CHAPTER cxi.

An Act for extending the limits within which the Weardale and Shildon District Waterworks Company may supply Water; for empowering them to purchase the Undertaking of the Durham Water Company, to construct additional Works, and to raise additional Capital; and for other purposes. [3d July 1879.] A.D. 1879.

WHEREAS the Weardale and Shildon District Waterworks Company (in this Act called "the Company") were incorporated by the Weardale and Shildon District Waterworks Act, 1866, (in this Act referred to as "the Act of 1866,") and empowered to execute works and to supply with water the Weardale and Shildon district, consisting of the several parishes, townships, and places comprised within the limits defined by the said Act, and for that purpose to raise a share capital of one hundred and fifty thousand pounds, and to borrow thirty-seven thousand five hundred pounds: 29 & 30 Vict. c. ccc.

And whereas by the Weardale and Shildon District Waterworks Act, 1875, (in this Act referred to as "the Act of 1875,") the Company's limits of supply were extended, and the Company empowered to construct additional works, and to raise additional share capital of six hundred thousand pounds, and to borrow additional money not exceeding one hundred and fifty thousand pounds: 38 & 39 Vict. c. cxxi.

And whereas the city of Durham is now supplied with water by the Durham Water Company, duly registered under the Act seven and eight Victoria, chapter one hundred and ten, (in this Act called "the Durham Company,") which water is pumped from the River Wear, and it is expedient that the present supply be discontinued, and the city and neighbourhood thereof be supplied by the Company:

And whereas the capital of the Durham Company consists of thirty-two thousand five hundred pounds, divided into six thousand

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five hundred shares of five pounds each, the whole of which has been subscribed for and paid up, and they have not borrowed any money on mortgage:

And whereas the Company have entered into an agreement with the Durham Company for the purchase by the Company of the waterworks and property of the Durham Company, and of all their rights and easements in connexion therewith, and it is expedient that the same should be carried into effect in manner by this Act provided:

And whereas, in order to provide for the requirements of the city of Durham and of the trade and population within and adjacent to the Company's limits of supply, it is expedient that the limits within which the Company may supply water be extended, and that they be empowered to maintain certain of the existing works and portions of works of the Durham Company, and to construct additional reservoirs and other works:

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

And whereas by the Act of 1875 the Company were empowered to make reservoirs and other waterworks, and the period by that Act limited for the completion of some of those works was ten years and for others of those works twelve years from the passing of that Act, the first of which periods will, if not extended, expire in the year one thousand eight hundred and eighty-five, and the second of which periods will, if not extended, expire in the year one thousand eight hundred and eighty-seven:

And whereas it is expedient that the period allowed for completion of those reservoirs and works, or some of them, be extended:

And whereas the period limited by the Act of 1875 for the exercise of compulsory powers for the taking of certain lands of the Redford Grove Estate, required for the purposes of some of the aforesaid reservoirs and works, was three years from the passing of the said Act of 1875, which period expired in the year one thousand eight hundred and seventy-eight:

And whereas it is expedient that as regards those lands the last-mentioned powers be revived:

And whereas the period limited by the Act of 1875 for the exercise of compulsory powers for the taking of other lands for the purposes of the reservoirs and other works authorised by the last-mentioned Act was five years from the passing thereof, which period

will, if not extended, expire in the year one thousand eight hundred and eighty:

And whereas it is expedient that as regards some of the last-mentioned lands the period by that Act limited for the exercise of the compulsory powers be extended:

And whereas the Company by the Act of 1875 are required to apply to Parliament for powers to make a diversion of the Howle Eele Road in substitution for the intended diversion of that road shown upon the plans deposited in reference to and referred to in that Act, and it is expedient that the said road should be diverted in manner by this Act authorised:

And whereas it is expedient that various other provisions be made respecting the Company's undertaking, and that the powers of the Company be in various respects enlarged, and that the Acts relating to the Company be in divers particulars extended and amended:

And whereas plans and sections, describing the lines, situations, and levels of the works of the Durham Company to be maintained and of the works proposed to be constructed, and a book of reference to those plans, containing the names of the owners and lessees, reputed owners and lessees, and of the occupiers of lands in the line of those works or within the limits of deviation as defined on those plans, and describing those lands, have been deposited with the clerk of the peace for the county of Durham, and are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects aforesaid cannot be attained 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 as the Weardale and Shildon District Waterworks Act, 1879.

