



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. xviii.

An Act for better supplying with Water the Town and County of the Town of *Newcastle-upon-Tyne*, and the Neighbourhood thereof.

[22d May 1834.]

WHEREAS the Town and County of the Town of *Newcastle-upon-Tyne* and the Neighbourhood thereof, being within the several Parishes or Parochial Chapelries, Townships, or Places herein-after mentioned; (that is to say,) the Parish of *Saint Nicholas*, the Parishes or Parochial Chapelries of *Saint Andrew*, *All Saints*, and *Saint John*, and the Townships of *Elswick*, *Westgate*, *Jesmond*, and *Byker* in the County of *Northumberland* are not well or conveniently supplied with Water; and the Inhabitants of the said Town and Neighbourhood, for Want of a sufficient Supply of Water for domestic and other Purposes, are subject to much Inconvenience, and are liable to great Danger in Cases of Accidents by Fire, which Inconvenience and Danger might be prevented if a constant Supply of Water were provided: And whereas a constant Supply of Water for the Use of such Inhabitants might be obtained from the River *Tyne* at or near to a Place called the *Hill Field*, in the said Township of *Elswick*, Parochial Chapelry of *Saint John*, and Parish of *Saint Nicholas*, by raising and conducting the Water from the said River into a proper Reservoir or Reservoirs by means of Engines, Cuts, Drains, Tunnels, Pipes, Conduits, Feeders, and other Aqueducts, and from thence by Pipes to the Houses and Premises of the Inhabitants of the several Parishes and Places aforesaid: And whereas the several Persons herein-after named are willing and desirous to undertake, at their

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own Costs and Charges, to effect the Purposes aforesaid ; but the Undertaking cannot be carried fully and completely into execution without the Aid and 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, That *William Andrew Mitchell, Anthony Nichol, Joseph Heslop, Henry Nairn, George Bates, William Nesbam, John Mowbray, Watson, John Sillick, George Bargate, Thomas Brunting, John M^c Fiee, Musgrave Fallows, John Hardcastle, William Elliott, William Nesbam, John James, Robert Wilson, William Kitchen junior, William Kitchen senior, William Cotton Hudson, Cuthbert Jobling, William Brown, Edward Routledge Mitchell, Anthony Teasdale, Matkew Snowdon, William Farrage, Adam Fairbairn, William Soulsby, Henry Clark, Charles Dunn, John Clark, William Gibbon junior, Thomas Towns, James Hood, George Walker, John Lunn, Robert Etherington, John Nichol, William Brownsword Proctor, Craster Michael Mowbray, Peter Hansen, Joseph Hair, John Ridley junior, John Jobling, James Frederick Grant, W D Hay, Edward Hutchison, Thomas Hewett, John Reid Seekings, James Finlay, David Doeg, George Lockwood, Samuel Hedley, Thomas Dove, Edward Faill, Hugh Frazer, Thomas Ridley, William Hardcastle, William Boe, Henry Ellis, John Chantler, Richard Pickersgill, William Gourlay, John Gibson, James Dunn, George Buddle, William Fawcett, Robert Watson, James Boe, George Harrison, Robert Potts, Thomas Fairweather, William Tweedy, Rowland Stout, Richard Farrington, William Hogg, Charles Ford, John Francis Leadbitter, George Atley Brumell, Robert Coulson, Edward Graham, James Sillick, William Verty, Moses Aaron Richardson, George Burnett junior, William Robson, George Brumell, Edward Bell, William Winder, William W Wilson, John Milburn, Dorothy Miller, George Boyd, William Wallace, William Whinnem, Thomas John Turnbull, Henry Smith, Israel Harbit, John Chicken, Thomas Dunn, William Wheatley, John Harle, John Patterson, Joseph Heald, Thomas Hall, Ralph Watson, Isaac Holme, James Baker, Joseph Thorman, John Thorman, George Blanchard, William Mountain junior, Edward Richardson, William Mountain senior, William Hotbam, Jabiz Hood, John Watkins, Adam Sheill, John Martyn, George Belt, Thomas Farrington, John Farrington, William Cowan, Thomas Gray, Joseph Croser, Ruth Croser, John Trotter Brockett, Robert Wilson, John Richardson, Thomas Wood, Philip Nairn, Margaret Tweddell, William Storey, Robert Airey, George Southern, John Sheild, William Hunter, Isabella Buddle, John Maughan, David Collie, George Davidson, Mathew Brankston, John Mountain, Andrew Outerston, John Gibson, Phillip Eggleton, James Kendle, George Hudspeth, Jane Dixon, Ann Wharton, John Gallon, Ann Birney, William Brown, William Welford, John Taylor, Stephen Brown, William Brown, Thomas Elsdon, Marshall Tweddall, Edward Tweddall, John Ross, John Armstrong, Margaret Mills, William Walker, Anthony Frazer, John M^c Leownan, Elizabeth Wilkinson, Henry Watters, John Walton, and Thomas Blakelock, Nicholas Walton, John Burt, Thomas Heron, John Anderson, and Thomas Brown, together with all and every other Person or Persons, Body or Bodies Politic or Corporate, who from Time to Time shall become a Subscriber or Subscribers as herein-after mentioned to the Undertaking for supplying the said Town and County of the Town of *Newcastle-upon-Tyne* and the Neighbourhood thereof with Water, and their respective Successors, Executors, Administrators, and*

