



CHAPTER xxxvi.

An Act for incorporating and conferring powers upon the
North East Lincolnshire Water Company and for other
purposes. A.D. 1906.
[22nd June 1906.]

WHEREAS by the Barton-upon-Humber Water Order 1897 (herein-after called "the Order of 1897") confirmed by the Water Orders Confirmation Act 1897 the Barton-upon-Humber Water Company Limited (herein-after called "the Limited Company") were authorised to maintain and enlarge certain then existing waterworks and subject to the conditions in the Order of 1897 prescribed to supply water within the parishes or places of Barton-upon-Humber Barrow and Goxhill in the parts of Lindsey in the county of Lincoln:

And whereas it was provided by the Order of 1897 that the capital of the Limited Company should not for the purposes of their undertaking exceed sixteen thousand pounds consisting of ten thousand pounds therein referred to as the original capital and six thousand pounds therein referred to as the additional capital unless an increase thereof should be authorised by Provisional Order or Act of Parliament and that the dividends on the said original capital should not exceed ten per centum for ordinary shares or stock and six per centum for preference shares or stock and the dividends on the said additional capital should not exceed seven per centum for ordinary shares or stock and six per centum for preference shares or stock:

And whereas by the Order of 1897 the amount of all moneys borrowed by the Limited Company and secured by mortgage of the undertaking was limited to one-fourth of the amount of capital of the Limited Company actually raised by

A.D. 1906. the issue of shares or stock and the interest on such moneys so borrowed and secured after the commencement of the Order of 1897 was limited to five per centum except with the consent of the Board of Trade :

And whereas the Limited Company are supplying water under the powers conferred by the Order of 1897 and have issued capital to the amount of sixteen thousand pounds herein-before mentioned (in one thousand ordinary shares of ten pounds each entitled to a dividend at the rate of ten per centum and six hundred preference shares of ten pounds each entitled to a dividend at the rate of six per centum) and have borrowed money on debentures to the amount of four thousand pounds herein-before mentioned :

And whereas it is expedient that the Limited Company should be dissolved and that the members thereof should be re-incorporated as in this Act provided into a company (herein-after called "the Company") with power to supply water in the extended area in this Act defined :

And whereas it is expedient that the undertaking of the Limited Company should be vested in the Company and that the Company should be authorised to construct additional works and to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and that such other powers should be conferred upon the Company and such other provisions made with respect to their undertaking as are in this Act mentioned :

And whereas it is expedient that the Order of 1897 should be repealed :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the parts of Lindsey in the county of Lincoln and are herein-after respectively 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 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):—

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1. This Act may be cited as the North East Lincolnshire Water Act 1906. Short title.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):— Incorporation of Acts.

The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital):

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:

The Lands Clauses Acts:

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

The clauses and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the application of that Act to this Act the term "railway" shall mean the reservoir and so much of the conduits or lines of pipes by this Act authorised as will not be constructed in a highway and the expression "centre line of the railway" shall mean the outside of the reservoir shown on the deposited plans and the centres of so much of the said conduits or lines of pipes as aforesaid.

3. In this Act unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and— Interpretation.

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“The Company” means the Company incorporated by this Act;

“The Limited Company” means the Barton-upon-Humber Water Company Limited;

“The Order of 1897” means the Barton-upon-Humber Water Order 1897 confirmed by the Water Orders Confirmation Act 1897;

“The waterworks” and “the undertaking” respectively mean the existing waterworks and works connected therewith of the Limited Company together with the waterworks and works connected therewith by this Act authorised and the existing undertaking of the Limited Company together with the undertaking by this Act authorised.

Incorporation of Company and dissolution of Limited Company.

4. From and after the passing of this Act the Limited Company shall be dissolved and the several persons who immediately before the passing of this Act were members of that company and all other persons who have subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes herein-after mentioned and shall be incorporated by the name of “The North East Lincolnshire Water Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

General purposes of Company.

5. The Company shall be established for the purpose of supplying water to and within the limits of this Act and generally to carry on the business of a water company and for other the purposes of this Act.

Limits of Act.

6. The limits of this Act for the supply of water (hereinafter referred to as “the limits of this Act”) shall be the parishes or places of Barton-upon-Humber Alford Sutton-le-Marsh (otherwise Sutton-on-Sea) Markby Bilsby Well Claxby Scremby Ashby-by-Partney Hundleby Spilsby East Keal Toynton All Saints Toynton St. Peter and Halton Hologate all in the parts of Lindsey in the county of Lincoln.

7. If at any time after the passing of this Act as regards so much of the limits of this Act as was within the limits of supply of the Limited Company under the Order of 1897 or at any time after the expiration of five years from the passing of this Act as regards the remainder of the limits 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 limits of this Act the local authority of such district may provide a supply in the whole or any part of their district within such 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 any part of such district not sufficiently supplied by the Company as if in either case this Act had not been passed.

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Power to
local autho-
rity to sup-
ply water in
case Com-
pany fails to
supply.

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 part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade.

