, and the Shipping resorting to the said Town*, the Company of Proprietors of the *South Shields* Waterworks (in this Act called the *South Shields* Company) were incorporated, and were empowered to construct Waterworks: And whereas the *South Shields* Company have constructed such Waterworks, and have in other respects carried that Act into execution: And whereas it is expedient that the Undertaking of the *South Shields* Company should be transferred to the Company, and the *South Shields* Company are willing to sell their Undertaking, free from Incumbrances, for Thirteen thousand Pounds: And whereas there is a Sum of Eight thousand Pounds secured upon Mortgage of that Undertaking: And whereas it will be more convenient that the first Two recited Acts and Part of the lastly-recited Act should be repealed, and further, better, and more effectual Powers granted instead thereof; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Recited Acts repealed.

I. That, subject to the Provisions herein-after contained, the first Two recited Acts shall be and the same are hereby repealed, but without Prejudice to any Acts or Proceedings previously had, transacted, or commenced under the said recited Acts or either of them, or to any Demands or Liabilities in consequence thereof.

Company incorporated.

II. That all Persons who are at the Time of the passing of this Act Proprietors of Shares in the *Sunderland* Water Company incorporated and empowered by the first Two recited Acts, or who shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of supplying with Water the Inhabitants of the District within the Limits of this Act, according to the Provisions of this Act and of the Acts incorporated herewith, and for the Purposes in this Act and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Sunderland and South Shields* Water Company" (in this Act called "the Company"), and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to hold

hold and purchase Lands for the Purposes of the Undertaking, within the Restrictions in this Act and in the Acts incorporated herewith contained.

Repeal of Acts not to affect Interests acquired thereunder.

III. That the Repeal of the first Two recited Acts shall not annul or in anywise prejudice or affect any Purchase, Sale, Lease, Conveyance, Grant, Contract, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, or executed under or by virtue of the said Acts or either of them, nor shall any Estate, Term of Years, Right, Title, or Interest vested in or acquired by the said *Sunderland* Water Company under the Provisions of those Acts or either of them be prejudicially affected by the Repeal of those Acts or either of them, but all such Purchases, Sales, Leases, Conveyances, Grants, Contracts, Securities, Terms of Years, Rights, Titles, Interests, Acts, Matters, and Things respectively shall be and remain as good, valid, and effectual, and the Benefit and Advantage thereof respectively may be enjoyed by the Company or by any Person entitled thereto, as though those Acts had not been repealed.

Property of Company to remain vested in them.

IV. That all the Works, Lands, Buildings, Machinery, Rights, Easements, and Privileges, and the Benefit of all Contracts, Leases, and Agreements, and all Monies, Goods, Chattels, Deeds, Securities, Books, Writings, and other Personal Estate and Effects belonging to the *Sunderland* Water Company, or to which they were entitled at Law or in Equity immediately before the passing of this Act, shall be and continue vested in the Company incorporated by this Act, in like Manner as if the first Two recited Acts had not been repealed and the Name of the Company had not been changed; and all Debts due to or by the said *Sunderland* Water Company immediately before the passing of this Act, and all Rents and Rates accruing due to that Company, shall be recoverable, and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made by or in favour of that Company, and in force at the Time of the passing of this Act, shall remain as good, valid, and effectual, and may be proceeded on and enforced, by or against the Company, as the Case may be, in like Manner as if those Acts had not been repealed.

Actions, &c. not to abate.

V. That no Action, Suit, Prosecution, or other Proceeding commenced by or against the *Sunderland* Water Company prior to the passing of this Act shall be discontinued or prejudicially affected by the Repeal of the first Two recited Acts, but the same shall continue and take effect, both in favour of and against the Company, in like Manner as if those Acts had not been repealed; and all Penalties incurred by any Offence against the Provisions of those Acts or either of them previously to the passing of this Act may be enforced, and

all

all Offences which may have been committed before the passing of this Act against the Provisions of those Acts or either of them may be prosecuted, in the same Manner as if those Acts had not been repealed.

Officers of Company to remain till removed.

