



ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap.iv.

An Act to amend the Act relating to the *Whittle Dean* Water Company, and to enable such Company to maintain additional Works, for better supplying with Water the Inhabitants of the Boroughs of *Newcastle-upon-Tyne* and *Gateshead*, and certain Places adjacent and near thereto, in the Counties of *Northumberland* and *Durham*.

[9th May 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for supplying the* 8 & 9 Vict. c. lxxi.
Borough and County of Newcastle-upon-Tyne and the Borough of Gateshead in the County of Durham, and the Neighbourhoods thereof, with Water, from Whittle Dean in the Parish of Ovingham, and other Places in Northumberland: And whereas the Whittle Dean Water Company, incorporated by such Act, have proceeded in the Execution thereof, and have constructed Reservoirs, Aqueducts, and other Works, and now afford a Supply of Water to the Inhabitants of Newcastle-upon-Tyne and Gateshead: And whereas, in pursuance
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suance of Powers given by such Act, the Company purchased the Undertaking of the *Newcastle* Subscription Water Company: And whereas, in order to continue to afford a Supply to the Inhabitants within the Limits of the recited Act, and to meet the increasing Demand for a Supply of Water within such Limits, it is expedient that the Powers given to the Company by the said Act should be enlarged, and the Company be enabled to provide and maintain a Reservoir and Aqueduct and other Works, in addition to such as were authorized by the said Act: And whereas the Share Capital of the Company by virtue of the recited Act is One hundred and fifty thousand Pounds, divided into Six thousand Shares of Twenty-five Pounds each, and the Company were authorized to borrow on Mortgage or Bond any Sums not exceeding in the whole Fifty thousand Pounds: And whereas the Company have raised nearly the whole of the Money authorized by the said Act to be raised by Shares and by borrowing: And whereas the Company have, under the Provisions of the Companies Clauses Consolidation Act, 1845, created Six thousand new Shares of the Value of Eight Pounds Six Shillings and Eightpence each, for the Purpose of thereby raising as well Part of the Sum so borrowed as aforesaid as Part of the Sum so authorized to be borrowed without borrowing the same, and have received certain Deposits, Calls, or Sums of Money in respect of such new Shares: And whereas, in order to meet the Expense of the additional Reservoir and Works herein-after mentioned, and to extend the Company's Supply of Water, the Company have found it necessary to expend nearly the whole of the Sums received in respect of such new Shares in discharging the Liabilities of the Company, and it is expedient that the Capital of the Company should be increased, and further Powers given of raising Money: And whereas it is expedient that the Company should be enabled to supply with Water the Inhabitants of the several Parishes of *Newburn* and *Wallsend* in the County of *Northumberland*, and *Winlaton* and *Ryton* in the County of *Durham*, in addition to the Inhabitants within the Limits of the recited Act, which Limits include the Boroughs of *Newcastle-upon-Tyne* and *Gateshead*, and the several Parishes and Places adjoining the same respectively, that is to say, the Townships of *Benwell* and *Fenham* and the Parishes of *Gosforth* and *Longbenton* in the County of *Northumberland*, and the Chapelry of *Heworth* otherwise *Nether Heworth* and the Parishes of *Lamesley* and *Whickham* in the County of *Durham*: And whereas it is expedient that the Powers and Provisions of the said Act should be amended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

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ment assembled, and by the Authority of the same, as follows ; (that is to say,)

I. That "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act. 8 & 9 Vict.
cc. 16. & 18.
incorporated
with this
Act.

II. That this Act may be cited for all Purposes as "The *Whittle Dean Waterworks Amendment Act, 1853.*" Short Title.

III. And whereas Plans and Sections showing the Lines and Levels of the Reservoir, Aqueduct, and other Works to be authorized by this Act, and the Lands in or upon which the same are or will be made, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Northumberland*: Be it enacted, That it shall be lawful for the Company, subject to the Provisions and Restrictions in this Act contained, to make, provide, or maintain the Reservoir, Aqueduct, and other Works and Conveniences connected therewith described on the said Plans and Sections in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference as the Company shall deem necessary for that Purpose, and to enter upon, take, and use such Lands, or to acquire compulsorily or by Agreement any Easement, Liberty, Privilege, Power, or Authority in or over the same, or to agree for and take a Lease or Leases of such Lands or any of them, and to take therefrom such Water as the Company may require for the Purposes of the recited Act and this Act. Power to
make Water-
works ac-
cording to
deposited
Plans.

IV. That, subject to the Restrictions in this Act contained, it shall be lawful for the Company, where Limits of Deviation are marked on the said Plans, to deviate from the Lines delineated on the said Plans so deposited with the said Clerk of the Peace to the Extent of the Limits of Deviation marked on the said Plans. Power to de-
viate from
Plans in cer-
tain Cases.

V. That it shall be lawful for the Company to deviate from the Levels shown on the Section to the Extent of Five Feet only. Power to de-
viate from
Section.

VI. That it shall be lawful for the Company to purchase by Agreement, or take on Lease or otherwise, and to hold, any Quantity of Land not exceeding Five Acres which they may require, in addition to the Lands acquired by them by virtue of the recited Act, and the Lands herein-before authorized to be taken for the Purposes of the Works by this Act authorized. Power to
purchase
additional
Lands.