Construction of Act.

2. The provisions of the Act of 1866 and the Act of 1875, so far as they are not expressly repealed or varied by or are not inconsistent with the provisions of this Act, shall be incorporated with this Act, and this Act and the Act of 1866 and the Act of 1875 shall (save as aforesaid) be read and construed together as one Act.

Incorporation of general Acts.

3. The following Acts and parts of Acts (as far as they are applicable for the purposes and are not inconsistent with the

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provisions of this Act) are hereby incorporated with this Act; namely,

8 & 9 Vict. c. 16.

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 the means of enforcing the payment of calls;

The forfeiture of shares for the 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 the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provisions to be made for affording access to the special Act;

26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

Parts I., II., and III. of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869;

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;

10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

The Waterworks Clauses Acts, 1847 and 1863; and

8 & 9 Vict. c. 20.

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and with respect to the crossing of roads or other interference therewith: Provided that in construing the provisions of the latter Act for the purposes of this Act the expression "the railway" and "the centre of the railway" shall respectively mean the works and the boundaries of the works by this Act authorised: Provided also, that the provisions of the said latter Act as incorporated in this Act shall apply only to the reservoirs hereby authorised and the works immediately connected therewith, and shall not extend or apply to any lands from time to time belonging to or used or occupied by the North-eastern Railway Company.

Interpretation of terms.

4. 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 the same respective meanings. The expression "the undertaking" shall mean and comprehend the existing undertaking of the Company, the works by this Act

authorised, and the works to be purchased and acquired by the Company; and in this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act, the expressions "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 was a common simple contract debt, and not a debt or demand created by statute.

Extension of limits for supply of water.

5. The limits within which the Company may supply water shall extend to and include, in addition to the parishes, townships, and places within the limits of the Act of 1866, as extended by the Act of 1875, the city of Durham, and the following parishes, townships, and other places, namely, St. Oswald, Elvet, Crossgate, Broom, Sunderland Bridge, Brancepeth, Brandon and Byshottles, St. Giles, Framwellgate, Shincliffe, Whitwell House, Sherburn House, Sherburn, Witton-Gilbert, Kimblesworth, Pittington, Garmondsway Moor, Trimdon, East Rainton, West Rainton, Cocken, and Moorhouse, or portions thereof, all in the county of Durham, and the Company may exercise, within the limits as extended by this Act, the same powers as they are authorised to exercise within their existing limits, which limits as extended are more particularly described and shown by red colour on a certain map or plan authenticated by the signature of Henry Cecil Raikes, Esquire, the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred, and deposited in the Private Bill Office of the House of Commons, a duplicate whereof shall within one month after the passing of this Act be deposited with the clerk of the peace for the county of Durham, and shall be deemed part of the deposited plans.

As to townships of East Rainton, &c.

6. From and after the passing of this Act the townships of East Rainton, West Rainton, Cocken, and Moorhouse, in the parish of Houghton-le-Spring, shall cease to be included within the limits of supply of the Sunderland and South Shields Water Company.

Purchase and transfer of undertaking of Durham Company.

