



CHAPTER 1.

An Act to enable the Windermere District Gas and Water Company to raise additional capital to construct new Waterworks and for other purposes. A.D. 1889.
[5th July 1889.]

WHEREAS by the Windermere District Gas Act 1862 (in this Act called "the Act of 1862") the Windermere District Gas Company (in this Act called "the Company") were incorporated and authorised to make gasworks and supply gas within the limits therein described:

And whereas by the Windermere District Waterworks Act 1869 (in this Act called "the Act of 1869") the name of the Company was changed to "the Windermere District Gas and Water Company" and the Company were authorised to make waterworks and supply water within the same limits within which they were authorised to supply gas:

And whereas by the Act of 1862 for the purposes of the gasworks the authorised share capital of the Company was ten thousand pounds and the Company were authorised to borrow to the extent of two thousand five hundred pounds and by the Act of 1869 for the purposes of the waterworks the authorised share capital was seven thousand five hundred pounds in ordinary shares and after the same should be fully paid up in addition thereto and subject to the consent of three-fifths of the votes of the shareholders a further seven thousand five hundred pounds in ordinary or preference shares and the Company were authorised to borrow to the extent of three thousand six hundred pounds:

And whereas by the Act of 1869 it was provided that all shares issued under the powers of that Act should confer on the respective holders thereof the same qualifications and rights of voting as the then existing shares in the capital of the Company created under the authority of the Act of 1862:

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And whereas the Company have issued shares for the ten thousand pounds authorised by the Act of 1862 which shares are fully paid up and have issued new shares for the two thousand five hundred pounds authorised by the Act of 1862 to be borrowed instead of borrowing the same in respect of which shares five hundred pounds have been paid up and have issued shares for eight thousand six hundred and thirty pounds part of the fifteen thousand pounds authorised by the Act of 1869 which shares are fully paid up :

And whereas it is expedient that the Company be authorised to issue the shares authorised to be issued by the Act of 1869 and now unissued freed from the restriction imposed by that Act :

And whereas the demand for gas and water within the limits of the Company for the supply of gas and water is increasing and it is expedient that the Company be authorised to raise additional capital for the purposes of the gasworks and for the purposes of the waterworks respectively and to make additional waterworks :

And whereas the Company do not owe any money on mortgage or bond and have not created or issued any debenture stock :

And whereas the Act of 1869 contained a certain provision for the supply of compensation water to certain mills manufactories and other works and it is expedient that in substitution for such provision other provision be made by this Act for the supply of compensation water to such mills manufactories and works :

And whereas by the Act of 1869 the Company are prohibited except with the consent of certain owners or occupiers of mills manufactories and other works from supplying water to be used for turning any water wheel or turbine or any other machine moved by water and used for trade purposes and it is expedient that such prohibition be removed :

And whereas plans and sections showing the lines situations and levels of the waterworks authorised by this Act with books of reference thereto containing the names of the owners or reputed owners lessees or reputed 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 county of Westmorland and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) : A.D. 1889.

1. This Act may be cited as the Windermere District Gas and Water Act 1889. Short title.

2. This Act and the Act of 1862 as altered and amended by the Act of 1869 and by this Act and the Act of 1869 as altered and amended by this Act shall be read and construed as one Act except so far as such construction would be inconsistent with or repugnant to the provisions of this Act and the Acts of 1862 and 1869 and this Act may be cited together as the Windermere District Gas and Water Acts 1862 1869 and 1889. Acts to be read as one Act.

3. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (herein-after referred to as "the Lands Clauses Acts") the Waterworks Clauses Acts 1847 and 1863 the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) : Incorporation of general Acts.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested : and

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (subject to the provisions of this Act) incorporated with and form part of this Act.

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The provisions herewith incorporated of the Railways Clauses Consolidation Act 1845 shall apply but shall apply only to the reservoirs by this Act authorised to be respectively enlarged and made and in construing those provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said reservoirs and the boundaries thereof.

The Gasworks Clauses Act 1871 shall apply to the undertaking of the Company authorised by the Act of 1862.

Section 44 of the Waterworks Clauses Act 1847 as incorporated in the Act of 1869 and in this Act shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom.