8. Subject to the provisions of this Act all the undertaking waterworks lands buildings property stock plant interests rights powers privileges easements and agreements which immediately before the passing of this Act were vested in the Limited Company or any person or persons in trust for them or to which the Limited Company were in anywise entitled and all mains pipes plant apparatus stock and effects whatsoever which may have been by them purchased provided or laid down in any road or place or house within the limits of this Act or which immediately before the passing of this Act were the property of the Limited Company and all moneys securities for money credits effects and other property whatsoever which immediately before the passing of this Act belonged to the Limited Company or to any trustees on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company and immediately before the passing of this Act in force shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as they were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf and may subject to

Present
property of
Limited
Company
vested in
Company in-
corporated
by this Act.

A.D. 1906. and in accordance with the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed dealt with and disposed of by the Company as they think fit.

Repeal of
Order of
1897 and
annulment
of memoran-
dum and
articles of
association
of Limited
Company.

9. Subject to the provisions of this Act the Order of 1897 is hereby repealed and the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void and the Company and the shareholders shall be exempted from all the provisions restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed Provided also that no higher charges for a supply of water shall be made under the provisions of this Act in the urban district of Barton-upon-Humber than are authorised by the Order of 1897.

Nothing to
affect exist-
ing rights
and liabili-
ties.

10. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the Order of 1897 had not been so repealed and the memorandum and articles of association of the Limited Company had not been avoided by this Act and such incorporation repeal and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the Company were not incorporated and the said Order were not so repealed and the said memorandum and articles of association were not avoided by this Act and this Act were not passed would be incident to or consequent on any and every thing so done or suffered and with respect to all such rights liabilities claims and demands the Company and their shareholders and property shall to all intents and purposes as from the passing of this

Act represent the Limited Company and the members thereof as such and the property of the Limited Company as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act. A.D. 1906.

11. Except as is by this Act otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the passing of this Act by to or with the Limited Company or any trustees or persons acting on behalf of that company or by to or with any other person to whose rights and liabilities they have succeeded and now in force shall as from the passing of this Act and subject to and in accordance with the provisions of this Act be as binding and of as full force and effect in every respect against or in favour of the Company and may as from the passing of this Act and subject as aforesaid be enforced as fully and effectually as if instead of the Limited Company or the trustees or persons acting on behalf of the Limited Company the Company had been a party thereto. Contracts prior to passing of Act to be binding.

12. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the Limited Company or to which the Limited Company were parties immediately before the passing of this Act but such action suit or other proceeding may thereafter be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Limited Company if this Act had not been passed the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted as from the passing of this Act for the Limited Company and the members thereof respectively. Actions &c. not to abate.

13. Every person who (being authorised so to do) before the passing of this Act entered into any bond covenant contract or engagement on behalf of the Limited Company shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement. Indemnity.

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Company to
satisfy lia-
bilities of
Limited
Company.

14. From and after the passing of this Act but subject to and in accordance with the provisions of this Act and except as is by this Act otherwise expressly provided the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject and shall indemnify the members directors officers and servants of the Limited Company and their respective representatives from all such obligations and liabilities and from all expenses and costs in that behalf.

Recovery of
water rates.

15. All water rates and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company shall subject to and in accordance with the provisions of this Act be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to pay-
ment of debts
owing before
passing of
Act.

16. All persons who immediately before the passing of this Act owed any money to the Limited Company or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the passing of this Act were due and recoverable from the Limited Company or for the payment of which the Limited Company were or but for the passing of this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by and be recoverable from the Company.

Certificates
to remain
in force.

17. Notwithstanding the avoidance of the said memorandum and articles of association all certificates (until cancelled under the powers of this Act) sales transfers and dispositions before the passing of this Act made or executed under them for and with respect to any shares in the Limited Company shall remain in full force and continue and be available in all respects as if such memorandum and articles had not been avoided.

Books con-
tinued as
evidence.

18. All documents books and writings which if the said dissolution repeal and avoidance had not taken place would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere notwithstanding such dissolution repeal and avoidance.

19. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments together with the salaries and emoluments thereunto annexed until they shall resign the same or be removed therefrom by the Company or their period of service shall in accordance with notice duly and lawfully given in that behalf by the Limited Company before the passing of this Act or otherwise be determined and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

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Officers to
continue un-
til removed.

20. The books kept by the Limited Company for entering the names addresses and designations of the members thereof with the numbers of their shares shall and may continue to be kept by the Company for the same purpose in relation to the shares by this Act vested in the shareholders in the Limited Company and shall until some other register of holders of those shares shall be provided by the Company be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act 1845.

Present
register of
members to
be continued.

21. The capital of the Company shall be thirty-six thousand pounds (whereof sixteen thousand pounds is in this Act called original capital and shall be divided into one thousand ordinary shares of ten pounds each entitled to dividend at a rate not exceeding ten per centum per annum and six hundred preference shares of ten pounds each entitled to dividend at a rate not exceeding six per centum per annum) and the remaining twenty thousand pounds is in this Act called additional capital and shall be raised in manner herein-after mentioned.

Capital.

22.—(1) The shares in the original capital shall be vested in the several persons who immediately before the passing of this Act were the registered members of the Limited Company in substitution for the shares in the Limited Company held by them respectively one share of ten pounds in the said original capital being substituted for one share of ten pounds of the same class and entitled to the same maximum dividend in the capital of the Limited Company.