Assigns,

Assigns, shall be and they are hereby united into a Company for making, completing, maintaining, and continuing the Works and Conveniences by this Act authorized to be made, according to the Provisions herein-after contained, and shall for that Purpose be One Body Politic and Corporate by the Name of "The *Newcastle* Subscription Water Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm, and shall also have full Power to purchase and become seised and possessed of Lands, Tenements, and Hereditaments, to hold to them, their Successors and Assigns, for the Use of the said Undertaking, and without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

II. And be it further enacted, That for the better managing and conducting the Affairs of the said Company and the Business of the said Undertaking it shall be lawful for the several and respective Members of the said Company to meet from Time to Time, when and where they shall find convenient, in the said Town and County of the Town of *Newcastle-upon-Tyne*, and the First General Meeting of the said Company for proceeding in the Execution of this Act shall be held at the House known by the Name or Sign of the *Turk's Head* Inn, or at some other House or Place in the said Town and County of *Newcastle*, on the Second *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, and from and after the said First General Meeting of the said Company there shall be a General Meeting of the said Company on the First *Tuesday* in the Month of *June* in each and every Year; and the said Company assembled at any such General Meetings shall have Power to adjourn such General Meetings, and order such future General Meetings of the said Company to be holden from Time to Time, to and at such Place or Places as shall at such General Meeting be thought proper and convenient; and in case at any Time no Adjournment of any General Meeting shall be made, or in case it shall be necessary to call a Meeting on an earlier Day than the Day to which any General Meeting shall stand adjourned, then it shall be lawful for the Secretary or Clerk to the said Company, upon being required so to do by Writing signed by any Ten or more Members of the said Company who shall amongst them possess at least One hundred Shares in the said Undertaking, to call a General or Special Meeting to be held at such Time and Place as they shall think fit in the said Town and County of the Town of *Newcastle-upon-Tyne*, by Notice to be inserted in One or more Newspapers published therein Seven Days at least before such Meeting, and by Circular to be sent by the Post to each of the Proprietors in the said Undertaking, mentioning the Time and Place and the Purpose of such intended Meeting (if called for a special Purpose); and every Question, Order, Matter, or Thing which shall be proposed, discussed, or considered by the Proprietors or Members of the said Company assembled at any Meeting to be held by virtue of this Act shall be determined by a Majority of Votes of the Proprietors of Shares in the said Undertaking then present, or by Proxy, as herein-after mentioned; and every Proprietor of One and not exceeding Three Shares shall be considered

General Meetings of the Company to be holden.

Questions to be decided by a Majority of Votes in Person or by Proxy.

No Person to hold more than Forty Shares, or give more than Six Votes.

If Votes are equal, Chairman to have the casting Vote.

Females, &c. may vote by Proxy.

Form of Proxy.

considered on all Occasions as possessed of and entitled to give One Vote, and every Proprietor of Four Shares shall be entitled to give Two Votes, and every Proprietor of Eight Shares shall be entitled to give Three Votes, and every Proprietor of Sixteen Shares shall be entitled to give Four Votes, and every Proprietor of Thirty Shares shall be entitled to give Five Votes, and every Proprietor of Forty Shares shall be entitled to give Six Votes; but no Person shall be entitled at any Time to hold more than Forty Shares in the said Undertaking, or to give more than Six Votes at any Meeting of the said Company; and (subject to such Restriction) any Proprietor may vote in right of his or her own Shares, and also as the Proxy of any other Proprietor, or as the Committee of any Lunatic, Guardian of any Minor, Assignee of any Bankrupt or Insolvent, or Executor or Administrator of any Testator or Intestate, on the same Occasion; and if the Number of such Votes shall be equal the Chairman presiding at such Meeting shall have the casting Vote as such Chairman, in addition to his Vote or Votes as a Proprietor: Provided always, that no Act shall be done by any General or Special General Meeting of the Proprietors (except the Adjournment of such Meeting) unless Ten at least of such Proprietors be present who shall amongst them be possessed of One hundred Shares at the least.

III. And be it further enacted, That it shall be lawful for any Female Proprietor, or for any Proprietor who shall be resident more than Five Miles from the Place where any such Meeting shall be held, to vote in any Proceedings under this Act either in Person or by Proxy (such Proxy being himself a Proprietor); and the Appointment of any such Proxy or Proxies shall and may be in the Words or to the Effect following; (that is to say,)

‘ I of _____ Proprietor
 ‘ of _____ Shares in the Capital or Joint Stock of the
 ‘ *Newcastle* Subscription Water Company, do hereby nominate, consti-
 ‘ tute, and appoint _____ of _____ (being
 ‘ also a Proprietor in the Capital or Joint Stock of the said Company) to
 ‘ be my Proxy, in my Name and in my Absence to vote and give my
 ‘ Assent or Dissent to any Business, Matter, or Thing relating to the
 ‘ Concerns of the said Company that shall be mentioned or proposed at
 ‘ any Meeting of the said Company. In witness whereof I have hereunto
 ‘ set my Hand the _____ Day of _____ in the Year
 ‘ of our Lord _____ .