VI. That the several Officers and Servants of the *Sunderland* Water Company who shall be in their Employ at the Time of the passing of this Act shall retain their respective Offices and Places, and the Emoluments attached thereto, until removed by the Company or the Directors thereof, and such Officers and Servants shall have the same Powers and Authorities as if they had been appointed under this Act.

Books, &c. to remain Evidence.

VII. That all Books and other Documents by the recited Acts or any or either of them authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence, in like Manner as if those Acts had not been repealed; and all Plans, Sections, and Books of Reference referred to in those Acts or any of them as being deposited with the Clerk of the Peace for the County of *Durham* shall remain with and be kept by the said Clerk for the Purposes specified in the said Acts.

Consolidation Acts 8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 14. incorporated.

VIII. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," except the Seventieth Section of such last-mentioned Act, shall be incorporated with and form Part of this Act.

Short Title.

IX. That this Act may be cited for all Purposes as "The *Sunderland and South Shields* Waterworks Act, 1852."

Distribution of existing Shares.

X. And whereas the Capital of the *Sunderland* Water Company under the first Two recited Acts was divided into Two Classes of Shares, as follows:

The Capital of Thirty-five thousand Pounds, raised by virtue of the first-recited Act, divided into Seven thousand Shares of Five Pounds each:

The Capital of Nineteen thousand five hundred Pounds, raised by virtue of the secondly-recited Act, and divided into Three thousand nine hundred Shares of Five Pounds each, Three thousand five hundred of which are denominated "Preference Shares," One thousand seven hundred and fifty-four bearing a minimum Rate of Preference Dividend amounting to Seven Pounds Ten Shillings *per Centum per Annum*, and One thousand seven hundred and forty-six bearing a minimum Rate of Preference Dividend amounting to Five Pounds *per Centum per Annum*:

Be it enacted, That every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares in any of such Classes in the Capital of the *Sunderland* Water Company under those Acts shall in respect thereof be possessed of or entitled to a like Number of Shares of the same Class or Classes respectively, and of the same nominal Value, and marked by the same progressive Number or Numbers, as such Person or Corporation was possessed of or entitled to immediately before the passing of this Act, and such Shares are hereby vested in such Persons and Corporations accordingly.

As to Capital of Company.

XI. And whereas the present Share Capital of the *Sunderland* Water Company consists of the Sum of Thirty-five thousand Pounds and of the Sum of Nineteen thousand five hundred Pounds, the whole of which Shares have been paid up, except the Sum of Nine thousand six hundred and eighty-eight Pounds; and it is expedient to authorize the Company to raise the further Sum of Fifty-four thousand five hundred Pounds: Be it enacted, That the Capital of the Company shall be One hundred and nine thousand Pounds, whereof Thirty-five thousand Pounds shall be distinguished as Original Capital, Nineteen thousand five hundred Pounds shall be distinguished as Additional Capital, and Fifty-four thousand five hundred Pounds shall be distinguished as Extension Capital.

Old Certificates to be cancelled.

XII. That in lieu of and on Cancellation of the existing Certificates it shall be lawful for the Company to grant, from Time to Time as they think fit, Certificates of the Shares vested in the Proprietors thereof by this Act in lieu of the Shares under the first Two recited Acts, in like Manner as new Certificates of Shares are to be granted by the Company, and the Shares entitled to a preference Dividend shall be distinguished and registered as Preference Shares.

Shares to be held under the same Trusts.

XIII. That the Shares given in lieu of Shares held under the first Two recited Acts shall immediately after the passing of this Act be held and enjoyed, and the several Persons to whom the same shall belong by virtue of this Act shall thenceforth hold and stand possessed thereof respectively, to and upon such and the same Trusts, if any, and for such and the same Interests, and under and subject to such and the same Disposition, and subject to such and the same Charges, Judgments, Liens, and Incumbrances, if any, as the Shares held under the first Two recited Acts or either of them would have remained under and subject to in case this Act had not been passed.

Power to create new Shares.

XIV. That for the Purpose of raising the Extension Capital or any Part thereof the Company may create new Shares of the Amount of Five

Five Pounds each, and such Shares shall be distinguished and registered as Extension Shares.

