



CHAPTER CCXXXVI.

An Act to extend the limits of supply of the Newcastle and Gateshead Water Company and to enable local authorities within the additional limits to require the Company to supply them with water in bulk and to empower the Company to raise further capital and for other purposes. A.D. 1904.
[15th August 1904.]

WHEREAS the Newcastle and Gateshead Water Company (in this Act called "the Company") were incorporated by the Newcastle and Gateshead Waterworks Act 1863 and acting under the powers of that Act the Newcastle and Gateshead Waterworks Act 1866 the Newcastle and Gateshead Waterworks Act 1870 the Newcastle and Gateshead Waterworks Act 1876 the Newcastle and Gateshead Waterworks Act 1877 the Newcastle and Gateshead Waterworks Act 1889 the Newcastle and Gateshead Waterworks Act 1890 the Newcastle and Gateshead Waterworks Act 1894 the Newcastle and Gateshead Waterworks Act 1898 and the Newcastle and Gateshead Waterworks Act 1902 (which Acts are in this Act referred to collectively as "the former Acts" and each of them separately as an Act of the year in which the same was passed) the Company have constructed an extensive system of waterworks whereby they supply with water the city and county of Newcastle-upon-Tyne and the borough of Gateshead and certain parishes and places in the counties of Durham and Northumberland:

26 & 27 Vict.
c. xxxiv.
29 & 30 Vict.
c. xlix.
33 & 34 Vict.
c. cxxiii.
39 & 40 Vict.
c. cxvii.
40 & 41 Vict.
c. lxxxvii.
52 & 53 Vict.
c. xxxvi.
53 & 54 Vict.
c. cvi.
57 & 58 Vict.
c. lxxi.
61 & 62 Vict.
c. cxxxii.
2 Edw. 7. c. xliii

And whereas the districts parishes townships and places in this Act mentioned are not now adequately supplied with water and can be conveniently supplied by the Company and it is expedient that the same should be included within the limits of supply of the Company and that the provisions of this Act with reference to the

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A.D. 1904. supply of water to such districts parishes townships and places
should be made :

And whereas for the purposes of such supply and for the general purposes of the Company it is expedient that the Company should be authorised to construct additional service tanks and works and to raise additional capital and acquire additional lands :

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

And whereas plans and sections showing the situations and levels of the works by this Act authorised and plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and occupiers of and describing such lands have been deposited with the clerk of the peace for the county of Northumberland and the clerk of the peace for the city and county of Newcastle-upon-Tyne and are in this Act 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 King'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 Newcastle and Gateshead Waterworks Act 1904.

Incorporation of general Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes of and not expressly varied by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say) :—

The Waterworks Clauses Acts 1847 and 1863 except the words in section 44 of the former of such Acts “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” :

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 tanks and the works immediately connected therewith respectively by this Act authorised :

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

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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 non-payment of calls ;

The remedies of the creditors of the Company against the shareholders ;

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

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

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act—

Interpretation.

The expression "existing limits" means the limits within which the Company are authorised by the former Acts to supply water ;

The expression "additional limits" means the area by this Act added to the existing limits ;

The expression "authority" means any urban or rural district council having jurisdiction in any area wholly or partly included within the additional limits ;

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A.D. 1904. — And for the purposes of this Act the expressions “the railway” “the work” and “the centre of the railway” in the Railways Clauses Consolidation Act 1845 mean respectively the service tanks and the works immediately connected therewith by this Act authorised.

Extension of limits of supply.

4. From and after the passing of this Act the following districts parishes townships and places all in the county of Northumberland (namely) the urban districts of Blyth Cowpen Earsdon and Seghill the parishes or townships of Burradon Berwick Hill Brenkley Darras Hall Dinnington High Callerton Horton Grange Little Callerton Mason Ponteland and Prestwick so much of the parish of Stannington as lies to the south of the River Blyth so much of the parish of Heddon-on-the-Wall as lies to the south of the main highway leading from Newcastle-upon-Tyne to Carlisle and so much of the north-eastern part of the parish of Broomley as comprises the places known as Stocksfield Ridley Mill Old Ridley and Painshawfield shall be added to the existing limits and subject to the provisions of this Act the Company shall have and may exercise within the additional limits all such and the like powers rights privileges and authorities and be subject to the like obligations and duties as they now have or may exercise or are subject to within the existing limits and subject as aforesaid the former Acts and this Act shall be in force and have effect as if the additional limits had originally formed part of the existing limits.