7. The Durham Company shall sell and transfer, and the Company shall purchase, the waterworks, lands, buildings, mains, pipes, machinery, and other property, rights, easements, privileges, and effects of and belonging to the Durham Company, for the consideration and on and subject to the terms and conditions following; (that is to say,)

(A.) The consideration for the sale and purchase shall be the issue by the Company of one thousand six hundred ordinary shares of the Company of the value of twenty-five pounds

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each (fully paid up), authorised to be created by the Act of 1875 :

(B.) The shares shall be issued within three months from the thirty-first day of December one thousand eight hundred and seventy-nine to and registered in the names of such persons as the Durham Company shall by writing under their common seal direct, and shall bear and be entitled to dividend from the first day of January one thousand eight hundred and eighty inclusive, and the Company shall not be answerable or accountable to any person or persons or otherwise for or by reason of the issue or registration of the said shares in the names of such persons or any of them :

(C.) The Durham Company shall collect and receive all water and meter rates, rents, charges, and all other sums of money which shall be due or accruing due to them on account of the supply of water up to the thirty-first day of December one thousand eight hundred and seventy-nine, and shall pay and discharge all outgoings of every description, and shall maintain the works in perfect repair up to and including that day :

(D.) Before the issue and allotment of the said shares the Durham Company shall show a good title to the waterworks, lands, buildings, mains, pipes, machinery, and other property, rights, privileges, and easements comprised in the sale, and the Durham Company and all other necessary parties (if any) shall also execute a proper conveyance thereof to the Company :

(E.) The sale and purchase shall take effect and possession of the undertaking shall be delivered as on and from the first day of January one thousand eight hundred and eighty.

Transfer to be effected by deed.

8. The sale and transfer of the undertaking of the Durham Company shall be carried into effect by a deed or deeds duly stamped, stating the consideration, and thereupon the works, lands, buildings, mains, pipes, machinery, and other property, rights, easements, privileges, and effects so purchased shall, subject to all contracts, obligations, debts, and liabilities then affecting the same, vest absolutely in the Company and become part of their undertaking.

Winding up, &c. of Durham Company.

9. The Durham Company shall, as soon as practicable after the transfer of their undertaking to the Company, take all necessary steps for winding up their affairs and for dissolving their Company.

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10. Subject to the provisions of this Act the Company may do the following acts and things; (that is to say,)

Company to continue existing works and to make new works.

They may, in the lines and situations and on the lands shown on the deposited plans and according to the levels shown on the deposited sections, continue and maintain, in the parish of St. Oswald, in the county of Durham, all or any of the works of the Durham Company shown on the deposited plans, and works incidental thereto, amongst which are comprised the following; (namely,)

1. Mountjoy Service Reservoir. A service reservoir situate in the township of Elvet:
2. Line of pipes (No. 1). A line of pipes situate in the township of Elvet, commencing at the said Mountjoy Service Reservoir and terminating in Hallgarth Street in the city of Durham:
3. Line of pipes (No. 2). A line of pipes situate in the township of Elvet, commencing at the said Mountjoy Service Reservoir and also terminating in Hallgarth Street in the city of Durham:
4. Line of pipes (No. 3). A line of pipes commencing in the township of Elvet, near to the said Mountjoy Service Reservoir and terminating in the township of Shincliffe:
5. Line of pipes (No. 4). A line of pipes situate in the township of Elvet, commencing by a junction with the said line of pipes (No. 3) and terminating at the Houghall Colliery:
6. Line of pipes (No. 5). A line of pipes wholly situate in the township of Elvet, commencing at the said Mountjoy Service Reservoir and terminating near to the Houghall Schools.

They may, in the lines or situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain, in the county of Durham, all or any of the additional works shown on the deposited plans, amongst which are comprised the following; (namely,)

7. Line of pipes (No. 6). A line of pipes commencing in the township of Brandon and Byshottles in the parish of Brancepeth and terminating in the township of Elvet in the parish of St. Oswald, near to the said Mountjoy Service Reservoir:
8. Line of pipes (No. 7). A line of pipes commencing in the township of Esh in the parish of Lanchester and terminating in the township of Broom in the parish of St. Oswald, at the intended Auton Service Reservoir hereinafter mentioned:
9. Line of pipes (No. 8). A line of pipes commencing in the township of Broom in the parish of St. Oswald, at the

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intended Auton Service Reservoir, and terminating in the township of Cross Gate in the parish of St. Oswald:

10. Line of pipes (No. 9). A line of pipes commencing in the township of Esh in the parish of Lanchester and terminating in the township and parish of Witton Gilbert, at the intended Sacriston Service Reservoir herein-after mentioned:

11. Line of pipes (No. 10). A line of pipes wholly situate in the township of Ferry Hill in the parish of Merrington, commencing in the public highway leading from Ferry Hill railway station to Thinford, and terminating in a certain beck on the west side of the main line of the North-eastern Railway:

12. Auton Service Reservoir. A service reservoir to be situate in the township of Broom in the parish of St. Oswald:

13. Sacriston Service Reservoir. A service reservoir to be situate in the township and parish of Witton Gilbert:

14. Westerton Service Reservoir. A service reservoir to be situate in the township of Westerton in the parish of St. Andrew, Auckland:

15. Quarrington Service Reservoir. A service reservoir to be situate in the township of Quarrington in the parish of Kelloe:

16. Pumping station. A pumping station to be situate in the township and parish of Merrington:

17. A diversion of Howle Eele Road to be situate in the township of South Bedburn in the parish of Hamsterley:

Together with all proper approaches, communications, filter beds, works, and conveniences ancillary or subsidiary thereto or connected therewith, and subject to the provisions and for the purposes of this Act, may purchase, enter upon, take, and use such of the lands described in the deposited plans and book of reference, and any easement, right, or privilege in or over the same, as they may require, or as have already been conveyed or agreed to be conveyed to the Company, and may take, use, and appropriate for the purposes of works authorised by this Act and of the existing and authorised works of the Company all waters found in, on, or under any of the said lands so purchased, and other the lands for the time being belonging to the Company, and may divert, widen, or narrow such turnpike roads and public carriage-roads, or any of them, as are marked upon the deposited plans as intended to be diverted, widened, or narrowed, and may stop up all such roads and ways within the limits of deviation defined on the deposited plans as would interfere with the construction and use of the works by

this Act authorised, and may appropriate for the purposes of this Act the sites of the roads and ways so diverted and stopped up. A.D. 1879.

Pipes, &c. crossing North-eastern Railway Company's railways to be laid down and repaired under inspection of their engineer, and their lands not to be taken.

11. Any mains, pipes, culverts, or other works which the Company may lay down or execute under or over any railway or works of the North-eastern Railway Company, or which may affect any such railway or works, shall be laid down and executed and subsequently maintained and repaired by the Company under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the said railway company, and in accordance with plans and sections previously submitted to and approved of by him, and the maintenance and repair by the Company of any main or pipe already laid down by the Durham Company under any such railway shall also be made and effected under such direction and superintendence as aforesaid, and the Company shall not take compulsorily any lands or property of the said railway company, nor shall they, without the previous written consent of that company, enter upon any railway or lands of that company, except so far as may be absolutely necessary for the purpose of such laying down, maintenance, and repair as aforesaid.

Limits of deviation.

12. In the construction of the works authorised by this Act, and subject to the provisions thereof, the Company may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans; and where any work is to be constructed on or along any road, and 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 in the case of reservoirs three feet upwards and five feet downwards, and in the case of all other works to any extent not exceeding ten feet, but if it be found necessary or expedient in the construction of any of the reservoirs authorised by this Act to alter the situation of any embankment, they may, within the limits of deviation, in the construction thereof and in the works connected therewith, deviate vertically from the levels of such embankments, reservoirs, and works to any extent not exceeding twenty feet: Provided always, that the Company shall not, in exercise of the powers of lateral deviation hereby given, construct any embankment or wall of any of the reservoirs of a greater height above the general surface of the ground than the corresponding embankment or wall shown on the deposited sections and three feet in addition.

Water supplied to

13. The Company shall, on or before the thirty-first day of December one thousand eight hundred and eighty, construct proper

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and efficient filtering beds for the purpose of filtering the water to be supplied to the city of Durham, and shall from and after such date supply water to the said city of Durham properly and efficiently filtered.

city of Durham to be filtered.