Interpre-
tation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts of 1862 and 1869 or the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

The expression "the gas undertaking" means the undertaking by the Act of 1862 authorised and the expressions "the waterworks" and "the water undertaking" mean respectively the waterworks and the works connected therewith and the undertaking so far as the same relates to waterworks by the Act of 1869 and this Act authorised.

Application
of capital
authorised
by Act of
1869.

5. The Company may apply for the purposes of the water undertaking to which capital is properly applicable any money which they have raised or are authorised to raise under the Act of 1869 which money is not made applicable for any particular purpose or if so made applicable is not required for that purpose.

Amendment
of Act of
1869 s. 10.

6. From and after the passing of this Act the Act of 1869 shall be read and have effect as if the following words (that is to say) "with the consent of three-fifths of the votes of the shareholders present in person or by proxy at any general meeting of the Company specially convened for the purpose" had not been inserted in section 10 of that Act.

Power to
Company
to raise
additional
capital.

7. The Company may from time to time raise (in addition to their present capital) any further capital for the gas undertaking of the Company not exceeding in the whole seventeen thousand five hundred pounds and any further capital for the water undertaking of the Company not exceeding in the whole fifteen thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially 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 or corporation accepting the same unless and until the full nominal amount of such share or stock (if such share or stock be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of seventeen thousand five hundred pounds for the gas undertaking or the sum of fifteen thousand pounds for the water undertaking.

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8. The additional capital by this Act authorised to be raised for the gas undertaking shall form part of the gasworks capital of the Company and shall be appropriated to and used for the gas undertaking only (including a moiety of the costs of obtaining this Act) and the additional capital by this Act authorised to be raised for the water undertaking shall form part of the waterworks capital of the Company and shall be appropriated to and used for the water undertaking only (including a moiety of the costs of obtaining this Act).

Appropriation of additional capital.

9. Subject to the provisions of this Act the capital in new shares or stock created by the Company under this Act for the purpose of raising gasworks capital and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing gasworks capital of the Company and the new shares or stock were shares or stock in that capital and the capital in new shares or stock created by the Company under this Act for the purpose of raising waterworks capital and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if such last-mentioned capital were part of the now existing waterworks capital of the Company and the new shares or stock were shares or stock in that capital.

Incidents of shares or stock.

10. Subject to the provisions of this Act every person who becomes entitled to any such new shares or stock shall in respect to the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount of such new shares or stock.

Dividends on new shares or stock.

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Profits of
Company
limited.

11. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on
different
classes of
shares or
stock to be
paid pro-
portionately.

12. In case in any year the net revenues of the Company applicable to dividend on gasworks capital shall be insufficient to pay the full amount of the maximum dividend to which each class of ordinary shares or stock in the gasworks capital of the Company is entitled a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each such class. And in case in any year the net revenues of the Company applicable to dividend on waterworks capital shall be insufficient to pay the full amount of the maximum dividend to which each class of ordinary shares or stock in the waterworks capital of the Company is entitled a proportionate diminution shall be made in the rate of dividend then to be paid in respect of each such class.

Restriction
as to votes in
respect of
preferential
shares or
stock.

13. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares
or stock
to be offered
by auction
or tender.

14. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are 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 ordinary 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 for shares or stock in

gasworks capital of any holder or holders of shares or stock in gasworks capital or if any bidding or offer by tender for shares or stock in waterworks capital of any holder or holders of shares or stock in waterworks capital be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

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15. 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 three months after such sale.

Purchase money of capital sold by auction to be paid within three months.

16. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to the local board for the district of Bowness in the county of Westmorland and to the clerk to the local board for the district of Windermere in the county of Westmorland 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 circulated within the limits of supply.

As to notice to be given as to sale &c. of shares or stock.

17. When any shares or stock in gasworks or waterworks 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 gasworks shares or ordinary gasworks stock of the Company or to the holders of ordinary waterworks shares or ordinary waterworks stock of the Company as the case may be 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 and stock created under the powers of this Act except that the reserved price 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.

Shares or stock not sold by auction or by tender to be offered to shareholders.

18. Any sum of money which shall arise from the issue of any such shares or stock in gasworks or waterworks 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 gasworks or the

Application of premium arising on issue of shares or stock.

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Power to borrow in respect of gasworks capital under the Act of 1862.