And any such Female or other Proprietor, having appointed her or his Proxy, may, by any Instrument in Writing under her or his Hand for that Purpose, or by any new Appointment of a Proxy at any Date subsequent to that of the former Appointment, at her or his Will or Pleasure revoke and make void such Appointment, and may, by the same or any other Instrument, if she or he shall so think fit, appoint any other Person (being a Proprietor) to act as Proxy for her or him on future Occasions, or in her or his Absence, with the like Authority and with the like Power of Revocation.

Votes of Lunatics and Minors.

IV. And be it further enacted, That in case any Proprietor or Proprietors entitled to vote at any such Meetings as aforesaid shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics shall
 or

or may vote at such Meeting or Meetings by his, her, or their Committee, or any One of such Committees, and such Minor or Minors shall and may vote by his, her, or their Guardians, or any One of such Guardians.

V. And be it further enacted, That it shall and may be lawful for the said Company at any General Meeting to nominate, elect, and choose, and under the Common Seal of the said Company to appoint, a Treasurer or Treasurers, and also a Secretary or Clerk, and Two Auditors, for transacting the Business of the said Company; and it shall be lawful for the said Company at any subsequent General Meeting from Time to Time to remove and displace such Treasurers, Secretaries, Clerks, and Auditors, or any of them, or any other Person or Persons who shall be hereafter elected and appointed to such respective Offices, and also from Time to Time to nominate, elect, choose, and appoint, in manner aforesaid, any other Person or Persons to act as Treasurer, Secretary, Clerk, or Auditor of the said Company in the Room of such of them as shall happen to die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to such Treasurers, Secretaries, Clerks, and Auditors, or any of them, as at any such General Meeting shall from Time to Time be fixed and determined: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed such Treasurer for the faithful Execution of his Office before he shall enter thereupon, and also from all other Officers of the said Company who shall have the Care or Custody of any Money belonging to the said Company.

Officers of Company to be appointed at General Meetings.

Security to be taken from Treasurer and other Officers.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Secretary or Clerk in the Execution of this Act, or the Partner of any such Secretary or Clerk, or the Clerk or any Person in the Service or Employ of any such Secretary or Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Secretary or Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Secretary or Clerk to the said Company; and if any Person shall accept both the Offices of Secretary or Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Secretary or Clerk, or the Clerk or any Person in the Service or Employ of such Secretary or Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Secretary or Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Secretary or Clerk in the Execution of this Act, or shall act as Deputy of such Secretary or Clerk, or in any Manner officiate for such Secretary or Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person

Same Person not to be Clerk and Treasurer.

so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information.

General Meetings may make Bye Laws.

VII. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any of their General Meetings as aforesaid, to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the regulating of all Officers, Servants, and Workmen to be employed in or about the Affairs and Business of the said Company, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence (such Fines and Forfeitures to be levied and recovered in manner herein-after mentioned), as to the said Company at any General Meeting shall seem meet and expedient; and all Rules, Orders, and Bye Laws so made as aforesaid (being reduced into Writing, and the Common Seal of the said Company thereto affixed,) shall be binding upon all the Members of the said Company, and all Persons connected with or acting under their Directions, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or any of the express Provisions of this Act: Provided also, that Copies of all such Rules, Orders, and Bye Laws shall be printed, fixed, and continued in the Office of the Secretary or Clerk, or other the Buildings and Premises of the said Company, and that all such Rules, Orders, and Bye Laws shall be subject to appeal in manner by this Act directed.

Proceedings to be entered in Books.

VIII. And be it further enacted, That all Orders and Proceedings of the said Company shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered and signed by the Chairman appointed at each respective Meeting shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and Places whatsoever.

Officers to account.

IX. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company, make out and deliver to the said Company, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof have or hath been disposed of, together with Vouchers or Receipts for such Payments; and every such Officer or Person shall and he and she are hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him

or her to such Person or Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company, or to such Person or Persons as they shall appoint, within Three Days after being thereunto required by the said Company, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Company, or by any Person on their Behalf, to any Justice of the Peace for the Town, County, or Place where the Offender shall reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Accounts as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required by Warrant under his Hand to commit such Officer or Person to the Common Gaol or House of Correction of the said Town and County of *Newcastle-upon-Tyne*, or the County of *Northumberland* or *Durham* (as the Case may be), there to remain without Bail or Mainprize until he or she shall have delivered up the said Books, Papers, and Writings, and the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Company for such Money and Charges, and paid the Composition Money to the said Company (and which Composition the said Company are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings, Vouchers and Receipts as aforesaid, or have given Satisfaction in respect thereof to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Three Calendar Months.

First General Meeting to choose Directors.

X. And be it further enacted, That the said Company of Proprietors, at their First General Meeting to be held as herein-before is mentioned, or at some Adjournment from such First General Meeting, shall choose and elect Eleven of the said Proprietors, who at the Time of such Election shall respectively be possessed in their own Right of One or more Share or Shares in the said Undertaking, to be Directors to manage the Affairs of the said Company; and of the Eleven Directors so nominated and elected as aforesaid Three shall be competent to act; and the several Persons so to be nominated and elected the first Directors shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *June* in the Year of our Lord One thousand eight hundred and thirty-five, and until others shall be nominated and elected in their Stead in pursuance of this Act.