Power to local authority &c. to supply water in case Company fails to supply.

5. If at any time after the expiration of five years from the commencement of this Act the Company are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the additional limits the local authority of such district may provide a supply in the whole or any part of their district within those limits in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in the part of the district of such authority within the additional limits not sufficiently supplied by the Company as if in either case this Act had not passed.

If any difference shall arise between the Company and any such local authority company body or person as to the sufficiency of the supply of water in any such part of such district such

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difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade. A.D. 1804.

6. For the purpose of supplying water to any other district the Company shall be entitled to exercise within the urban district of Cramlington and the parishes or townships of East Hartford West Hartford Bebside Horton Seaton Delaval and Hartley all in the county of Northumberland the powers of sections 28 to 34 both inclusive of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes. Power to lay mains in certain areas.

7. For the protection of the mayor aldermen and burgesses of the borough of Tynemouth (hereinafter called "the corporation") the following provisions shall be observed and have effect:— For protection of Corporation of Tynemouth.

(1) Any pipe or other work intended to be laid or made by the Company in or under any street under the powers of this Act within a distance of ten feet from the gravitation main of the corporation laid under the powers of the Tynemouth Corporation (Water) Act 1898 shall be constructed in accordance with a plan and section of the intended work to be submitted to the corporation for approval and approved by them before the work is commenced and the work shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the corporation and shall be thereafter maintained in proper condition and repair by the Company. Provided that if the corporation shall for a period of twenty-eight days after the submission to them of any such plan and section fail to signify to the Company their disapproval thereof and the grounds of such disapproval they shall be deemed to have approved of the same:

(2) If any difference arise between the Company and the corporation or their engineer touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed (unless otherwise agreed on) by the President of the Institution of Civil Engineers upon the application of either of the parties in difference.

8. Subject to the provisions of this Act the Company in the situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make Power to construct works.

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The principal works hereinbefore referred to are as follows :—

- (1) A service tank (No. 1) to be called "Plessey Service Tank" situate in the parish of Stannington in the county of Northumberland on the eastern side of the road leading from Seaton Burn to Hartford Bridge near the premises known as Plessey North Moor Farm :
- (2) A service tank (No. 2) to be called "Whorlton Service Tank" situate in the parish of Newburn Hall in the county of Northumberland to the northward of the premises known as Newburn Hill Head.

Limits of deviation.

9. In the construction of the works authorised by this Act the Company may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards.

Power to acquire additional lands.

10. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use and may hold the lands in the parish of All Saints in the city and county of Newcastle-upon-Tyne hereinafter described so far as the same are delineated upon the deposited plans and described in the deposited book of reference (that is to say) :—

Certain lands situate on the northern side of the western approach to the Glasshouse Bridge and in the angle formed by that approach and the Ouseburn :

Certain lands on the eastern side of the Ouseburn opposite the lands hereinbefore described and lying between Burrell Road and the eastern bank of the Ouseburn.

But notwithstanding anything contained in this Act the Company shall not without the previous consent in writing of the Tyne Improvement Commissioners use or in any manner interfere with any part of the bed or foreshore or waterway of the Ouseburn or of the area within the flow and re-flow of the tide or construct

any work thereon therein thereunder or thereover other than the works authorised by the Act of 1898. A.D. 1904.

11. Notwithstanding anything contained in this Act the Company shall not without the previous consent in writing of the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne (hereinafter called "the corporation") enter upon take or use any of the lands described in the section of this Act of which the marginal note is "Power to acquire additional lands" belonging to the corporation but the following provisions shall unless otherwise agreed between the corporation and the Company have effect (viz.) :—

For protection of mayor aldermen and citizens of city and county of Newcastle-upon-Tyne.