19. The Company may at any time and from time to time after the passing of this Act borrow on mortgage of the gas undertaking in respect of the capital of twelve thousand five hundred pounds by the Act of 1862 authorised to be raised any sums not exceeding in the whole three thousand one hundred and twenty-five pounds.

Power to borrow in respect of additional capital.

20. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the gas undertaking and of the water undertaking respectively any sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised for the gas undertaking and for the water undertaking respectively and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock in gasworks capital or in waterworks capital as the case may be at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

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

Repealing existing provisions as to receiver.

22. Every provision with respect to the appointment of a receiver for enforcing payment by the Company of the arrears of principal or interest or principal and interest contained in any Act passed before the present session of Parliament whereby the Company are authorised to borrow money is hereby repealed.

23. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

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For appoint-
ment of a
receiver.

24. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 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 and charged upon the gas undertaking 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 created) and shall have priority over all principal moneys secured by such mortgages and 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 and charged upon the water undertaking 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 created) and shall have priority over all principal moneys secured by such mortgages.

Debenture
stock.

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

25. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of
mortgages
over other
debts.

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Application
of moneys.

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

Dividend on
gas depen-
dent on
price
charged.

27. From and after the passing of this Act section 22 of the Act of 1862 shall be and is hereby repealed and in lieu thereof the standard price to be charged by the Company for gas supplied by them shall be five shillings per thousand cubic feet:

Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Company on the ordinary share capital or stock as follows:

In respect of any year during which the price charged by the Company shall have been one penny or more above the standard price the dividend payable by the Company shall in respect of each penny by which the standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds;

And in respect of any year during which the price charged by the Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

Power to
make and
maintain
waterworks.

28. Subject to the provisions of this Act the Company may make and maintain in and according to the lines and levels shown on the deposited plans and sections the reservoir enlargement reservoir embankments or walls road diversion conduit or lines of pipes and other works shown on the deposited plans which comprise the following works all situate in the township of Applethwaite in the parish of Windermere in the county of Westmorland (that is to say):

1. An embankment or wall in part upon and in part in extension of the present embankment or wall of the existing Dubbs Beck Reservoir of the Company (herein-after called "Reservoir No. 1") for enlarging the area and depth of such reservoir;
2. A new road or alteration or diversion of the existing public road known as Dubbs Road commencing by a junction with

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- Dubbs Road at a point thereon four chains or thereabouts measured in a northerly direction from the culvert conveying Dubbs Beck under Dubbs Road and terminating by a junction with Dubbs Road at a point thereon sixteen chains or thereabouts measured along Dubbs Road in a northerly direction from the said culvert ;
3. An embankment or wall seven chains or thereabouts in length across the river Gowan at a point six chains or thereabouts measured in a north-westerly direction from Stubbings Bridge over the said river which said embankment or wall extends to a point four chains and a half or thereabouts measured in a south-westerly direction from the said river and to a point two chains and a half or thereabouts measured in a north-easterly direction from the said river ;
 4. A compensation reservoir (herein-after called "Reservoir No. 2") commencing at and formed by the embankment or wall lastly herein-before described and terminating at a point twenty chains or thereabouts measured in a north-westerly direction from such embankment or wall ;
 5. A conduit or line of pipes commencing in Reservoir No. 2 near the embankment or wall forming the same herein-before described and terminating at Stubbings Bridge :

Together with all necessary and proper embankments dams channels basins bye-washes weirs culverts tunnels cuts adits bridges road diversions road approaches and other roads and communications sewers drains sluices filtering beds filters wells weirs engines engine houses and other buildings pumps conduits catch-waters tanks mains pipes gauges and other works apparatus and conveniences for the effectual construction maintenance and use of the said intended works or incidental thereto for obtaining collecting impounding filtering treating storing conveying and distributing water and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for any of the purposes aforesaid and may subject to the provisions of this Act take divert and collect and impound appropriate and use for the purposes of this Act the water of the brooks or streams called Dubbs Beck and the river Gowan and of the several tributaries of the said brooks or streams and all other brooks streams springs and waters shown or mentioned on the deposited plans as intended to be intercepted or otherwise taken by the waterworks or which now directly or derivatively flow or proceed into or supply the said brooks or streams or which can or may be intercepted or abstracted by

A.D. 1889. means of the waterworks and all waters found in or under any of the lands taken by them for the purposes of Reservoir No. 1 and Reservoir No. 2 or either of them.