Directors to be annually elected.

XI. And be it further enacted, That at every succeeding General Meeting to be held in the Month of *June* in each Year, or at some Adjournment thereof respectively, Eleven new Directors shall be elected and appointed, out of the Proprietors of One or more Share or Shares in the said Undertaking, to be the Directors for managing the Affairs of the said Company, who shall continue in their Offices for the Space of Twelve Calendar Months to be computed from the Day of Election; or until others or another shall be duly elected in their or any of their Places; provided that nothing herein contained shall render any One of the Directors whose Office shall have expired ineligible to be elected a Director for the ensuing Year.

In case of Directors contracting for Work, &c. for the Company.

XII. Provided always, and be it further enacted, That if any Person who shall be elected a Director shall take, or contract to take, or shall participate in any Manner in any Work to be done for the said Company, or in any Profit to be obtained by any such Work, every such Person so offending shall forfeit and pay the Sum of One hundred Pounds, and shall thereupon cease to be a Director, and shall be disqualified from being a Director, and thereupon another Proprietor shall be elected in the Stead of such Person so ceasing and being disqualified as aforesaid to be a Director.

Former Directors may be re-elected.

XIII. Provided also, and be it further enacted, That at every annual Election or Appointment of Directors any of the former Directors shall be re-eligible to the Office again immediately, or at any Time or Times afterwards, notwithstanding his Time of Service shall have expired, or notwithstanding his having forfeited the Office by reason of Disqualification, in case he shall have again become duly qualified.

Election of Directors in case of Vacancies.

XIV. And be it further enacted, That every Vacancy in the Direction by Death, Resignation, or Disqualification shall be filled up at a Special Meeting of the said Company to be held for that Purpose within Forty Days next after such Vacancy shall happen or be known (Ten Days previous Notice being given by the Secretary or Clerk to the said Company in manner next herein-after mentioned); and the Person or Persons who shall be chosen to fill such Vacancy or Vacancies (being duly qualified) shall continue in Office upon the same Terms and only for the same Period as the Person whose Place he shall supply would have

have continued if his Office had not been vacated before the Time at which he must, according to the Provisions of this Act, have gone out of Office.

XV. And be it further enacted, That the said Directors shall or may hold their First Meeting within Thirty Days after the passing of this Act at such Time and Place within the said Town and County of *Newcastle* as they shall think proper, and shall have full Power and Authority to adjourn such First Meeting, and again to meet and adjourn from Time to Time and from Place to Place within the said Town and County as they shall think fit; and the said Directors shall at each Meeting appoint One of the Directors to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by a Majority in Number of the Directors present (the Number present not being less than Three, and each Director having but One Vote); and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman, such Chairman shall have the decisive and casting Vote; and if on the Day appointed for any Meeting of the said Directors Three Directors qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned till such Time as the Director or Directors then present, or, if none be present, as the Secretary or Clerk of the said Company, or such other Person as shall attend in his or their Place, shall appoint; and any Two or more Directors may at any Time when they shall think fit call a Meeting of the Directors by Notice in Writing signed by such Two or more Directors, or by the Secretary or Clerk to the said Company, to be sent by the Post or otherwise to the Residence or Address of every Director.

Meetings of
Directors.

XVI. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places in the said Town and County of holding General and Special Meetings, and to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued and received, laid out, and disposed of for the Purposes of the said Company, as in contracting for and purchasing Lands, Tenements, and Hereditaments, Materials, Goods, and Chattels, for the Use of the said Undertaking, and entering into Agreements or Contracts for supplying with Water the Streets, Highways, Squares, Market Places, or Shops, Inns, Manufactories, Warehouses, private Houses, Buildings, or private Places within the said Town and County of the Town of *Newcastle-upon-Tyne*, and the several Parishes or Parochial Chapelries, Townships, or Places herein-before mentioned, and in nominating, electing, appointing, placing, or displacing any Officer, Agent, or Servant of the said Company, (not being a Treasurer, Secretary, Clerk, or Auditor to the said Company, who are to be elected and appointed at a General Meeting of the Company, as in this Act directed,) and with Salaries, Gratuities, or other Recompence as to the said Directors shall seem proper, and in ordering, directing, and employing the Works and Workmen, and in selling and disposing of all Articles produced as

Power of
Directors.

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aforesaid, and in making, enforcing, rescinding, compounding, and compromising all Contracts and Bargains touching or in anywise concerning the same, subject to such Rules, Orders, Bye Laws, and Regulations as shall at any Time be duly made by the said Company in Restraint, Controul, or Regulation of the Powers and Authorities by this Act granted; and the said Directors may require such Security to be given to the said Company from any Officer or Officers, (not being a Treasurer, Secretary, Clerk, or Auditor of the said Company,) or other Person, for the faithful Execution of their respective Duties, as they may think proper or reasonable.

Directors to be under the Controul of General Meetings.

XVII. And be it further enacted, That such Directors shall keep or cause to be kept a regular Minute or Entry of their Proceedings, and from Time to Time to make Reports to and be subject to the Examination and Controul of the General and Special Meetings of the said Proprietors, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Meetings, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Directors not personally liable.