Reviving powers of 38 & 39 Vict. c. cxxi. for compulsory purchase of certain lands.

14. The powers granted to the Company by the Act of 1875 for the compulsory purchase of lands, so far as regards any lands of the Redford Grove Estate required for the purposes of the intended Redford Reservoir and the lines of pipes No. 7, No. 8, and No. 9 mentioned in sub-section (A.) of section 16 of that Act, are hereby revived, and may, notwithstanding anything in the Act of 1875, be exercised at any time within five years from the passing of this Act.

Extension of time for compulsory purchase of certain other lands.

15. The respective periods limited by section 16 of the Act of 1875 for the compulsory purchase of lands for the purposes of that Act (other than the lands mentioned in the last preceding section of this Act) shall be and the same are hereby extended as follows:

(A.) As regards any lands required for the purposes of the line of pipes No. 9 mentioned in sections 6 and 16 of the Act of 1875, five years from the passing of this Act; and

(B.) As regards any lands required for the purposes of the Bishop Oak Reservoir and catchwater No. 3 mentioned in section 6 of the Act of 1875, five years from the passing of this Act.

Extension of time for completion of works.

16. The several periods now limited by section 17 of the Act of 1875 for the completion of certain portions of the works by that Act authorised shall be and the same are hereby extended as follows; (that is to say,)

(A.) As regards the works to be made on the Redford Grove Estate, except of and connected with the Linburn Reservoir, to ten years from the passing of this Act;

(B.) As regards the Bishop Oak Reservoir, the line of pipes No. 9, and the catchwater No. 3, mentioned in section 6 of the Act of 1875, to twelve years from the passing of this Act;

and section 17 of the Act of 1875 shall be read and construed as if the several periods by this Act extended and limited for the completion of the several works by that Act authorised had been the periods limited by that Act, and on the expiration of those respective extended periods the powers of the Company for executing such respective works, or in relation thereto, shall cease to be exercised except as to so much thereof as is then completed; but nothing in this Act shall be taken to restrict the Company from

executing works for the distribution of water, or extending, enlarging, altering, or removing any of their mains and pipes from time to time as occasion may require, subject always to their obligation to supply water.

Existing contracts and notices to take lands not to be affected.

17. The extension of time under this Act shall not affect any contract entered into or notice given by the Company before the passing of this Act for purchasing, taking, or using any lands which the Company were entitled to purchase, take, or use, but every such contract and notice shall be construed and take effect, and the same proceedings may be had thereunder, and all parties thereto shall be entitled to the same rights and remedies in respect thereof at law and in equity, as if the extension of time had not been granted.

As to right of sporting, &c. on Redford and Linburn reservoirs.

18. Notwithstanding anything contained in or to be done under this Act or the Act of 1875, the exclusive right of boating, fishing, shooting, and sporting on and over and of taking ice from the Redford Reservoir and the Linburn Reservoir (which the Company are by the Act of 1875 authorised to construct and maintain) shall and may at all times be had, exercised, and enjoyed by the owner or owners of the Redford Grove Estate, together with all usual powers and privileges incidental to the proper enjoyment of the right so reserved to or conferred upon him or them, including the right of keeping one or more boats on the respective reservoirs, and of erecting and maintaining one or more boat houses or sheds and landing-places on the side or sides of, but not on the embankment of, the respective reservoirs, subject in each case to the following restrictions and provisions; that is to say,

(A.) That in the exercise of any right conferred by this section no injury be done to the embankment, works, or bed of the respective reservoirs, and that no act be wilfully done whereby the water therein shall be wasted or fouled;

(B.) That before the erection of such boat house or shed or landing-places the site and plans thereof be subject to the reasonable approval of the Company;

(C.) That in case the Company shall for the purposes of their undertaking at any time require the removal of any such boat house or shed or landing-places, or of any other boat house or shed or landing-places erected by virtue of this provision, the person or persons to whom the same shall belong shall remove the same, and at the expense of the Company he or they may erect another boat house or shed