(A) The Company may enter upon take or use (but by way of easement only) so much of the said lands as they may require for the erection of a temporary bridge for the purpose of carrying any water pipes across the Ouseburn and may continue to hold and use such land until the same is required by the corporation for the construction of any of the works authorised or proposed to be authorised by a Bill which is being promoted by the corporation in the present session of Parliament the short title of which when passed into law will be the Newcastle-upon-Tyne Corporation Act 1904 and which Bill is hereinafter referred to as "the corporation Bill":

(B) In the event of the corporation requiring any of the said lands so used by the Company for the construction of any of the works proposed to be authorised by the corporation Bill and in the event of the corporation in the execution of those works building a fixed bridge or fixed bridges across the Ouseburn between the new Glasshouse Bridge and the old Glasshouse Bridge the corporation shall grant to the Company the easement of laying and maintaining water pipes on such bridge or if more than one then on one of such bridges and one of such bridges shall be so designed and constructed by the corporation as to carry such pipes and so soon as such pipes shall have been laid on such bridge the Company shall at their own cost remove the temporary bridge hereinbefore referred to and the pipes thereon and cease to be entitled to occupy the said land:

(C) In the event of the fixed bridge on which the pipes may be laid being at any time converted into an opening

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bridge the easement granted by the corporation to the Company shall cease but in that event or if in the execution of the said works of the corporation opening bridges shall in the first instance be constructed instead of fixed bridges the corporation will give not less than six calendar months notice in writing to the Company of the intention to convert any fixed bridge into an opening bridge or of the construction of such opening bridges as the case may be and the Company will within such six calendar months remove their pipes from such fixed bridge as aforesaid or remove the said temporary bridge and the pipes thereon as the case may be at their own cost and will make no claim for compensation against the corporation in respect of such removal:

- (D) In the event of such a notice as aforesaid being given by the corporation to the Company the corporation shall sell to the Company such portions of the land of the corporation on each side of the Ouseburn lying between the old Glasshouse Bridge and the new Glasshouse Bridge and not required for the works authorised by the corporation Bill as the Company may by written notice to the corporation require to take but such portions of land shall not be of an area greater than the lands referred to in the aforesaid section of this Act and the situation thereof shall if not agreed upon between the corporation and the Company be determined by the chief engineer for the time being of the northern division of the North Eastern Railway and the Company may then construct a bridge across the Ouseburn for the conveyance of water pipes and the corporation shall grant to the Company all such easements over any of the lands belonging to them as may be necessary to enable the Company to lay their pipes underground so far as practicable up to such last-mentioned bridge and over or across the Ouseburn by means thereof:
- (E) The compensation to be paid by the Company to the corporation for any land or easements (other than the easement of laying pipes upon the fixed bridge) acquired by them under the provisions of this section and for the extra cost (if any) incurred by the corporation in so designing and constructing the said fixed bridge as to

carry the said water pipes shall be determined in case of difference by arbitration in the manner provided by the Lands Clauses Acts with respect to the settlement of cases of disputed compensation. Provided that any compensation payable in respect of any easement acquired by the Company shall be by way of rentcharge and the amount of such rentcharge shall in default of agreement be determined as aforesaid.

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12. 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 compulsory purchase of lands.

13. The Company may for the purposes of their undertaking acquire by agreement either in fee simple or for any term or terms of years in addition to lands which they are authorised to hold under the powers of the former Acts or to take by compulsion under the powers of this Act any lands not exceeding in the whole one hundred acres or any easement right or privilege therein thereunder or thereover (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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 or in connection with the undertaking of the Company.

Power to take additional lands by agreement.

14. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands (so far as such provisions are in each case applicable) from time to time sell lease or otherwise dispose of in such manner and to such person 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.

Sale of superfluous lands.

15. The Company shall not be required to supply water within the additional limits at a greater elevation than can be reached by gravitation from the Plessey service tank by this Act authorised.

Elevation for supply of water.