Vesting of
shares in
present
shareholders

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(2) Every share so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as at the passing of this Act affected the share for which the same is substituted and every deed or agreement or other instrument or any testamentary disposition shall take effect with reference to the substituted shares in the same manner and to the same extent as they would if this Act had not passed have taken effect with reference to the shares for which the same are respectively substituted.

Company to call in and cancel existing share certificates and issue new certificates in lieu thereof.

23. The Company shall call in and cancel the existing certificates of shares in the Limited Company and issue in lieu thereof certificates in the form and under the conditions prescribed by the Companies Clauses Consolidation Act 1845 but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof but if any holder of any existing share or shares of the Limited Company neglect or omit to send or deliver to the Company his existing certificate or certificates for a period of six months after notice in writing sent by post to his address as appearing in the register of members of the Limited Company the Company may retain any dividend declared or made payable upon or in respect of the share or shares so held by him until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the Company to have been lost or destroyed.

Application of capital raised by Limited Company to purposes of Act.

24. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys raised by the Limited Company before the passing of this Act by the issue of shares or stock or by borrowing or any other moneys received or receivable by the Limited Company on capital account.

Power to raise additional capital.

25. The Company may from time to time raise additional capital not exceeding in the whole twenty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same

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unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided also that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of twenty thousand pounds.

26. Notwithstanding anything in this Act contained the Company shall when any shares or stock in the additional capital created under the powers of this Act are or is to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder of shares or stock be the same in amount as any bidding or offer made by any other person the bidding or offer of such holder of shares or stock shall be accepted in preference.

Shares or stock in additional capital to be offered by auction or tender.

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

Purchase money to be paid within one month.

28. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the council of every district wholly or partly within

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

A.D. 1906. the limits of this Act 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 limits of this Act.

Shares or stock not sold by auction or tender to be offered to holders of ordinary shares.

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

Application of premium arising on issue of shares or stock.

30. Any sum of money which shall arise from the issue of any such shares or stock in the additional capital by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off 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 Provided that in any case where a power to raise money by borrowing or to create a reserve or insurance fund is made proportionate to the paid-up capital the premium received from the sale of shares or stock by auction or tender as hereinbefore provided shall for such purpose be reckoned as part of the paid-up capital.

31. The Company shall not in any year make out of their profits any larger dividend on the original capital of the Company and on the additional capital to be raised under the powers of this Act than ten pounds in respect of every one hundred pounds actually paid up of such original capital as shall have been substituted for capital issued by the Limited Company as ordinary capital entitled to a maximum dividend of ten per centum and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as shall be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend of the Company or the Limited Company which shall have fallen short of the said sum of ten per centum or seven per centum as the case may be or than six pounds in respect of every one hundred pounds actually paid up of such additional or original capital as may be issued as or may have been substituted for capital issued by the Limited Company as preference capital.

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Profits of
Company
limited.

32. In case in any year or in any half year (if the Company declare a dividend half yearly) the net revenues of the Company applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the original and additional capital of the Company a proportionate reduction shall be made in the dividends payable on each class.

Dividends
on different
classes of
ordinary
capital to be
paid propor-
tionately.

33. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking any sum or sums provided that the whole amount so borrowed together with the amount of four thousand pounds borrowed by the Limited Company and owing at the passing of this Act shall not at any time exceed in the whole one-third part of the amount of the capital of the Company for the time being raised by the issue of shares or stock.

Power to
borrow.

34. 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. 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 be not less than one thousand pounds in the whole.

For appoint-
ment of a
receiver.

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Debenture
stock.

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

Priority of
mortgages
over other
debts.

36. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act and the interest due thereon shall have priority against the Company and the property for the time being 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 rentcharge 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 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 their undertaking or works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Saving for
existing
mortgages.

37. All mortgages granted by the Limited Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the terms thereof have priority over all mortgages and debenture stock granted or created and issued by virtue of this Act.

Application
of moneys.

38. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Receipt in
case of per-
sons not *sui*
juris.

39. If any money is payable to a shareholder stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardians or committee of his estate shall be a sufficient discharge to the Company.

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40. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

First ordinary meeting.

41. The prescribed quorum for a meeting of the Company shall be ten holders of shares or stock present in person or by proxy holding in the aggregate not less than one-twentieth of the subscribed capital of the Company.

Quorum of meeting of Company.

42. The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than six or less than three.

Number of directors.

43. The qualification of a director shall be the possession of not less than ten shares.

Qualification of directors.

44. The quorum of a meeting of directors shall be three but if the number of directors be reduced to three the quorum shall be two.

Quorum of directors.

45. Henry Wilson Fred Hopper and Gilbert Henry Nowell with two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) eligible for re-election.

First directors and election of directors.

At the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

46. No person shall be disqualified from becoming or continuing a director of the Company by reason of his or any

Contracts not to disqualify for

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office of
director.

partner of his being or becoming interested in any contract with the Company either in his own behalf or as a member of any other company or any corporation local authority or partnership but no such person shall as a director vote in respect of any question as to any such contract.

Office of di-
rector to be-
come vacant
in certain
cases.