As to the Distribution of new Shares.

XV. That the new Shares so to be created as last herein-before mentioned shall be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively; and an Offer of such new Shares shall be made by Letter under the Hand of the Secretary of the Company, given to or sent by Post addressed to each Shareholder, or left at his usual or last Place of Abode; and the said new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Deposit or Call thereon to the Company, at the Time which shall be fixed by the Directors; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Deposit or Call to be paid in respect thereof, it shall be lawful for the Directors of the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

Separate Accounts to be kept of Cost of Extensions.

XVI. That separate Accounts shall be kept of the Capital raised by the Issue of the said new Shares, and of the Money expended in the Purchase of the Land required for and in the making of the new Shafts or Wells, Reservoirs, Aqueduct, and other Works authorized to be made and done by this Act, and also, after the same shall be completed, of the annual Costs and working Expenses of the said new Works, and of the Revenue to be derived therefrom.

Application of Extension Capital.

XVII. That the Extension Capital shall be applied in constructing the Extension Works described on the Plans deposited as in this Act mentioned with the Clerk of the Peace for the County of *Durham*, and in carrying the Purposes of this Act into execution within the extended District.

Time for new Shares to participate in Profits.

XVIII. That the said Extension Shares shall not be entitled to participate in any Profits made from the existing Works of the Company until an Amalgamation shall take place as herein-after mentioned.

As to Division of Profits of Extension Works.

XIX. That the Directors of the Company shall declare Dividends amongst the Proprietors of the Extension Shares out of the net Profits arising from the Extension Works, until the Amalgamation herein-after mentioned.

When such Profits amount to 5*l.* per Cent., to be amalgamated.

XX. That when the Profits arising from the Extension Works shall amount to Five Pounds *per Centum per Annum* upon the Capital expended thereon, the said Extension Shares shall be considered as Part of the Original Capital raised by the first-recited Act, and the

Two

Two Accounts of the existing Works and of the Extension Works shall be amalgamated, and for ever afterwards continue so amalgamated, and such Extension Shares shall thenceforth be entitled to the same Dividend and the same Privileges as if they had formed Part of the Original Capital of the Company.

Company's Engineer to determine Sums to be carried from One Revenue Account to the other.

XXI. That until such Amalgamation takes place the principal Engineer of the Company shall from Time to Time determine the Sums of Money which shall be carried from the Revenue Account of the existing Works to the Revenue Account of the Extension Works, or from the Revenue Account of the Extension Works to the Revenue Account of the existing Works, in respect of any Supply of Water afforded from the One of such Works to the other of them, or distributed within the original District from the Extension Works, or within the extended District from the existing Works, or in respect of the Use of any Aqueduct or Main Pipe laid down and paid for out of One of those Capitals, and made use of wholly or partly for conveying the Water to Service Pipes paid for out of the other of those Capitals.

Calls.

XXII. That One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make on the new Shareholders, and Three Months at the least shall be the Interval between successive Calls.

Preserving Rights of existing Shareholders.

XXIII. That the several Holders of the Shares created under the Provisions of the said secondly-recited Act shall in respect thereof be entitled to such Preference or Priority in Dividends as have been granted to them under the Provisions of the said secondly-recited Act.

Mortgages.

XXIV. That the Company may raise or continue on Mortgage or Bond, on the Credit of the existing Works, any Sum not exceeding in the whole, together with any Sum already borrowed by them under the Powers of the first Two recited Acts, the Sum of Seventeen thousand five hundred Pounds: Provided always, that the Repeal of the recited Acts or any of them shall not affect any Priority attached to any existing Mortgage over any other Mortgage.

Arrears of Interest may be enforced by Appointment of a Receiver.

XXV. That it shall be lawful for the Mortgagees of the Company to enforce Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Three thousand Pounds.

XXVI. That

Ordinary Meetings to be held yearly.

XXVI. That the First General Meeting of the Shareholders of the Company shall be held within Two Months after the passing of this Act; and a General Meeting shall be held in the Month of *February* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and all Meetings, whether ordinary or extraordinary, shall be held within the Borough of *Sunderland*.