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or landing-places in lieu thereof on some other part of the sides of the respective reservoir, but not on the embankment thereof;

(d.) Every boat house or shed or landing-places erected by virtue of this section shall at all times (unless the same be required by the Company to be removed in accordance with this section) be kept in repair by the person or persons to whom the house or shed or landing-places for the time being belongs;

(e.) That when any boat is not in use it shall be securely fastened so as to prevent the use of it by any unauthorised person;

(f.) That no right conferred by this section shall be separately demised, assigned, or otherwise disposed of or parted with wholly or partially by any owner or owners on whom the right is by this section conferred, but that every such right shall always remain annexed to the respective house or estate upon the owner or owners of which for the time being the right is so conferred, and shall be exercised only by the respective owner or owners aforesaid, or his or their family, visitors, friends, and with them their servants;

but nothing in this section or in the Act of 1875 shall be taken to restrict the use of the respective reservoir, and the water therein, for the purposes of the Company's undertaking, and the same may be used for those purposes in the like manner and to the like extent in all respects as if this section had not been inserted in this Act.

Abandonment of Howle Eele Road diversion.

19. The Company may abandon and relinquish the construction of the diversion of the Howle Eele Road authorised by the Act of 1875, and shown on the plans deposited with the clerk of the peace for the county of Durham for and referred to in the Act of 1875, and all embankments, bridges, and other works connected therewith as may be rendered unnecessary by reason of the construction of the proposed substituted diversion of the said road as by this Act authorised.

Period for compulsory purchase of lands.

20. The powers of the Company for the compulsory purchase of lands for the purposes of the works authorised by this Act shall not be exercised after the expiration of four years from the passing of this Act; but nothing herein contained shall authorise the Company to exercise any powers for the compulsory purchase of lands for the purposes of the proposed substituted diversion of the Howle Eele Road after the nineteenth day of July one thousand eight hundred and eighty.

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Period for completion of works.

21. If the works by this Act authorised to be constructed be not completed within ten years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for executing such respective works, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing herein contained shall authorise the Company to execute any works in connexion with the proposed substituted diversion of the Howle Eele Road after the nineteenth day of July one thousand eight hundred and eighty-seven.

Power to take additional lands by agreement.

22. The Company, in addition to any lands which they are now authorised to hold or acquire, may from time to time, for the purposes of their undertaking, purchase by agreement, in addition to lands which they are by this Act authorised to take by compulsion, any lands not exceeding in the whole twenty-five acres.

Power to take easements by agreement.

23. The Company may from time to time, subject to the provisions and for any purpose of this Act or the Acts of 1866 and 1875, take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to convey or release lands may grant to the Company, any easement, right, or privilege of laying and maintaining water pipes and mains in or through any lands within the Company's limits of supply as extended by this Act, at a yearly rent or otherwise; but in case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and according to the provisions relating to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Act Amendment Act, 1860, for which purpose any such easement, right, or privilege shall be deemed within the meaning of those Acts.

Agreements with land-owners as to drainage.

24. The Company, if they think fit, may enter into agreements with any owner, lessee, or occupier of moor-lands within the water-sheds of the Company's reservoirs who are authorised or empowered to make drains for the improvement of the same, for the purpose of draining such lands or any of them, in such manner and to such extent as such owner, lessee, or occupier and the Company may agree.

Certain compensation waters to be discharged continuously throughout the year.

25. In lieu of the quantities of compensation water which the Company are by the Act of 1866 and the Act of 1875 required to discharge down the Waskerley Burn and Wascrow Beck respectively in any one year, and which by section 27 of the Act of 1866 are to be discharged down those streams between the hours of six o'clock in the morning and six o'clock in the evening of

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every lawful working day, the Company may, from and after the passing of this Act, discharge such total yearly quantities respectively at such rate and in such manner as will form a continuous and uniform stream respectively during the twenty-four hours of every day throughout the year.

Purchase of rights and interests in compensation waters.