47. If any of the directors shall be made bankrupt or shall go to reside abroad or shall become lunatic or of unsound mind or shall neglect to attend the meetings of directors for three months (unless such neglect to attend be occasioned by illness or by any other reasonable cause allowed by the directors) then in any of the cases aforesaid the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

Number and
qualification
of auditors.

48.—(1) The prescribed number of auditors shall be two or any greater number that may be ordered by resolution of a general meeting Provided that if the Company think fit they may appoint one or more chartered accountants or members of the Incorporated Society of Accountants and Auditors to act in place of such prescribed number of auditors.

(2) It shall not be necessary for any auditor to hold shares or stock in the capital of the Company.

Powers as to
maintenance
and renewal
of existing
works.

49. Subject to the provisions of this Act the Company may maintain improve and renew the existing waterworks of the Limited Company upon the lands on which the same are erected or any part thereof and they may also upon the same lands from time to time improve and renew all necessary and convenient approaches embankments roads ways tunnels adits tanks reservoirs filtering beds weirs dams sluices gauges culverts wells cuts shafts pumping and distributing mains pipes engines meters machinery and other works and apparatus and conveniences in connexion with or in addition to their existing waterworks or for any purposes of their water undertaking for obtaining filtering storing and supplying water.

Power to
make water-
works.

50. Subject to the provisions of this Act the Company may in the lines and situations and according to the levels shown upon the deposited plans and sections make and maintain the works herein-after described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

The works herein-before referred to will be wholly situate in the parts of Lindsey in the county of Lincoln and are as follows : —

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Work No. 1 A well and pumping station in the parish of Hundleby to be situate in the southern portion of an enclosure lying on the south side of the road leading from Twenty Lands Farm to Spilsby and numbered 183 on the 25-inch Ordnance map of that parish (published 1888) :

Work No. 2 A reservoir in the parish of Raithby to be situate at the south-east corner of an enclosure lying on the north side of the road leading from Hundleby to Mavis Enderby and numbered 129 on the Ordnance map of that parish (published 1888) :

Work No. 3 A conduit or line of pipes commencing in the parish of Hundleby in Work No. 1 and terminating in the parish of Raithby in Work No. 2 which said conduit or line of pipes will pass through or into those parishes :

Work No. 4 A well and pumping station in the parish of Alford to be situate on the western portion of an enclosure numbered 126 on the 25-inch Ordnance map of that parish (published 1889) :

Work No. 5 A reservoir in the parish of Well to be situate on the north-east portion of the said enclosure numbered 30 on the 25-inch Ordnance map of that parish (published 1889) :

Work No. 6 A conduit or line of pipes commencing in the parish of Alford in Work No. 4 and terminating in the parish of Well in Work No. 5 which said conduit or line of pipes will pass through or into those parishes.

51. In the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road (including for this purpose any footpath and roadside waste adjoining the same) 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

Limits of
deviation.

A.D. 1906. — the case of the reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding three feet upwards and ten feet downwards Provided that except for the purpose of crossing over a stream dyke drain or watercourse no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to
make subsi-
diary works.

52. The Company in addition to the foregoing works may upon any lands for the time being belonging to them or in over or in respect of which they have any easement estate or interest make and maintain all such cuts channels aqueducts culverts tunnels drifts adits wells shafts bores drains sluices overflows waste-water channels outfalls weirs stand pipes water towers tanks banks walls tramways approaches engines pumps machinery pipes valves filters electric and other apparatus appliances and other conveniences as may be necessary or convenient in connexion with the foregoing works or any of them or in connexion with any other works of the Company or for the purpose of conducting and managing the same or for obtaining raising taking and distributing water but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

For protec-
tion of Post-
master-
General.

53. No telegraphic or telephonic apparatus erected laid down made or maintained under the authority of this Act shall be used for transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to
take waters.

54. Subject to the provisions of this Act the Company may for the purposes of the undertaking collect impound take use divert and appropriate all such springs streams and waters as can be taken or intercepted by the waterworks authorised by this Act and all waters found in or under any of the lands acquired by the Company compulsorily under the powers of this Act.

Acquisition
of lands by
agreement.

55. In addition to any other lands which the Company are under this Act authorised to take or purchase the Company may by agreement purchase or take leases of and hold for the purposes of this Act and for the general purposes of their undertaking any lands not exceeding in the whole ten acres in extent

or any easement (not being an easement of water in which persons other than the grantors have an interest) in over or under any such lands and may also by agreement purchase or take leases of and hold any lands which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment pollution or injury and so long as any such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts. But the Company shall not upon any such lands create or permit any nuisance and no buildings shall be erected on such lands except such as are required for or are connected with the purposes of the undertaking.

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56.—(1) The Company may in lieu of acquiring any lands for the purpose of the conduits or other works by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of making inspecting maintaining cleansing repairing extending altering renewing enlarging and managing the said conduits or other works and of obtaining access thereto and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts.

Power to acquire easements in lieu of lands.

(2) Provided that as regards any lands taken or used by the Company for the purpose of such conduits or other works where they are respectively laid underground the Company shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands taken or used had not been taken or used by the Company.

(3) Provided also that except as to land forming part of a street nothing herein contained shall authorise the Company to acquire by compulsion any such easement in any case in which

A.D. 1906. — the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Persons under disability may grant easements &c.

57. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

58. 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 of this Act.

Period for completion of works.

59. If the works authorised by this Act be not completed within five 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 the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from extending altering or renewing their waterworks mains and pipes from time to time whenever it shall be necessary for the purpose of increasing or distributing the supply of water under the authority of this Act.

Power to hold lands for protection of waterworks.

60. The Company may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Company shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

61. The Company may demise and lease for any terms not exceeding twenty-one years and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Company think fit any lands and property for the time being belonging to the Company which they do not require for the purposes of their undertaking (subject nevertheless 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) and on the lease or sale by the Company of any such lands and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

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Company
may lease
spare lands
of under-
taking.

62.—(1) The Company shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate not exceeding the rates per annum herein-after specified (that is to say) :—

Rates for
supply for
domestic
purposes.

Where the rateable value of the premises so supplied with water shall not amount to five pounds at a rate not exceeding eight shillings and eightpence :

Where such rateable value amounts to five pounds and does not exceed twenty pounds the rate of ten pounds per centum upon such rateable value :

Where such rateable value exceeds twenty pounds and does not exceed forty pounds the rate of nine pounds per centum upon such rateable value :

Where such rateable value exceeds forty pounds and does not exceed sixty pounds the rate of eight pounds per centum upon such rateable value :

Where such rateable value exceeds sixty pounds and does not exceed eighty pounds the rate of seven pounds per centum upon such rateable value :

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Where such rateable value exceeds eighty pounds the rate of six pounds per centum upon such rateable value:

Provided as follows:—

- (A) The Company shall in no case be entitled to charge at a higher rate in respect of any house or part of a house included in any division of the above scale than that at which they would be entitled to charge if such house or part of a house were of just sufficient rateable value to bring it within the next higher division of the said scale:
- (B) The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the half year in which the water rate accrues or if there is none then by the last rate made for the relief of the poor:
- (C) Where the water rate is chargeable on the rateable value of a part only of any tenement entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by two justices:
- (D) The Company shall not within the urban district of Barton-upon-Humber charge any higher rates than those authorised by the Order of 1897 and this Act shall be read as if for that purpose the rates authorised by the Order of 1897 were substituted for the rates authorised by this Act.

(2) In addition to the foregoing charges the Company may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding five shillings per annum and for every fixed bath an additional sum not exceeding ten shillings per annum such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Provided always that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Company may charge an increased rate in proportion to the size of such baths.

63.—(1) The Company may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

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Byelaws for
preventing
waste &c. of
water.

(2) Such byelaws shall apply only in the case of premises to which the Company are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 shall apply to all byelaws so made as if the Company were a local authority.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Company may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Company as the water rates in respect of the premises are recoverable.

64. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Company so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Rates pay-
able by own-
ers of small
houses.

65. The Company shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Company not
bound to sup-
ply several
houses by
one pipe.

- A.D. 1906.
Notice of dis-
continuance.
66. A notice to the Company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Company.
- Supply by
measure.
67. The Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.
- Price of sup-
ply by mea-
sure.
68. The price to be charged for a supply of water by measure shall not exceed one shilling and sixpence per thousand gallons.
- Supply to
houses partly
used for
trade.
69. The Company shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.
- Power to sell
meters and
let water
fittings.
70. The Company may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Company to let for hire any water fittings to any person supplied by them with water.
- Company to
keep certain
meters in
repair.
71. The Company shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The Company shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter or other instrument at all reasonable times.
- Repair of
certain me-
ters by con-
sumers.
72. Every consumer of water of the Company shall at all times at his own expense keep all meters belonging to him whereby any water of the Company is registered in proper order for correctly registering such water in default whereof

the Company may cease to supply water through such meters and the Company shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Company if the meter be found in proper order but otherwise at the expense of the consumer. A.D. 1906.

73. Where water is supplied by meter the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Company Provided always that if the Company and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. Register of meter to be evidence.

74. Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Notice to Company of connecting or disconnecting meters.

75. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy for the protection of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained: Injuring meters and fittings.

A.D. 1906.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to supply materials.

76. The Company may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Company in providing such materials and executing such work shall be paid by the person requiring the same.

Power to lay pipes in streets not dedicated to public use.

77. The Company may on the application of the owner or occupier of any premises within the limits of this Act abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

For protection of Lincolnshire.

78. In executing the waterworks by this Act authorised and exercising other powers within the limits of supply of water

defined by this Act so far as main roads and county bridges within the parts of Lindsey in the county of Lincoln are thereby affected the following provisions for the protection of the county council of the administrative county of the parts of Lindsey Lincolnshire (in this section called "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Company (that is to say):—

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—
(parts of
Lindsey)
County
Council.

- (1) All mains conduits or lines of pipes or works to be laid in or along any main road shall be constructed and laid in such position at the side thereof or where necessary under the metalled portion of the road but in such a case at a depth of not less than three feet below the surface thereof as the county council shall by writing under the hand of their surveyor direct and shall not be constructed or laid in upon or across any county or main road bridge or any arch connected therewith but shall be carried over the stream crossed by such bridge by means of wrought iron riveted tubing (or other suitable method to be agreed on between the parties) alongside of and attached to such bridge or arch and the gradient of such bridge and of the respective approaches thereto shall not be altered:
- (2) All mains pipes conduits or works to be constructed or laid in along or across or in any way affecting any county or main road bridge or any approach thereto shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such works and all such plans sections and specifications shall be delivered to the said surveyor not less than fourteen days before the Company commence to break or open any main road or street for the purpose of laying the said mains conduits or lines of pipes. Provided that if the said surveyor shall not within fourteen days after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

A.D. 1906.