16.—(1) If any authority whose district is wholly or in part within the additional limits shall desire to obtain from the Company a supply of water in bulk for distribution by such authority

Company if required to supply water in bulk to

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authorities
within addi-
tional limits.

in the part of its district which is within the additional limits and shall give to the Company notice in writing of such desire the Company shall within a reasonable time after the receipt of such notice supply and unless prevented by frost unusual drought or other unavoidable cause or accident or during necessary repairs continue to supply at such point as shall be determined by the Company and unless otherwise agreed upon or near to the boundary of the district of such authority and such authority shall unless otherwise agreed take and continue to take from the Company and pay for such quantity of water in bulk as shall be specified in such notice at such price not exceeding eightpence per thousand gallons (exclusive of meter rent) and upon such terms and conditions as may be agreed between the Company and the authority giving such notice.

(2) If at any time any such authority shall require a further supply of water under this section within the additional limits they may give notice to the Company stating the amount of such further supply and the Company shall within a reasonable time after the receipt of such notice afford and the authority shall take in manner aforesaid such further supply at such price not exceeding eightpence per thousand gallons (exclusive of meter rent) and upon such terms and conditions as may be agreed as aforesaid.

(3) If when any notice under this section is given to the Company by such authority the Company shall have laid down within such part of the district of such authority as shall be included in the additional limits pipes for supplying water within such part of such district the Company may within two months after receipt of such notice require the authority to purchase such of the pipes works meters and fittings of the Company within such part of such district as are used exclusively for the supply of such part of such district and the Company shall be under no obligation to comply with such notice unless or until the authority if so required by the Company shall have entered into an agreement to purchase such pipes works meters and fittings at such a price as failing agreement may be determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

(4) After the Company shall have commenced to supply water in bulk to such authority under this section and so long as such authority continue to take such supply the Company shall not without the consent in writing of such authority supply water to

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or within any part of the district of such authority not included within the existing limits otherwise than in accordance with the provisions of this section or of any agreement made under this section. A.D. 1904.

(5) Notwithstanding anything contained in the Public Health Act 1875 such authority may make such waterworks as may be necessary or convenient for receiving and distributing the water supplied to them by the Company under the provisions of this section and the provisions of the Public Health Act 1875 with respect to the borrowing of money by a local authority shall apply in respect of any such waterworks and of any works which may be purchased by any such authority from the Company under subsection (3) of this section.

(6) Any obligation on the Company to afford a supply of water in the part of the district of such authority not included within the existing limits shall not be enforceable so long as a supply of water in bulk is given by them to such authority under the provisions of this section.

(7) Nothing in this Act shall affect any powers which any such authority possessed immediately before the passing of this Act for distributing water from any source of supply from which they were obtaining water on the first day of January one thousand nine hundred and four or for extending or improving any works belonging to them on that date for the purpose of collecting storing or distributing water from such source of supply.

17. The Company shall not enter into any contract with any company body or person for the supply of water in bulk beyond the existing and additional limits without the consent in writing under their common seals of the corporations of Newcastle-upon-Tyne and Gateshead. Agreements
for supply of
water in bulk
beyond
limits.

18.—(1) In the event of any regulations of the Company for the prevention of waste misuse or undue consumption of water made under the powers of the Act of 1863 with respect to the matters referred to in sections 95 96 and 98 of that Act and in section 34 of the Act of 1866 not being complied with by any person being or about to become a customer of the Company within the additional limits the Company may if they think fit after forty-eight hours' notice in writing and after obtaining an order of two justices enter the premises in respect of which For enforce-
ing regula-
tions.

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(2) Any person who shall offend against any such regulations within the additional limits shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding twenty shillings for each offence and to a further penalty not exceeding five shillings for each day or part of a day on which such offence shall occur after conviction thereof and the Company may in addition thereto recover the amount of any damages sustained by them.

(3) So much of sections 95 96 and 98 of the Act of 1863 and of section 34 of the Act of 1866 as authorises the Company to turn off the water from any premises shall not apply within the additional limits.

Company
may raise
additional
capital.

19. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise under the provisions of any of the former Acts 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 one hundred and fifty thousand pounds by the creation and issue at their option of ordinary stock or preference stock or ordinary and preference stock which stock shall for all purposes form part of the general capital of the Company 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 than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of one hundred and fifty thousand pounds.

As to votes
of proprie-
tors of new

20. The proprietors of any stock whether ordinary or preference to be issued under the authority of this Act shall

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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 ordinary shares or stock of the Company.

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shares or
stock.

21. The Company shall not in any one year 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 seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary stock or five pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference stock unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary stock which shall have fallen short of the said rate of seven pounds per centum per annum.

Limit of
dividend on
new capital.

22. The Company may by resolution creating or authorising the creation of any of the new preference stock by this Act authorised determine that such new stock shall rank *pari passu* with any other stock of the Company of the same class created subsequently to the passing of that resolution under the powers of any existing Act or of this Act.

New prefer-
ence stock to
rank *pari*
passu with
subsequently
created pre-
ference stock
if so deter-
mined.

23. Notwithstanding anything in this Act contained the Company shall when any stock created under the powers of this Act is to be issued and before offering the same to the holder of any other stock in the Company and whether the ordinary stock of the Company 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 directors shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of stock and notice of the amount of the reserve 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 Provided also that no priority of tender shall be allowed to any holder of stock in the Company except that if any bid or offer made by any holder of stock be the same in amount as any bid or offer made by any other person the bid or offer of such holder of stock shall be accepted in preference.

New stock
to be offered
by auction or
tender.

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Time for
paying up
stock sold.

24. It shall be one of the conditions of any sale of stock under this Act that the full price thereof together with any premium given by any purchaser at such sale shall be paid to the Company within such period (not exceeding three months after such sale) as may be specified in such conditions of sale.

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

25. The intention to sell any such stock by auction or by tender shall be communicated in writing to the town clerk of the city and county of Newcastle-upon-Tyne and to the town clerk of the borough of Gateshead and to the clerk of the council of every district wholly or partly included within the limits of supply 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 city and borough.

Stock not
sold by auc-
tion or by
tender to be
offered to
shareholders.

26. When any stock created under the powers of this Act has been offered for sale by auction or tender and not sold the same may be disposed of by the directors at a price not less than the reserve price put upon the same for the purpose of sale by auction or tender or may be offered at such reserve price to the holders of ordinary and preference stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any stock not so disposed of or 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 the foregoing provisions of this Act with respect to the sale of stock and at such time or times as the directors of the Company think fit and any stock not then sold shall be again disposed of by the directors or offered to the holders of ordinary stock at the reserve price put upon the same at such second auction or tender and so from time to time until the whole of such stock is sold.

Application
of premium
arising on
issue of
stock.

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

28. The Company may from time to time borrow on mortgage of their undertaking in respect of the additional capital by this Act authorised any sum or sums not exceeding in the whole one-third part of such additional capital raised by stock and at the time actually issued and fully paid up. A.D. 1904.
Power to borrow in respect of additional capital authorised by this Act.

29. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot lunatic or otherwise incapable of managing his affairs the receipt of the guardian or committee of his estate or other person or authority duly appointed to receive money on his behalf shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

30. Section 44 (For appointment of a receiver) of the Act of 1902 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 provision. Repealing existing provisions as to receiver.

31. The mortgagees of the undertaking 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. For appointment of receiver.

32. 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 upon any debenture stock at any time created and issued by the Company. Existing mortgages to have priority.

33. 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 upon 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 upon 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. Debenture stock.

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Priority of mortgages and debenture stock over other debts.

34. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of any former Act relating to the Company or under 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 Acts or in respect of any rent or sum reserved by or payable under any conveyance or lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages 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 on the Company.

Recovery of demands.

35. Proceedings for the recovery of any demand made under the authority of this Act or the former Acts or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any court of competent jurisdiction.

Application of sums raised under this Act.

36. Subject to the provisions of this Act all money which the Company are by this Act authorised to raise by new 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.

Costs of Act.

37. 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.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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