XVIII. And be it further enacted, That none of the Directors for the Time being shall become personally answerable for the Performance of any Agreement into which he shall or may have entered as one of such Directors on behalf of the said Company, but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Directors shall have full Power to resort to and proceed against the said Company, either at Law or in Equity, for the Performance of every such Contract and Agreement, or for Damages occasioned by any Breach or Nonperformance thereof; and the Joint Stock and Property of the said Company shall from Time to Time be answerable and accountable for the due Performance of every Contract entered into by the said Directors, and for all Damages which shall be recovered by reason of any Breach or Nonperformance thereof.

Whole of Expences to be subscribed for before the Powers hereby given are put in force.

XIX. And whereas the probable Expence of making and completing the said Reservoirs, Aqueducts, and other Works hereby authorized to be made and maintained will amount to the Sum of Nineteen thousand five hundred and ninety Pounds or thereabouts, and more than Four Fifth Parts thereof have been already subscribed for by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore enacted, That the whole of the said Sum of Nineteen thousand five hundred and ninety Pounds shall be subscribed for in like Manner before any of the Powers and Provisions given by this Act shall be put in force.

Company empowered to raise 25,000*l.* in Shares of 25*l.* each.

XX. And be it further enacted, That for the Purpose of establishing and carrying on the said Undertaking it shall be lawful for the said Company and they are hereby empowered to raise and contribute amongst themselves such Sum of Money as they shall think fit, not exceeding in the whole the Sum of Twenty-five thousand Pounds, and the said Sum of Twenty-five thousand Pounds shall be divided into Shares of Twenty-five Pounds

Pounds each; and the Shares in the said Undertaking, and in the net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

XXI. Provided always, and be it further enacted, That no Person or Persons being a Proprietor or Proprietors of any Share or Shares in the Capital or Joint Stock of the said Company, or his, her, or their Estate or Effects, shall, by reason of his, her, or their being such Proprietor or Proprietors, be responsible or liable for or to the Payment of any larger or greater Sum of Money for any of the Purposes of this Act, or in consequence of any Proceedings to be had under or by virtue of the same, than the Amount of the Sum or Sums by him, her, or them subscribed for or to be subscribed for, or than was or had been subscribed for by any original Proprietor or Proprietors of the Share or Shares constituting any such Proprietorship, any thing in this Act contained to the contrary notwithstanding.

Proprietors not to be responsible for more than the Amount of their original Subscription.

XXII. And be it further enacted, That the several Persons who have subscribed for or agreed to advance, or who shall hereafter subscribe for or agree to advance, any Money for or towards the said Undertaking, and who shall at any Time or Times hereafter have or hold any Share or Shares in the Capital or Joint Stock of the said Company, or shall be a Proprietor or Proprietors of the said Undertaking, shall and he, she, and they is and are hereby respectively required to pay the Sum or Sums of Money respectively subscribed and to be subscribed for, and in such Parts, Shares, and Proportions as shall from Time to Time be called for by the said Directors, pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner, as shall be ordered and directed by the said Directors; and in case any Person or Persons, Body or Bodies Politic or Corporate, shall neglect or refuse to pay any such Sum at such Time or Times and in such Manner as shall be ordered and directed by the said Directors, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or otherwise in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the appointed Time or Times of Payment, together with full Costs of Suit, from such Person or Persons respectively; and in like Cases of Neglect or Refusal where Two or more Persons shall have jointly subscribed for or be jointly possessed of One or more such Share or Shares, then in like Manner to sue for and recover the same, with full Costs of Suit as aforesaid, from all or any of such joint Subscribers or Proprietors.

For enforcing Payment of Subscriptions.

XXIII. And be it further enacted, That all and every Person or Persons, Body or Bodies Politic or Corporate, by or from whom any Subscription or Subscriptions shall be or has or have been made or accepted, or by or for whom any Payment or Payments shall be made, pursuant to the Orders of any Meeting or Meetings to be held for that Purpose, for or towards the raising of the said Capital Sum of Twenty-five thousand Pounds as aforesaid, his, her, or their Executors, Administrators, Successors, and Assigns respectively (no such Subscription being less than the Sum of Twenty-five Pounds), shall have and be entitled to a Share of and in the said Capital or Joint Stock of the said Company in proportion

Subscribers to share in the Stock in proportion to their Subscriptions.

proportion to the Monies which he, she, or they shall have so subscribed towards making up the same, and to a proportionable Share of the Profits and Advantages attending the Capital Stock of the said Company, and shall be admitted to be a Proprietor or Proprietors of and in the same.

Names of Proprietors to be entered, and Tickets of their Shares delivered to them.

XXIV. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons, Bodies Politic or Corporate, who shall be then entitled to Shares in the said Undertaking, with the Number of the Shares or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Secretary or Clerk to the said Company, and after such Entry made to cause a Ticket or Instrument with the Common Seal of the said Company affixed thereto to be delivered to every such Subscriber, upon Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his, her, or their Executors, Administrators, Successors, and Assigns, to the Share or Shares therein specified, but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and such Ticket or Instrument may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

‘ The *Newcastle* Subscription Water Company.