- (3) The works shall be so executed and all necessary repairs thereto shall be so executed as not in any way to stop or unreasonably interfere with or impede the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible despatch and during the laying of the mains every precaution shall be taken to avoid danger or injury to persons or cattle or stock using the road and in particular the Company will cause danger lights to be placed at night at the end and by the side of the trenches which may be dug and temporarily left open in or across any road so that all such lights are lit and kept burning from one hour after sunset to one hour before sunrise whilst the said trenches remain open so as to effectually warn the traffic passing on the said road and a watchman shall also be employed by the Company to warn passengers on the road when necessary during the night :
- (4) The Company shall pay to the county council the reasonable costs of their surveyor in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised :
- (5) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to alter the level of divert widen or improve any such main road and also to remove alter widen or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have altered the level of diverted widened or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and as if such mains pipes or works had not been constructed or laid in over alongside or near to such main road or bridge respectively without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of such alteration of level diversion widening

A.D. 1906.

improvement alteration or renewal And in the event of any such main road or bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Company shall at their own expense as and when requested by the said surveyor forthwith remove or alter the position of the said mains conduits or pipes and the works by which the same are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor Provided that before and during such diversion widening improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall afford at the cost of the Company reasonable facilities for temporarily carrying such mains or pipes along the main road or across the stream so as not to interrupt the continuous supply of water :

- (6) The county council shall not be liable for or in respect of any damage or injury done to any main conduit or line of pipes of the Company in or under the metalled portion of any road or street arising from the ordinary use by the council or by any district council of a steam or other roller not exceeding twelve tons in weight or from the passage of the traffic on such road or street :
- (7) The Company shall to the satisfaction of the surveyor of the council make good and thereafter for the space of twelve months keep in repair the portion of all roads broken up by the Company in the exercise of any of the powers by this Act authorised and particularly where the main conduit or line of pipes is laid on the metalled portion of any main road or street the soil shall be rammed over the pipes when laid in six-inch layers with an iron-headed rammer and large slag or chalk nine inches in depth and of the full width of the trench shall be hand-placed on the top of the soil then four and a half inches of two and a quarter inches of broken slag and finished with the best of the displaced road

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material and such quantity of one-and-three-quarters inch granite as may be necessary and the surface shall be rolled and consolidated with a heavy roller :

- (8) Notwithstanding anything in this Act contained if any difference arise between the Company and the county council touching this section or anything to be done thereunder such difference shall be referred to two justices of the peace acting in and for the parts of Lindsey.

For protec-
tion of urban
district
councils of
Alford and
Barton-upon-
Humber and
rural district
council of
Spilsby.

79.—(1) All mains conduits or lines of pipes laid by the Company in or along any road or street within the urban districts of Alford and Barton-upon-Humber or the rural district of Spilsby shall be laid by them in such position in or at the side of such road or street as the council of that district (herein referred to as "the council") under the hand of their surveyor shall reasonably direct and shall not without the consent in writing of such council be constructed or laid upon across or so as to interfere with the structural part of any bridge or culvert but shall be carried over or under the stream drain or water-course crossed by such bridge or culvert at the side thereof.

(2) The plans required by section 31 of the Waterworks Clauses Act 1847 shall clearly indicate the position manner and depth in and at which the mains conduits and lines of pipes are intended to be laid and shall be delivered to the council or their surveyor by the Company not less than fourteen days before the Company commences to break or open any road or street in the district for the purpose of laying the said mains conduits or lines of pipes.

(3) Nothing in this Act contained shall interfere with the right of the council to alter the level of or deviate or improve in any manner the council think fit any road in or along which any main conduit or line of pipes of the Company have been laid and the Company shall so soon as practicable after receiving notice in writing under the hand of the clerk or surveyor of the council alter the position of any such main conduit or line of pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner herein-after provided and the expenses of any such alteration deviation or improvement shall be paid to the Company by the council.

(4) All works of laying mains conduits and lines of pipes and of all necessary repairs thereto shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not to any way impede or interfere with the traffic on any road or street.

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(5) The council shall not be liable for or in respect of any damage or injury done to any main conduit or line of pipes of the Company in or under the metalled portion of any road or street arising from the ordinary use by the council of a steam or other roller not exceeding twelve tons in weight or from the passage of the traffic on such road or street.

(6) The Company shall to the satisfaction of the surveyor of the council make good and thereafter for the space of twelve months keep in repair the portion of all roads broken up by the Company in the exercise of any of the powers by this agreement authorised.

(7) If any difference arise between the Company and the council under this agreement such difference shall be settled by arbitration by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to such arbitration.

80. The following provisions for the protection of the Great Central Railway Company (in this section called "the Great Central Company") shall unless otherwise agreed in writing between the Company and the Great Central Company be in force and have effect and be binding on the Company:—

For protec-
tion of Great
Central
Railway
Company.