26. The Company may at any time enter into agreements with the owners, lessees, or occupiers of or other persons interested in any mills, works, or lands entitled to or affected by the compensation waters which the Company are by the Act of 1866, the Act of 1875, and this Act required to discharge from any of their reservoirs for the purchase of the whole or any portion of the rights and interests of such owners, lessees, and occupiers, and other persons in the compensation waters, or any of them, or any portion thereof, which are required to be discharged from any of the existing or authorised reservoirs of the Company: Provided always, that any such owner, lessee, or occupier, or other person who may agree with the Company as aforesaid may require the Company to pay the purchase or compensation money by way of an annual rentcharge instead of by a sum in gross, and if at any time the amount of any such rentcharge shall be unpaid for the space of thirty days after the same becomes payable, and after demand thereof in writing, the person entitled to such rentcharge may sue for and recover the amount due in respect thereof from the Company, with full costs of suit, in any court of competent jurisdiction.

Obligation as to discharge of compensation water to cease on payment of compensation.

27. When and so soon as the Company shall have paid or otherwise secured to the several owners, lessees, or occupiers as aforesaid the amount of purchase money or other compensation to which, under the last preceding section of this Act, they shall respectively have become entitled, then and from thenceforth the obligations contained in the Act of 1866, the Act of 1875, and this Act as to the discharge of compensation water shall, in respect to so much of the compensation water as shall have been so purchased, cease, and the Company from time to time may use for and appropriate to the purposes of their undertaking all or any part of the compensation water so purchased by them: Provided always, that if and when any owner, lessee, or occupier of land on any stream into which compensation water is required to be discharged shall, by reason of the Company ceasing to discharge compensation water, be deprived of a sufficient supply of water for domestic purposes or for cattle, the Company shall make compensation to such person in money or provide such domestic supply and so many watering places for cattle as may be necessary.

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Power to sell or let meters.

28. The Company may from time to time sell and dispose of meters or let meters on hire, and subject to such terms (pecuniary or otherwise) and conditions as the Company think fit.

Rates to be paid quarterly on certain days.

29. On and after the twenty-third day of November next after the passing of this Act the Company may collect the water rates, rents, and charges in advance by equal quarterly payments on the twenty-third day of November, the fourteenth day of February, the thirteenth day of May, and the thirteenth day of August in every year.

Power to supply materials.

30. The Company may, if required by any person supplied or about to be supplied by them with water, furnish to him, and from time to time fix, repair, or alter, any pipes, valves, cocks, cisterns, baths, soilpans, water closets, apparatus, and receptacles as are required, and may provide all materials and do all works necessary or proper in that behalf, and their charges for providing such materials and executing such works shall be paid by the person requiring the same, and shall be recoverable from such person in the same manner as the water rates or rents are recoverable.

General powers of the Company as to works not restricted.

31. Subject to the provisions of the Act, nothing in this Act contained shall restrict the Company from extending, enlarging, altering, improving, or removing any of their works at any time and from time to time as occasion may require, but this section shall not authorise the enlargement of any reservoir.

Meetings.

32. The next ordinary meeting of the Company after the passing of this Act shall be held in the month of February next, and the subsequent ordinary meetings of the Company shall be held once in every year in the month of February, or in such other month as may be appointed for that purpose by an order of a general meeting, and the directors may in any year declare an interim half-yearly dividend out of the profits of the Company for the period current since the preceding ordinary meeting.

Closing of transfer books previous to declaring dividend.

33. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend, and they may fix a day for closing the same, of which seven days notice shall be given by advertisement in some newspaper published in the district within which the Company's principal place of business is situate, and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same, but not otherwise, be considered as made subsequently to the declaration of any such dividend.

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34. At all general meetings of the Company every ordinary shareholder and stockholder shall have one vote for every twenty-five pounds of capital in ordinary shares or stock of the Company held by him, and any portion of the capital of the Company of less nominal value than twenty-five pounds shall not confer on any person any right of voting at meetings of the Company.