‘ Number

‘ THESE are to certify, That *A. B.* of _____ is a Proprietor of
 ‘ the Share [*or Shares, as the Case may be,*] Number _____
 ‘ or _____ being _____ Share [*or Shares, as the Case may be,*] of
 ‘ the Capital or Joint Stock of the *Newcastle* Subscription Water Com-
 ‘ pany, subject to the Rules, Regulations, and Orders of the said
 ‘ Company; and that the said *A. B.*, his [*her or their*] Executors, Admi-
 ‘ nistrators [*or Successors*], and Assigns, is and are entitled to the Profits
 ‘ and Advantages of such Share [*or Shares*]. Given under the Common
 ‘ Seal of the said Company the _____ Day of _____
 ‘ in the Year of our Lord _____

Directors may make Calls on the Subscribers.

XXV. And be it further enacted, That the said Directors shall have full Power, at any of their General or Special Meetings to be held as aforesaid, to make such Call or Calls upon the several Subscribers to and Proprietors of the said Undertaking, or their respective Executors, Administrators, Successors, or Assigns, for the Amount of the Subscriptions for their respective Shares by Instalments, as the said Directors shall deem requisite or necessary for the Purposes of the said Undertaking, not exceeding Three Pounds upon each Share at any One Call; and such Calls shall not be made oftener than once in every Calendar Month; and every Order for a Call shall be signed by Four at least of the Directors for the Time being present at such Meeting as aforesaid; and the Sum or several Sums of Money so to be called for shall be paid into the Bank of the North of *England* Joint Stock Banking Company, or into the Hands of the Treasurer or Treasurers of the said Company for the Time being,

at such Time and Place as shall be appointed by the said Directors, of which Time and Place Fourteen Days Notice shall be given in such Manner as the said Directors shall direct or appoint in that Behalf.

XXVI. Provided always, and be it further enacted, That no Sum or Sums of Money shall be issued by any Treasurer or Treasurers, Banker or Bankers, or other Officer or Officers to be appointed by the said Company, on account of the said Company, without an Order or Orders in Writing signed by the Chairman and Two at least of the Directors for the Time being present at some Meeting of the said Directors.

No Money to be issued without an Order of Directors.

XXVII. And be it further enacted, That if any Subscriber, Person or Persons, Body or Bodies Politic or Corporate, or Proprietor or Proprietors of any Share or Shares in the said Undertaking, his, her, or their Executors, Administrators, Successors, or Assigns, shall neglect or refuse to pay his, her, or their Part or Portion of the Money to be called for by the said Directors as aforesaid by the Time appointed for Payment thereof, or within Twenty-one Days then next after, then and in such Case such Person or Persons, Body or Bodies Politic or Corporate, so neglecting or refusing, shall (whether or not the same shall then have been sued for in any Court of Law or Equity) absolutely forfeit all his, her, or their Part, Share, and Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the said Company (unless otherwise determined at some Meeting of the said Company); and all Shares which shall and may be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall go to and make Part of the Capital or Joint Stock of the Company; but no Advantage shall be taken of such Forfeiture of any Share in the said Undertaking as aforesaid until after Twenty-one Days Notice shall have been given by the Secretary or Clerk of the said Company to the Owner or Owners thereof by Notice in Writing left at his, her, or their usual or last Place of Abode, or by Letter sent by the Post; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Subscriber or Subscribers, Proprietor or Proprietors, or their Executors, Administrators, Successors, or Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls.

In default of Payment of Calls, Shares to be forfeited, and may be sold.

XXVIII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and legal Interest thereon, and the Expences attending such Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons, Body or Bodies Politic or Corporate, to whom such Share or Shares shall have belonged: Provided also, that the said Company shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient as near as may be at the Time of such Call to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all and every of such Call or Calls, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid

If Purchase Money of Shares shall be more than sufficient to pay the Arrears of Calls, and Interest and Expences thereon, the Surplus to be paid to the Owner, on Demand.

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which

which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic or Corporate, to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Shares may be transferred.

XXIX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, their Executors, Administrators, Successors, or Assigns, with the Consent in Writing of the Directors of the said Company for the Time being, or a Majority of them, to sell and transfer any Share or Shares of which they shall respectively be possessed; and every such Transfer shall or may be in the Form or to the Effect following; (that is to say,)

Form of Transfer.

‘ I [or We] of _____ of _____ in consideration
 ‘ of _____ paid to me [or us] by _____
 ‘ said _____ do hereby bargain, sell, and transfer to the
 ‘ in the *Newcastle* Subscription Water Company, Number [or Numbers] _____
 ‘ in the said Undertaking, to hold to the said
 ‘ Executors, Administrators, Successors, and Assigns, subject to the same
 ‘ Rules, Orders, and Restrictions, and on the same Conditions, as I [or
 ‘ we] held the same Share [or Shares] immediately before the Execution
 ‘ hereof; and I [or we] the said _____ do hereby agree
 ‘ to take and accept the said Share [or Shares], subject to the said Rules,
 ‘ Orders, Restrictions, and Conditions. As witness our Hands and
 ‘ Seals this _____ Day of _____ in the Year of
 ‘ our Lord _____

Transfers to be registered.