Quorum of Meetings.

XXVII. That the Quorum for every Meeting of the Company shall be Twenty Shareholders holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Number of Shareholders to convene Extraordinary Meetings.

XXVIII. That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Six, and such Shareholders shall hold in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Votes of Shareholders.

XXIX. That at all General Meetings of the Company every Holder of One Share or more shall be entitled to vote as follows: If holding One Share and less than Five, to have One Vote; if holding Five Shares and less than Ten, to have Two Votes; if holding Ten Shares and less than Thirty, to have Three Votes; if holding Thirty Shares and less than Fifty, to have Four Votes; and if holding Fifty Shares or upwards, to have Five Votes; and that no Shareholder shall have more than Five Votes.

Number and Qualification of Directors.

XXX. That the Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary the Number of Directors.

XXXI. That it shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Five.

First Directors.

XXXII. That the Directors of the *Sunderland* Water Company in Office at the Time of the passing of this Act shall continue in Office as Directors of the Company for the respective Periods they would have continued if the first Two recited Acts had not been repealed.

Quorum.

XXXIII. That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XXXIV. That the Number of Directors of whom Committees appointed by the Directors shall consist shall not be less than Three nor more than Seven, and the Quorum of such Committee shall be Three.

XXXV. And

Directors may declare Dividends half-yearly.

XXXV. That it shall be lawful for the Directors, without the Direction or Sanction of a General Meeting, from Time to Time to declare and pay in the Interval between any Two Ordinary Annual General Meetings a Half Year's Dividend out of the Profits of the Company to the Shareholders.

Newspaper for Advertisements.

XXXVI. That the Newspaper in which Advertisements relating to the Affairs of the Company shall be inserted shall be some Newspaper published in *Sunderland* or in the County of *Durham*.

Limits of Act.

XXXVII. That the Limits of this Act shall extend to and include the said Town and Borough of *Sunderland* and other the several Places adjacent thereto situate in the several Parishes of *Sunderland near the Sea*, *Bishop Wearmouth*, and *Monk Wearmouth*, to be called "the Original District," and also the Town and Borough of *South Shields* and the Neighbourhood thereof, situate in the several Townships of *South Shields* and *Westoe* otherwise *Wivestoe*, the Parish and Parochial Chapelry of *Saint Hilda*, and the Parish of *Jarrow*, and the Townships of *Harton*, *Cleadon*, and *Whitburn*, to be called "The Extended District."

Power to make Waterworks according to deposited Plans.

XXXVIII. 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, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands in or through which the same are intended to be made or to 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*: Be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions in this and the said incorporated Acts contained, to make, construct, and maintain the said Waterworks, Reservoirs, and other Works and Conveniences connected therewith in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, as the Company shall deem necessary for that Purpose, and to enter upon, take, and use such Lands, or to acquire, compulsorily or by Agreement, any Easement, Liberty, Privilege, Power, or Authority in or over the same, or to agree for a Lease of such Lands.

Power to deviate from Plans in certain Cases.

XXXIX. That, subject to the Restrictions in the said incorporated Acts contained, it shall be lawful for the Company, in making the Works by this Act authorized where Limits of Deviation are marked on the said Plans, to deviate from the Lines delineated on the said

Plans so deposited with the said Clerk of the Peace to the Extent of the Limits of Deviation marked on the said Plans.

Power to deviate from Section.

XL. That it shall be lawful for the Company, in making the Reservoirs and Aqueducts, to deviate from the Levels shown on the Section to the Extent of Five Feet only, unless with the Consent of the Owners of the Lands in which such Deviation shall be made.

Power to purchase additional Lands.

XLI. That it shall be lawful for the Company to purchase by Agreement, or rent on Lease or otherwise, and to hold, any Quantity of Land not exceeding Thirty Acres which they may require, in addition to the Lands vested in them by this Act, and the Lands herein-before authorized to be taken for the Purposes of the Works by this Act authorized.

Company not to interfere with the Township of Ford.