Construction of Reservoir No. 2, &c. within five years compulsory.

29. Whereas before the passing of this Act the occupiers of the mills manufactories and other works using the waters of Dubbs Beck derived protection from section 33 of the Act of 1869 the provisions of which section are affected by this Act and from section 37 of the Act of 1869 which section is repealed by this Act but such occupiers after the passing of this Act will derive sufficient protection if the works herein-after in this section specified be made and maintained as in this section provided Therefore for the protection of such occupiers respectively be it enacted that the works by this Act authorised and shown on the deposited plans and in the section of this Act whereof the marginal note is "power to make and maintain waterworks" thirdly fourthly and fifthly particularly described shall be completed by the Company within five years from the passing of this Act and shall after completion thereof be maintained by the Company.

New water-works to form part of the water undertaking of the Company.

30. Subject to the provisions of this Act the waterworks to be constructed under the authority of this Act shall for all purposes whatsoever inclusive of water rents rates and charges be deemed part of the water undertaking of the Company as if they had been authorised by and included or referred to in the Act of 1869.

Lateral and vertical deviation.

31. In making the works by this Act authorised the Company may deviate laterally from the lines shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided always that the Company shall not in the exercise of the power of lateral deviation hereby given make any embankment or wall of the said reservoirs of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and three feet in addition.

Power to take easements &c. by agreement.

32. 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 of water) 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. A.D. 1889.

33. 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 compulsory purchase of lands.

34. If the works by this Act authorised and shown on the deposited plans and in the section of this Act whereof the marginal note is "power to make and maintain waterworks" firstly and secondly particularly described are not completed within fifteen 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 any such work or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed and if the works by this Act authorised and shown on the deposited plans and in the said section of this Act thirdly fourthly and fifthly particularly described are 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 any such work or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed but nothing in this section shall restrict the Company from renewing extending enlarging altering or removing any of their engines machinery mains pipes works and conveniences and increasing and improving their supply of water from time to time whenever they find it requisite. Period for completion of works.

35. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Restriction on displacing persons of the labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

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Power to hold lands for protection of waterworks.

36. The Company may hold any lands for the time being vested in them which they may deem necessary for the purposes of protecting their waterworks against nuisances encroachments or injury 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 Consolidation Act 1845 respectively Provided always that no building shall be erected on any such lands whilst so held by the Company other than buildings necessary for or connected with the waterworks.

Power to erect cottages for officers and servants.

37. The Company may from time to time on any land for the time being belonging to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Company for the purposes of their undertakings.

Reservation of rights on sales or leases.

38. The Company on the sale or demise of any lands or hereditaments may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale or lease subject to such reservations accordingly and may also impose and make any such sale or lease subject to such other reservations special conditions restrictions and provisions with respect to the user of the said lands or hereditaments or the water therein the exercise of noxious trades the discharge or deposit of sewage or manure and other like matter as the Company think fit.

On completion of new road site of existing road to vest in Company.

39. Upon the completion to the satisfaction of two justices of the new road by this Act authorised and the opening of the same for public use the Company may stop up and extinguish all rights of way over the portion of Dubbs Road between the commencement and termination of such new road and may appropriate to and for their own use and as their own property the site and soil of the portion of Dubbs Road so stopped up if and so far as they shall be the owners of the adjoining land on both sides.

Company not to use water of Reservoir No. 2.

40. The Company shall not take or use for their own purposes any water from Reservoir No. 2 by this Act authorised to be made.

Compensation water.