Power to raise additional capital.

35. The Company may from time to time raise, in addition to their existing share capital, any further sums, not exceeding in the whole one hundred thousand pounds, by the creation and issue of new ordinary shares or stock, or new preference shares or stock, or, at the option of the Company, either wholly or partially by any one or more of those modes.

Limiting amount of calls.

36. Twenty per centum shall be the largest amount of a call which the Company may make in respect of any share, and there shall be an interval of not less than three months between any two calls, and the Company shall not call up more than three fourths of the amount of a share in any year.

Except as otherwise provided, new shares or stock to be subject to the same incidents as other shares or stock.

37. Except as by this Act otherwise provided, the capital in new shares or stock created by the Company under this Act, and the new shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents in all respects as if that capital were part of the existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital.

New shares or stock to form part of capital of Company.

38. The capital in new shares or stock so created shall form part of the capital of the Company.

Amount of new shares.

39. The Company shall not issue any new shares of less nominal value than twenty-five pounds.

Dividends on new shares or stock.

40. Every person who becomes entitled to new shares or stock shall, in respect of the same, be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock, as the case may be.

Receipt clause in case of persons not sui juris.

41. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

42. In addition to the moneys authorised by the recited Act to be raised by the Company, they may from time to time, by virtue of this Act, borrow on mortgage any sums not exceeding in the whole

twenty-five thousand pounds, and the Company may, when twenty-five thousand pounds of the said additional capital has been from time to time issued and accepted, and one half thereof has been paid up, borrow on mortgage any sum or sums not exceeding in the whole five thousand pounds, and when and as each further sum of twenty-five thousand pounds of the said additional capital has been issued and accepted, and one half the amount thereof respectively has been paid up, the Company may borrow on mortgage such further sum or sums of money not exceeding in the whole five thousand pounds in respect of each such twenty-five thousand pounds, but in none of the before-mentioned cases shall any part of the said respective sums 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 shares for so much of each such portion of additional capital as is to be raised by means of shares have been issued and accepted and one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such 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 such portion of 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 was issued, or their executors, administrators, successors, or assigns, and also if such 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.

As to conversion of borrowed money into capital.

43. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon such shares are limited to a rate not exceeding five pounds per centum per annum.

Rate of dividend on new shares or stock.

44. The prescribed rate of dividend on any new ordinary shares or stock in the new capital created under the powers of this Act shall not exceed ten pounds per centum per annum upon forty

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thousand pounds of such capital, being the amount of the consideration paid for the purchase of the Durham Company's undertaking, and seven pounds per centum per annum on the remainder of such capital, and the prescribed rate of preference dividend on any new preference shares or stock shall not exceed six pounds per centum per annum on the amounts actually paid up in each case.

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

45. In case in any year the net revenues of the Company applicable to dividend shall be insufficient to pay a dividend of more than seven pounds per centum on each class of ordinary stock or shares in the capital of the Company, an equal dividend shall be paid on each class of ordinary stock or shares, and whenever in any year such net revenues shall be more than sufficient to pay a dividend of seven pounds per centum on the whole of the ordinary stock and shares in the capital of the Company the surplus shall, in the first place, be applied in payment of dividends on the paid-up capital of the Company entitled to a dividend of ten per centum per annum until the same shall amount to ten pounds per centum thereon, and in the next place be applied rateably in making up any deficiency of dividends in any previous years on the whole of the ordinary stock or shares in the capital of the Company.

Interest on debenture stock.

46. 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Priority of existing mortgages.

47. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing thereof, shall, during their respective continuance and subject to the provisions of the Acts under which the same were respectively granted, have priority over any mortgages granted by virtue of this Act.

Application of money.

48. All money raised under this Act shall be applied for the purposes of the Company's undertaking and not otherwise.

As to appointment of receiver.

49. 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. 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 five thousand pounds.

Priority of mortgages over other debts.

50. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or pari passu with the interest on their mortgage or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred upon the Company.

Expenses of Act.

51. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

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