And every such Transfer shall be produced to the Secretary or Clerk of the said Company, and shall be registered by him in the Books of the said Company, for which the Sum of Two Shillings and Sixpence shall be paid by the Person so requiring such Transfer to such Secretary or Clerk, and no more; and the Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and a Copy of such Register, signed by the said Secretary or Clerk, shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall be registered in the Books of the said Company no Purchaser or Purchasers of any Share, his, her, or their Executors, Administrators, Successors, or Assigns, shall be deemed a Proprietor, or have any Part of the Profit of the said Undertaking, or in the Profits or Advantages thereof, nor shall receive any Interest or Dividends for or in respect of such Share or Shares so purchased, nor be entitled to any Vote at any Meeting or Meetings as a Member or Members of the said Undertaking in respect of such Shares or Shares, until after such Transfer shall have been registered.

No Share to be sold after a Call till the Money called for is paid.

XXX. Provided always, and be it further enacted, That after any Call for Money shall have been made by virtue of this Act no Person or Persons, Body or Bodies Politic or Corporate, shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking after the Day appointed for Payment of the said Call, until the Money so called for or in respect of his, her, or their Share or Shares intended to be sold, shall be paid; and until such Money so called for shall

shall be paid every such Sale or Transfer of any Share or Shares shall be void; and all and every Person or Persons, Body or Bodies Politic or Corporate, making default herein, shall be subject and liable to forfeit such his, her, or their Share or Shares in the said Undertaking to and for the general Benefit of the said Company, unless he, she, or they shall at the Time of such Sale or Transfer pay to the Treasurer of the said Company the full Sum of Money called for upon every Share so to be sold or transferred, such Forfeiture nevertheless to be first notified and declared in manner directed by this Act with respect to the Forfeiture of Shares for not answering the Calls to be made thereon as aforesaid.

XXXI. And whereas, in case any original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Secretary or Clerk of the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to know who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from any Subscriber or Subscribers, or Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof in the Manner and Form herein-before specified, an Affidavit shall be made and sworn to before a Master Extraordinary of His Majesty's High Court of Chancery, or One of His Majesty's Justices of the Peace for the Town and County of the Town of *Newcastle*, stating the Manner in which such Share or Shares have or hath passed to such Person or Persons, Body or Bodies Politic or Corporate, his, her, or their Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to the Secretary or Clerk of the said Company, to the Intent that he may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors in the said Undertaking to be kept in the Office of the Secretary or Clerk to the said Company.

For ascertaining the Proprietorship of Shares in certain Cases.

XXXII. Provided always, and be it further enacted, That in case the Money hereby authorized to be raised shall be found insufficient for the making, completing, and maintaining the said Reservoirs, Aqueducts, and other Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company to raise any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Seven thousand Pounds, either by the Creation of an additional Number of Shares (the first Offer of which shall be made to the other Proprietors of Shares in the said Undertaking), or the said Company may raise the same by Mortgage of the said Undertaking; and it shall and may be lawful to and for the said Company to borrow and take up at Interest all or any Part of the said Sum of Seven thousand Pounds by Mortgage of the said Undertaking, to be payable out of the Rent and Profits of the said Company, as the said Company shall think proper;

Power to raise Money by Creation of additional Shares or by Mortgage.

proper; and the said Company are hereby fully authorized and empowered, under their Common Seal, to grant or assign over the said Rents and Profits thereof as a Security for any Sum or Sums of Money so to be borrowed, with Interest for the same, as to them shall seem meet; provided that no Sum be borrowed or taken up upon Mortgage as aforesaid without a previous Resolution authorizing the same to be so raised shall be entered into and passed at some General or Special Meeting of the said Company, and signed by the Proprietors of at least One hundred Shares in the said Undertaking.

Form of
Mortgage.

XXXIII. And be it further enacted, That every such Grant or Assignment so to be given as a Security for any Sum or Sums of Money so to be borrowed by way of Mortgage shall and may be made in the Words following, or in any other Words to the like Effect; (that is to say,)

‘ BY virtue of an Act passed in the Year of the Reign of
 ‘ His Majesty King *William* the Fourth, intituled *An Act* [*here set*
 ‘ *forth the Title of this Act*], we, the *Newcastle* Subscription Water Com-
 ‘ pany, incorporated under and by virtue of the said Act, in consideration
 ‘ of the Sum of to us lent and advanced by
 ‘ *A.B.* of do grant and convey unto the said *A.B.*,
 ‘ his [*or her*] Executors, Administrators, and Assigns, the Waterworks
 ‘ and all the Works thereunto belonging, and all and singular other the
 ‘ Sums of Money arising and payable to us for Water by virtue of the
 ‘ said Act, and all our Right, Title, and Interest of, in, and to the same,
 ‘ to hold unto the said *A. B.*, his [*or her*] Successors, Executors, Admi-
 ‘ nistrators, and Assigns, until the said Sum of
 ‘ with Interest for the same after the Rate of
 ‘ *per Centum per Annum*, shall be fully paid and satisfied. Given under
 ‘ our Common Seal this Day of in
 ‘ the Year of our Lord

And all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, to whom any such Grant or Conveyance shall be made, shall be equally entitled to the respective Portions of the Profits and Advantages in the said Undertaking according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment of such respective Sums, with the Interest, without any Preference by reason of Priority of any Grant or Conveyance, or any other Account whatsoever: Provided always, that whenever the said Company shall be desirous of paying off any Part of the Debt so to be secured on Mortgage as aforesaid, it shall and may be lawful for the said Company or their Directors to pay unto each and every of the Creditors at an equal Rate *per Centum* according to the Amount of their respective Share or Shares, or to select by Ballot the Security or Securities so to be paid off.