41. From and after such time as Reservoir No. 2 and the conduit or line of pipes by this Act authorised to be made shall be completed the following provisions shall have effect (that is to say) :

- (1) Anything in section 33 of the Act of 1869 contained to the contrary notwithstanding the Company shall not be liable or compellable to cause or permit any water to flow down the stream or brook called "Dubbs Beck" from Reservoir No. 1 ;

- (2) In place of giving the compensation water provided for by section 33 of the Act of 1869 the Company shall at the times and in the quantities herein-after provided cause or permit water to flow down the river Gowan from Reservoir No. 2 as compensation water for the supply of the mills manufactories and other works and for the conservators of the Kent Bela Winstler Leven and Duddon Fishery District using or interested in the waters of Dubbs Beck or any of the waters which the Company are authorised to impound and take And at the times and in the quantities herein-after provided supply water for cattle and sheep watering and to the Dubbs Beck sheepwash ;
- (3) The Company shall whenever and so long as there shall be sufficient water in Reservoir No. 2 so to do cause or permit water to flow as aforesaid from such reservoir continuously and in quantity not less than one hundred thousand gallons in any day of twenty-four hours except during such periods from time to time as six of the occupiers of the mills manufactories and other works using the waters of Dubbs Beck and occupying in the aggregate water power to the extent of one hundred and sixty horse estimated power shall specify by notice in writing signed by them and delivered to the secretary of the Company at the Company's office during which periods some persons or person appointed by such six occupiers and whose names and addresses or name and address shall have been communicated in writing by such occupiers to the said secretary at the said office shall at the expense of such occupiers regulate the flow down the river Gowan of water from Reservoir No. 2 Provided that nothing herein-before contained shall enable or authorise the Company or such occupiers to reduce such continuous flow of water as aforesaid below fifty thousand gallons in every day of twenty-four hours ;
- (4) The Company shall construct and maintain within one hundred yards of the foot of the embankment or wall of Reservoir No. 2 a suitable measuring gauge for the purpose of measuring the quantity of water caused or permitted to flow down the river Gowan from Reservoir No. 2 ;
- (5) Before the Company shall construct such gauge they shall submit a plan thereof to six of the occupiers of the mills manufactories and other works using the waters of Dubbs Beck and occupying in the aggregate water power to the extent of eighty horse estimated power and in case the said occupiers shall within seven days from the delivery of the said plan

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object to the mode in which the Company propose to construct the said gauge or to the place at which the Company propose to construct the same and differences shall arise thereupon such differences if not settled by mutual agreement shall be settled by arbitration in the manner provided by the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration and in case two arbitrators are appointed and they refuse or neglect to appoint an umpire as provided by that Act such umpire shall be appointed by the Board of Trade ;

- (6) The Company shall on or adjacent to the site of the now existing cattle and sheep watering place at the Dubbs Beck sheepwash adjacent to Dubbs Road erect and maintain and keep constantly supplied with a sufficient quantity of suitable water a convenient trough for the watering of cattle and sheep ;
- (7) The Company shall from time to time between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of any day between the twelfth day of May and the first day of July (both days inclusive) in every year whilst sheep washing shall be going on at Dubbs Beck sheepwash aforesaid by any person or persons entitled to use such sheepwash supply so much water to the said sheepwash as shall together with any water then flowing through such sheepwash raise the rate of the total flow of water through the sheepwash to one thousand gallons per hour ;
- (8) Whenever and so long as the Company shall cause or permit water to flow down the river Gowan and shall supply water for cattle and sheep watering and to the Dubbs Beck sheepwash in accordance with the provisions of this section such water shall be accepted and taken by the owners lessees and occupiers of all mills manufactories and other works and by all other parties using or interested in the waters of Dubbs Beck below Reservoir No. 1 as full compensation for all water which the Company can impound or take under the powers of the Act of 1869 or this Act ;
- (9) Provided always that the Company shall not be required to cause or permit water to flow from Reservoir No. 2 in accordance with the foregoing provisions of this section at or for any time during which they shall be unable so to do either by reason of damage having happened to the said reservoir or conduit or line of pipes or the works connected therewith respectively or by reason of the same being emptied for cleansing or repairs or from any other unavoidable cause.

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Act, 1889.

42. In the event of the flow of water down Dubbs Beck being reduced as at any time to be insufficient for the watering of the cattle and sheep of any occupier of land adjacent to Dubbs Beck between Reservoirs No. 1 and No. 2 the Company shall make other sufficient provision for the watering of the cattle and sheep upon his land and in or adjacent to the said Beck. A.D. 1889.
For providing water for cattle between the reservoirs.

43. From and after the passing of this Act section 37 of the Act of 1869 shall be and is hereby repealed. Repeal of
s. 37. of
Act of 1869.

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

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