XLII. That nothing in this Act contained shall authorize or empower the Company to enter into or take any Lands or Grounds, or sink any Shaft, or do any other Act or Thing, by virtue of this Act or the Powers hereby conferred, within the Township of *Ford* in the said Parish of *Bishopwearmouth*, or in any Part of such Township, anything in this Act, or in the said Plans or Books of Reference, or either of them, in this Act referred to, contained, to the contrary notwithstanding.

For Protection of Wearmouth Bridge.

XLIII. That the Company shall not, without the Consent in Writing of the Mayor, Aldermen, and Burgesses of the Borough of *Sunderland*, under the Hand of the Town Clerk, lay or place any Aqueducts, Tunnels, or other Works along, across, or under the Bridge called *Wearmouth Bridge*, or lay or place any Pipe whatsoever along, across, or under that Bridge, except Two Pipes, each of an internal Diameter not exceeding Eight Inches, with all such Cocks as may be necessary to be inserted in those Pipes or either of them.

Transfer of South Shields Waterworks.

XLIV. That the *South Shields* Company may and shall make, and the Company may and shall accept a Transfer, according to this Act, of the Undertaking of the *South Shields* Company; and such Transfer shall be made within Six Months after the passing of this Act; and in consideration of such Transfer the Company shall pay to the *South Shields* Company Thirteen thousand Pounds, to be applied as by this Act provided.

Form of Transfer.

XLV. That the Transfer shall be by Deed duly stamped, in which the true Consideration shall be set forth; and the Receipt of the *South Shields* Company, under the Common Seal of that Company, shall be a sufficient Discharge to the Company for the Money therein expressed

to

to be received, and the Company shall not be bound to see to the Application thereof; and such Transfer may be according to the Form in the Schedule hereto.

Effect of Transfer.

XLVI. That the Transfer shall be effectual to vest as from the First Day of *May* One thousand eight hundred and fifty-two inclusive in the Company the Undertaking of the *South Shields* Company, and the Waterworks, and all other the Lands, Streams, and Springs of Water, and all the Powers, Rights, Privileges, Property, Effects, Claims, and Demands of or to which the *South Shields* Company were on the Twenty-fifth Day of *March* One thousand eight hundred and fifty-two, and by virtue of their recited Act, or otherwise howsoever, seised, possessed, or in any way entitled at Law or in Equity, with the Appurtenances, subject to the existing Mortgage Debt upon the Undertaking of the *South Shields* Company, and to the Rents or other Charges payable in respect of Leaseholds or other Premises incident to Tenure; and the Company may and shall, subject to the Provisions of this Act and that Act, exercise and enjoy all such Rights, Powers, and Privileges as by that Act might be exercised and enjoyed by the *South Shields* Company if this Act had not passed.

Monies to South Shields Company to be paid to them.

XLVII. Provided always, That, notwithstanding the Transfer, all Monies due on the First Day of *May* One thousand eight hundred and fifty-two in respect of a Supply of Water previous to that Day to the *South Shields* Company, or to any Person on their Behalf, shall be recoverable by or for and shall be paid to the *South Shields* Company, for their own Benefit, as if this Act had not passed.

Payment of Debts of South Shields Company.

XLVIII. That all Debts and Liabilities contracted or incurred by the *South Shields* Company, and all Rents and other Sums of Money due by the *South Shields* Company, on the Thirtieth Day of *April* One thousand eight hundred and fifty-two, shall be paid and discharged by and enforced against the *South Shields* Company; and the *South Shields* Company shall indemnify and save harmless the Company from all Debts and Liabilities incurred or contracted by the *South Shields* Company on or previous to the Thirtieth Day of *April* One thousand eight hundred and fifty-two; and the Company shall indemnify and save harmless the *South Shields* Company from all Debts and Liabilities incurred or contracted by the Company subsequently to that Day in respect of the Undertaking of the *South Shields* Company; and all Rents and other Sums of Money due in respect of such Undertaking for Lands occupied under the Powers of the thirdly-recited Act shall, as from the First Day of *May*, be paid by the Company; and such Rents and other Liabilities shall, as between the Two Companies, be apportioned accordingly.

XLIX. That,

Payment to South Shields Company.