- (1) In laying down and executing any mains pipes or other works (not being the repair or renewal of existing works of which the character and position are not altered) upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the Great Central Company or the bridges approaches or other works or any level crossing of or repairable or used by that company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that company and only according to plans and sections submitted to and

A.D. 1906.

in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Company who shall also restore and make good the roads over any such bridges level crossings and approaches which the Great Central Company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Company and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railway bridges level crossings approaches station works lands or property or interruption to the passage or conduct of the traffic over such railway or at any station thereon and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any of such mains pipes or works under or near to any such bridge or level crossing the Company shall make compensation in respect thereof to the Great Central Company :

- (2) The Company shall bear and on demand pay to the Great Central Company the reasonable expense of the employment by that company during the execution of any work affecting their railways of a reasonable number of inspectors watchmen and signalmen to be appointed by the Great Central Company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors :
- (3) In case the Great Central Company shall deem it expedient to alter or widen any of their railways upon across over under or in places where the undertakers shall have placed any such mains or pipes the Company shall at their own expense divert such mains or pipes to admit of any such alteration or widening as aforesaid or will permit the Great Central Company to do the same and repay the Great Central Company the costs thereof :

- (4) The provisions herein-before contained shall apply to the lands and property and light railway which the Great Central Company are by the Grimsby District Light Railway Order 1906 authorised to acquire and construct and in any question affecting the said lands and property or the said light railway or any future extension or deviation thereof the provisions of this section shall apply as though the said light railway were already constructed. A.D. 1906.

Any difference which may arise between the Great Central Company and the Company under this section shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

81. The following provisions for the protection of the Great Northern Railway Company (herein-after in this section called "the Great Northern Company") shall unless with the previous consent of the Great Northern Company in writing under their common seal apply and have effect:— For protection of Great Northern Railway Company.

- (1) The expression "Great Northern property" when used in this section shall include any land railway work or convenience belonging to the Great Northern Company :
- (2) Notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not purchase or take any Great Northern property or any easement thereover but this provision shall not preclude the Company from laying mains or pipes in public roads which cross the Great Northern Company's railway :
- (3)--(A) Work No. 6 where it will be constructed under the level crossing at the northern end of the Great Northern Company's Alford station or within twenty yards on either side of the said level crossing shall consist of a cast-iron pipe not exceeding in diameter the size of the Company's mains on each side of the Great Northern Company's railway :
- (B) All other mains and pipes laid by the Company under any level crossing of the Great Northern Company shall if the engineer shall reasonably so require be carried under and for a distance of seven yards on either side of the same in a culvert of sufficient

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dimensions to admit of such mains or pipes being relaid or repaired without interference with the Great Northern Company's railway and if the engineer does not so require shall where the said mains and pipes will be constructed under or within a distance of twenty yards on either side of any such level crossing consist of a cast-iron pipe not exceeding in diameter the size of the Company's mains on each side of the Great Northern Company's railway :

- (c) All mains and pipes laid by the Company over or under any bridge over or under any railway of the Great Northern Company shall be carried over or under the same in such a way as not to interfere with the structure of any such bridge :
- (4) Work No. 6 and all other works of the Company over or under any Great Northern property shall be constructed and maintained so as to permanently support any railway or work of the Great Northern Company which may for the time being be over the same and in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the engineer of the Great Northern Company (herein-after called "the engineer") or in case of difference between him and the engineer of the Company by an engineer to be appointed as herein-after provided and all such works shall be constructed and repaired in such manner and at such times as shall be previously approved by the engineer and under his superintendence and to his reasonable satisfaction The Company shall give the engineer (except in cases of emergency) not less than ten days' notice in writing before commencing to execute any works of construction or repair affecting Great Northern property :
- (5) The Company shall not in the execution maintenance or repair of Work No. 6 or any of their works remove or disturb any of the rails of any railway or work belonging to the Great Northern Company or obstruct hinder or interfere with the free uninterrupted and safe user of any such railway or work or any traffic thereon and shall during the execution or repair of any of their works execute all such

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temporary works as the engineer may reasonably consider necessary for the purpose of avoiding risks to the railways or works of the Great Northern Company or interruption to the traffic thereon :

- (6) The Company shall bear and on demand pay to the Great Northern Company the reasonable expense of the employment by the Great Northern Company during the execution or repair of Work No. 6 or of any work affecting any Great Northern property of a sufficient number of inspectors watchmen and signalmen to be appointed by the Great Northern Company for watching and signalling the same with reference to and during the execution or repair of any such work of the Company and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employment of the Company or of their contractors with reference thereto or otherwise and shall also bear and on demand pay the costs of the engineer in connexion with the said works :
- (7) In the event of the Great Northern Company raising or lowering the level of or widening their railway over Work No. 6 or making any other alteration or constructing any works which may render necessary or desirable any alteration in Work No. 6 the Great Northern Company may at the expense of the Company make all such alterations in the construction and position of Work No. 6 as may be necessary or expedient and without making the Company any compensation therefor but in such case the Great Northern Company shall cause as little detriment and inconvenience to the Company as practicable and restore reconstruct or alter such works of the Company in as favourable and suitable a position and with as much speed as practicable :
- (8) If by reason of the execution user or failure of any of the works of the Company or any act of omission of the Company or of their contractors or of any person in the employment of the Company or of their contractors or otherwise any railway or work belonging to the Great Northern Company shall be