VII. That

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In case of
Parties under
Disability,
Lands to be
let at best
yearly Rent.

VII. That the several Parties empowered under the Provisions contained in the Lands Clauses Consolidation Act, 1845, to sell and convey Lands, shall respectively have full Power to grant any Lease or Leases of the Lands by this Act authorized to be taken or held by the Company, or of any Easement, Liberty, Privilege, Power, or Authority in or over the same, for the Purposes of the recited Act or this Act, or any of them: Provided always, that in every such Lease by a Party under any Disability or Incapacity, and not having Power to sell and convey Lands, except under the Provisions aforesaid, there shall be reserved the best yearly Rent for or in respect of the Premises thereby demised, and that no Fine, Premium, or Foregift shall be paid upon or in respect of the same.

Period for
completing
Works.

VIII. That the additional Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the said incorporated Acts granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Waterworks as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Company from extending their Mains and Pipes from Time to Time, wherever it shall be necessary, for the Purpose of supplying the Inhabitants and other Persons requiring the same, within the Limits of the recited Act and this Act, with Water.

Power to
raise addi-
tional Capital
by Creation
of new
Shares.

IX. That in addition to the Sums of One hundred and fifty thousand Pounds and Fifty thousand Pounds, making together Two hundred thousand Pounds, so raised or authorized to be raised as aforesaid, and now constituting the Share Capital, the Company may from Time to Time raise by the Creation of new Shares any further Sum or Sums of Money not exceeding in the whole the Sum of Fifty thousand Pounds.

New Shares
already
issued to be
deemed
original
Capital.

X. That the said Sum of Fifty thousand Pounds for which new Shares have been created by the Company, in lieu of borrowing or continuing such Sums on Mortgage or Bond, as before mentioned, shall be deemed Part of the original Capital of the Company, and may be applied for any of the Purposes authorized by the recited Act and this Act.

As to raising
new Share
Capital.

XI. That with regard to the new Capital hereby authorized to be raised, the new Shares to be created by the Company for the Purpose of raising the same may be issued in the Manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the Conversion of the borrowed Money into Capital, and the Provisions of such Act, whether with reference to the Payment of Calls, or the
Forfeiture

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Forfeiture of Shares upon Nonpayment of Calls, or otherwise, shall be applicable to the new Capital so to be raised, in the same Manner as if the same had formed Part of the original Capital of the Company.

XII. That the said new Capital shall be applied in carrying the Purposes of the recited Act and this Act into execution as the Directors of the Company may think proper, and to no other Purpose whatsoever.

XIII. That One Fourth Part of any Share shall be the greatest Calls. Amount of any One Call which the Company may make on the new Shareholders, and Three Months at the least shall be the Interval between successive Calls, and Three Fourth Parts only of a Share shall be called for in any One Year.

XIV. That the Proprietors of all new Shares, whether created previously to or after the passing of this Act, shall in respect thereof be entitled, together with the Proprietors of Shares in the original Capital, to participate in the Profits and Advantages of the Undertaking in proportion to the Amount paid up on such respective Shares.

XV. That the Twelfth Section of the recited Act, relating to the voting of the Shareholders at Meetings of the Company, shall be and is hereby repealed.

XVI. That at all Meetings of the Company every Holder of Shares, as well original as new, representing the Sum of Fifty Pounds in the Capital of the Company and upwards, shall be entitled to vote as follows :

For Shares representing the nominal Value of Fifty Pounds in the Capital of the Company and less than One hundred and twenty-five Pounds, One Vote ; for Shares representing the nominal Value of One hundred and twenty-five Pounds in such Capital and less than Two hundred and fifty Pounds, Two Votes ; for Shares representing the nominal Value of Two hundred and fifty Pounds in such Capital and less than Five hundred Pounds, Three Votes ; and an additional Vote for every Two hundred and fifty Pounds of such nominal Value beyond the first Two hundred and fifty Pounds.

XVII. That it shall be lawful for the Company to raise on Mortgage or Bond, or to continue on Mortgage or Bond, the Sum of Fifty thousand Pounds authorized to be raised by the said recited Act, in the same Manner as they could have raised or continued the same on Mortgage or Bond if the said Six thousand Shares of the nominal

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Power to borrow Money on Mortgage, &c.

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Value of Eight Pounds Six Shillings and Eightpence each had not been created as herein-before mentioned, and such Money shall be applied to the Purposes of the recited Act and this Act.

Limits of
recited Act
and this Act
extended to
certain Pa-
rishes, &c.

XVIII. That the Limits of the recited Act and this Act shall extend to and include the several Parishes of *Newburn* and *Wallsend* in the County of *Northumberland*, and the Parishes of *Winlaton* and *Ryton* in the County of *Durham*, as well as and in addition to the Borough and County of *Newcastle-upon-Tyne*, the Town and Borough of *Gateshead* in the County of *Durham*, and the several Parishes and Places adjoining thereto respectively, as prescribed in the recited Act.

Expenses of
Act.

XIX. That the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or in respect thereto, shall be paid by the Company.

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