XLIX. That, subject to the Provisions of this Act, the Company shall, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-four, discharge the Mortgage Debt of Eight thousand Pounds on the Undertaking of the *South Shields* Company, and shall pay to the *South Shields* Company, on or before that Day, the Sum of Five thousand Pounds, the Remainder of the said Sum of Thirteen thousand Pounds, and until such Sums are respectively paid and discharged shall pay half-yearly to the Mortgagees and the *South Shields* Company respectively Interest after the yearly Rate of Five Pounds in the Hundred upon such respective Sums from the First Day of *May* One thousand eight hundred and fifty-two to the Time of Payment; and not less than Six Months Notice shall be given to any Mortgagees of the *South Shields* Waterworks of the Intention to discharge such Mortgage Debt; Provided always, that if, previous to the Twenty-fifth Day of *March* One thousand eight hundred and fifty-four, any Mortgagee of the *South Shields* Waterworks shall require Repayment of the Principal Money secured by any Mortgage of such Works, and shall give Six Months Notice thereof to the Company, the Company shall pay off, at the Expiration of such Six Months, such Mortgage Debt and the Interest due thereon; and the Principal Money so discharged shall be considered as a Payment on account of the said Sum of Thirteen thousand Pounds.

Winding up Affairs of South Shields Company.

L. That with all convenient Speed after the Transfer and Payment to the *South Shields* Company of the said Sum of Five thousand Pounds the *South Shields* Company shall realize their Assets, and after paying all just Debts and Demands upon the *South Shields* Company shall pay or distribute the net Proceeds to or among their Shareholders, and wind up the Affairs of the *South Shields* Company, and after such Affairs are finally wound up the *South Shields* Company shall be dissolved.

South Shields Waterworks to be Part of Undertakings of Company.

LI. That after the passing of this Act, and as from the First Day of *May* Eighteen hundred and fifty-two, the Waterworks of the *South Shields* Company shall be maintained, managed, regulated, and used by the Company, and such Waterworks shall be deemed Part of the Extension Works by this Act authorized to be made.

Provisions of 28 G. 3. c. 15. to remain in force for a limited Period.

LII. That until the Eleventh Day of *November* One thousand eight hundred and fifty-three inclusive the Company shall have and may exercise and enjoy all the Powers, Rights, Authorities, and Privileges given by the thirdly-recited Act, in the same Manner as the *South Shields* Company might have done if this Act had not passed, and as if the Company had been named in such Act instead of the

South

South Shields Company, and the Company may continue the Supply of Water within the Limits of that Act under the Powers and Provisions therein contained, and may collect and receive Rents, Rates, and Charges in respect of such Supply not exceeding the Rents, Rates, and Charges made and taken by the *South Shields* Company in the Half Year ending the Thirtieth Day of *April* One thousand eight hundred and fifty-two.

Repeal of 28 G. 3. c. 15.

LIII. That, subject to the Provisions of this Act, from and after the Eleventh Day of *November* One thousand eight hundred and fifty-three the thirdly-recited Act shall be and is hereby repealed, but without Prejudice to any Act or Proceeding had, transacted, or begun thereunder, or any Right, Liability, Claim, or Demand in respect thereof, and thenceforth the Supply of Water within the Limits of that Act shall be subject to the Provisions and Regulations of this Act.

Rights of Water, &c. under 28 G. 3. c. 15. reserved.

LIV. Provided always, That, notwithstanding the Repeal of the thirdly-recited Act, that Act shall remain in force for the Purpose of winding up the Affairs of the *South Shields* Company; and the Company may continue in possession of, and may, subject to the Restrictions and Provisions of that Act, hold and enjoy, and use for the Purposes of this Act, all Streams and Springs of Water, and all Rights and Privileges connected therewith, and may continue in the Possession and Occupation of all such Lands as by virtue of that Act the *South Shields* Company might have held, enjoyed, used, and occupied if this Act had not passed: Provided always, that the Company shall not, after the Repeal of that Act, take or use, otherwise than by Agreement, any Lands other than such as at the Time of the passing of this Act belonged to or are occupied, possessed, or used by the *South Shields* Company.

Power to raise additional Money on Mortgage.