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injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Great Northern Company may make good the same and the reasonable expenses thereof as certified by the engineer shall be repaid to the Great Northern Company by the Company on demand and the Company shall indemnify the Great Northern Company against all losses which the Great Northern Company may sustain and shall pay all costs charges and expenses which the Great Northern Company may be put to or incur by reason of the execution user or failure of any of the works of the Company or any act or omission of the Company or their contractors or any person in the employment of the Company or their contractors or otherwise:

- (9) If any difference shall arise between the Company and the Great Northern Company or their respective engineers under this section the same shall be determined by an arbitrator to be appointed failing agreement by the Board of Trade on the application of either party after notice to the other.

For protection of commissioners of sewers for county of Lincoln.

82. For the protection of the commissioners of sewers for the county of Lincoln (in this section referred to as "the commissioners") the following provisions shall except so far as it may be otherwise agreed in writing between the commissioners and the Company apply and have effect (that is to say):—

- (1) If for the purposes of this Act the Company find it necessary or expedient to construct or lay down any work over under or in any way affecting any river sewer drain watercourse bank or other work subject to the jurisdiction or control of the commissioners such intended work shall be constructed or laid down only in accordance with plans sections and specifications which shall be previously submitted to the commissioners and shall be subject to their reasonable approval in order that any such intended work shall not interrupt the free passage of water through or otherwise interfere with or prejudicially affect any works under the jurisdiction or control of the commissioners and all such intended works shall be executed repaired and maintained to

the reasonable satisfaction of the commissioners by and at the expense of the Company : A.D. 1906.

- (2) If the commissioners at any time or times hereafter in the exercise of their powers and duty deem it necessary to construct any additional or other works or to alter enlarge or repair any works subject to their control over under or by the side of which any works of the Company may have been constructed or laid the commissioners may by notice in writing require the Company to alter the situation of the same in such manner and within such reasonable time as is specified in the notice and if such notice is not complied with or in case of emergency on giving as long a notice as practicable the commissioners themselves may at the cost of the Company raise sink or otherwise deal with the same in as convenient a manner as the circumstances will admit and doing as little damage as may be but without being liable to pay compensation :
- (3) If by reason of the execution of the works by this Act authorised any loss damage or expense shall at any time be sustained or incurred by the commissioners the Company shall on demand repay to the commissioners the amount thereof :
- (4) Nothing in this Act contained shall be deemed or construed to prejudice diminish alter abridge or take away any of the jurisdictions rights powers or authorities vested in the commissioners and all such jurisdictions rights powers and authorities shall be as good valid and effectual to all intents and purposes as if this Act had not been passed :
- (5) If any difference shall arise between the commissioners and the Company under this section the same shall be referred to an arbitrator to be appointed by the Board of Trade upon the application of either party.

83. The Company and the Alford Gas Company shall be answerable to each other for all accidents damages and injuries happening to the works of each other through or resulting from their acts or defaults respectively or their contractors or servants and shall respectively save harmless all corporations local authorities companies or persons their officers and

Company and Alford Gas Company to be responsible to each other for damages.

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Notice to be given when gas or water pipes interfered with.

84. Whenever either the Company or the Alford Gas Company intend to lay relay or alter any mains or pipes (other than service pipes) or to construct any other works under any roads or streets which will in any way interfere with the pipes of the other Company notice in writing of the intention to lay relay or alter such mains and pipes or construct any such works and describing the character extent and situation of such mains pipes or works shall be given by the Company proposing to do such work to the other Company fourteen days at least before commencing the same provided that in cases of sudden emergency the notice shall be given as soon as practicable.

Contracts for supplying water in bulk.

85. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Several sums in one summons.

86. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in the schedule thereto several sums.

Liability to water rate not to disqualify justices from acting.

87. No justice or judge of any county or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate or other charge under this Act.

Power to Company to sell undertaking to local authority.

88. At any time after the commencement of this Act the Company may sell and transfer their undertaking or any part thereof to any local authority within the meaning of that term in the Public Health Act 1875 whose district or part of whose district may be within the limits of this Act and any such local authority may with the sanction of the Local Government Board purchase the same for such price and upon such terms and conditions as may be agreed upon and from and after such sale

of the undertaking to any such local authority as aforesaid all the property real and personal and all rights powers and privileges authorities duties obligations and liabilities of the Company in respect of the undertaking (or the part thereof so sold and transferred) held enjoyed exerciseable or to be performed by the Company at the time of such sale other than and except powers relating to share and loan capital and of general meetings and directors or otherwise relating to the constitution or management of the Company shall subject to all the liabilities then affecting the same be transferred to and vested in and may and shall be enjoyed and exercised and performed by the local authority purchasing the same as though the same had been acquired by and conferred upon the said local authority instead of the Company.

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89. The Company shall deliver to the registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty and every penalty under this section shall be recoverable summarily.

Copy of Act
to be regis-
tered.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

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

Costs of Act.

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