LV. That for facilitating the Transfer of the Undertaking of the *South Shields* Company the Company may raise by Mortgage or Bond, upon the Credit of the Extension Works, any Sum (in addition to the Sum of Seventeen thousand five hundred Pounds by this Act authorized to be borrowed) not exceeding Ten thousand Pounds, and such Sum or any Part thereof may be borrowed for a Period not exceeding Seven Years, and at the Expiration of Seven Years from the Time of borrowing such Sum or any Part thereof the same Sum shall be repaid by the Company, and the Power of reborrowing such Sum shall not be exercised by the Company after that Time.

Application of additional Money raised on Mortgage.

LVI. That the said Sum of Ten thousand Pounds or any Part thereof raised by the Company shall be charged upon the Extension Works, and shall be applied in the first place in discharge of the Mortgage

Mortgage Debt on the *South Shields* Waterworks, and afterwards in or towards the Payment to the *South Shields* Company of the Remainder of the said Sum of Thirteen thousand Pounds, or if the same be otherwise paid then in carrying the Purposes of this Act into execution in the Extended District.

Period for completing Works.

LVII. That the additional Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act 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 said Waterworks 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 Mains and Pipes from Time to Time whenever it shall be necessary for the Purpose of supplying the Inhabitants and other Persons requiring the same within the Limits of this Act with Water.

Limiting Service Pressure.

LVIII. That, notwithstanding anything in the said "Waterworks Clauses Act" contained or implied 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 Reservoirs belonging to or which may hereafter be made or maintained by the Company under the Provisions of this Act.

Company to supply Water for Purposes of Public Health Act.

LIX. That the Company are hereby required to supply all such Water as may be required by any Local Board of Health which may be established within the Limits of this Act under the Provisions of "The Public Health Act, 1848," for the Purposes mentioned in the said Act, upon such Terms as, in case of Difference, may be fixed and determined in the Manner provided by the said Act.

Rates at which the Company are to supply Water.

LX. That (except as by this Act otherwise provided with respect to the Waterworks of the *South Shields* Company) the Company shall, at the Request of the Owner and Occupier, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House within the Limits of this Act in any Street or Place near to which any Service Pipe of the Company shall be laid a sufficient Supply of Water for the domestic Uses of every such Occupier at the following Rates *per Annum*; (that is to say,)

When the annual Rackrent or Value of the Premises so supplied with Water shall not exceed Five Pounds, Five Shillings:

And when the same shall exceed Five Pounds and not exceed Six Pounds, Six Shillings:

And when the same shall exceed Six Pounds and shall not exceed Seven Pounds, Seven Shillings:

And when the same shall exceed Seven Pounds and shall not exceed Eight Pounds, Eight Shillings:

And when the same shall exceed Eight Pounds and shall not exceed Nine Pounds, Nine Shillings:

And when the same shall exceed Nine Pounds and shall not exceed Ten Pounds, Ten Shillings:

And when the same shall exceed Ten Pounds and shall not exceed Eleven Pounds, Eleven Shillings:

And when the same shall exceed Eleven Pounds and shall not exceed Thirteen Pounds, Twelve Shillings:

And when the same shall exceed Thirteen Pounds and not exceed Fifteen Pounds, Thirteen Shillings:

And when the same shall exceed Fifteen Pounds and not exceed Sixteen Pounds, Fourteen Shillings:

And when the same shall exceed Sixteen Pounds and not exceed Seventeen Pounds, Fifteen Shillings:

And when the same shall exceed Seventeen Pounds and not exceed Eighteen Pounds, Sixteen Shillings:

And when the same shall exceed Eighteen Pounds and not exceed Nineteen Pounds, Seventeen Shillings:

And when the same shall exceed Nineteen Pounds and not exceed Twenty Pounds, Eighteen Shillings:

And when the same shall exceed Twenty Pounds and shall not exceed Twenty-two Pounds, Nineteen Shillings:

And when the same shall exceed Twenty-two Pounds and not exceed Twenty-four Pounds, Twenty Shillings:

And when the same shall exceed Twenty-four Pounds and not exceed Twenty-six Pounds, Twenty-one Shillings:

And when the same shall exceed Twenty-eight Pounds and not exceed Twenty-nine Pounds, Twenty-three Shillings:

And when the same shall exceed Twenty-nine Pounds and not exceed Thirty Pounds, Twenty-four Shillings:

And when the same shall exceed Thirty Pounds and not exceed Thirty-five Pounds, Twenty-five Shillings:

And when the same shall exceed Thirty-five Pounds and not exceed Forty Pounds, Twenty-six Shillings:

And when the same shall exceed Forty Pounds and not exceed Fifty Pounds, Twenty-eight Shillings:

And when the annual Rackrent or Value of the Premises so supplied shall exceed Fifty Pounds, Thirty Shillings *per Annum*.

Rates to be charged if there be a Watercloset

LXI. That (except as in this Act otherwise provided with respect to the Waterworks of the *South Shields* Company) if there be a

Water-closets or private Baths.

Watercloset or Waterclosets, or private Bath or private Baths, in any private Dwelling House, then, in addition to the Rates computed as above specified, the following Rates shall be payable; (that is to say,)

Where the annual Rent or Value of the Dwelling House or Premises so supplied with Water does not exceed Ten Pounds *per Annum*, for One Watercloset or private Bath, the Sum of Four Shillings *per Annum*:

Where such Rent or Value shall exceed Ten Pounds *per Annum*, and shall not exceed Twenty-five Pounds *per Annum*, for One Watercloset or private Bath, the Sum of Six Shillings *per Annum*:

Where such Rent or Value shall exceed Twenty-five Pounds *per Annum*, and shall not exceed Fifty Pounds *per Annum*, for One Watercloset or private Bath, the Sum of Eight Shillings *per Annum*:

Where such Rent or Value shall exceed Fifty Pounds *per Annum*, for One Watercloset or private Bath, the Sum of Ten Shillings *per Annum*:

And for each additional Watercloset or private Bath, if more than One, in any of the aforesaid Cases, the Sum of Four Shillings *per Annum*.

Water-closets to be properly constructed.

LXII. That the Company shall not be compelled to supply with Water any Watercloset or private Bath, or the Apparatus or Pipes connected therewith, unless the same be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air and other noisome or impure Matter into the Mains or Pipes belonging to or connected with the Mains or Pipes of the Company, nor unless such private Bath be so constructed as to contain when filled for Use not exceeding Fifty Gallons of Water.

What shall be deemed domestic Purposes.

LXIII. That a Supply of Water for domestic Purposes shall not include a Supply of Water for Horses, Cattle, or washing Carriages, (except in Cases in which the Company shall be unable to distinguish the annual Rackrent or Value of the Dwelling House from the total annual Rackrent or Value of the Premises whereof such Dwelling House is a Part,) or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purposes whatsoever.

Rates to be paid quarterly.

LXIV. That the Rates shall be paid in advance by equal quarterly Payments, on such Days respectively as the Company shall determine with respect to each of the Places supplied with Water under the Powers of this Act, and the First Payment shall be made at the Time when

when the Pipe by which the Water is supplied is made to communicate with the Pipes of the Undertakers, or at the Time when the Agreement to take Water from the Undertakers is made.

Water for other than domestic Purposes to be supplied by Agreement.

LXV. That 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.

Expenses of Act.

LXVI. That the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act shall be paid by the Company out of the Monies raised in respect of the Extension Capital.

Undertaking not exempted from Provisions of 11 & 12 Vict. c. 63.

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

SCHEDULE.

Form of Transfer.

By virtue of the Sunderland and South Shields Waterworks Act, 1852, the Company of Proprietors of the South Shields Waterworks, in consideration of [*here state the Consideration*], hereby transfer to the Sunderland and South Shields Water Company, and that Company hereby accept the Transfer of the Undertaking of that Company of Proprietors, according to the Provisions of that Act. [*Here may be inserted any Exceptions, Reservations, Covenants, Conditions, or Provisions mutually agreed on.*] As witness the respective Common Seals of the Two Companies, this Day of in the Year of our Lord One thousand eight hundred and fifty-two.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1852.