Entries of
Mortgages
to be made
in Company's
Books.

XXXIV. And be it further enacted, That a Transcript or Copy of every such Grant or Conveyance, or an Entry or Memorial thereof, containing the Dates, Names of the Parties, and Sums of Money paid, shall be made in a Book or Books to be kept for that Purpose by the Secretary or Clerk to the said Company; which Book or Books shall be

perused at all seasonable Times by any of the Proprietors of the said Undertaking without Fee or Reward.

XXXV. And be it further enacted, That all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, to whom any such Grant or Conveyance shall be made as aforesaid, may from Time to Time assign and transfer such Grant or Conveyance to any Person or Persons, Bodies Politic, Corporate, or Collegiate, and *toties quoties*; and the Assignment and Transfer shall and may be made by Indorsement on such Grant or Conveyance, and in the Words or to the Effect following and be signed and sealed (or sealed, as the Case may be,) in the Presence of One credible Witness, who shall subscribe his Name and Place of Abode thereto; (that is to say,)

Mortgages transferrable by Indorsement.

‘ I *A. B.* [*or We C. and D.*], in consideration of the Sum of
 ‘ paid by *E. F.* of do hereby assign and transfer
 ‘ the within Security, and all my [*or our*] Right, Title, and Interest in
 ‘ and to the same, and all Benefit and Advantage to arise therefrom, unto
 ‘ the said *E. F.* Successors, or Executors, Administrators, and
 ‘ Assigns. Witness my Hand and Seal [*or our Hands and Seals, or our*
 ‘ Common Seal,] this Day of in the Year of
 ‘ our Lord

Form of Transfer.

XXXVI. And be it further enacted, That every Transfer shall within Thirty Days next after the Date thereof be produced and left with the Secretary or Clerk to the said Company, who shall within Ten Days then next following cause an Entry or Memorial to be made thereof in like Manner as of the original Grants or Conveyances; and after such Entry made, but not till then, every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Assignment or Transfer shall be made, his, her, or their Successors, Administrators, and Assigns, shall be entitled to the Benefit of such Grant or Conveyance, and the future Payments thereon, and to all Benefit and Advantage arising therefrom; and for the Entry of every such original Grant or Conveyance, and of every such Assignment and Transfer, the said Secretary or Clerk shall be paid by the Party to whom such Grant, Conveyance, or Transfer shall be made the Sum of Two Shillings and Sixpence, and no more.

Entries of Transfers to be made in Company's Books.

XXXVII. And be it further enacted, That the said Directors shall and they are hereby required from the Time of the passing of this Act to cause a true, exact, and particular Account to be kept, and annually made up; audited, and balanced on the First Day of *May* in each Year, of the Money collected or received by or for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Works, and of all other the Receipts and Expenditure of the said Company or the said Directors; and such Account, when so audited and balanced, shall be printed, and a Copy thereof transmitted by the Post or otherwise to each and every Proprietor of any Share or Shares in the said Undertaking; and at the General Yearly Meeting of the Proprietors of the said Undertaking to be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Yearly Meeting shall declare

Accounts to be kept, and Divisions of Profits to be made annually.

[Local.]

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otherwise,

otherwise, and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* upon the several Sums invested by the Members thereof in the Joint Stock of the said Company, as such Meeting or Meetings shall think fit to appoint and determine: Provided always, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired, nor shall any Dividend be paid in respect of any Share or Shares after a Day appointed for Payment of any Call for Money in respect thereof until such Call shall have been paid.

Directors
may declare
intermediate
Dividends.

XXXVIII. Provided also, and be it further enacted, That notwithstanding any thing herein-before contained it shall be lawful for the said Directors, and they are hereby authorized and empowered, to declare One or more Dividend or Dividends at such intermediate Time or Times between the said annual Meetings as the said Directors shall think fit.

Company
empowered
to make the
Works.

XXXIX. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to make, construct, erect, and maintain a Reservoir or Reservoirs for Water, and to make and maintain any Cuts, Drains, Tunnels, Conduits, Feeders, Pipes, and Aqueducts in and through the Lands and Grounds mentioned and delineated in the Map or Plan and Book of Reference hereinafter mentioned, and to take and use for the Purposes of this Act the Water of the River *Tyne* herein-before mentioned, and to raise and conduct the Water of the said River by means of Engines, Machines, Cuts, Drains, Tunnels, Conduits, Feeders, Pipes, and Aqueducts, into any Reservoir or Reservoirs made for the Purposes of receiving the same, and for supplying the Inhabitants of the said Town and County of the Town of *Newcastle-upon-Tyne*, and the several Parishes and Places aforesaid, with Water; and also to make, erect, build, construct, and maintain any Embankments, Walls, and other Works necessary for completing and rendering effective and maintaining such Reservoirs and Aqueducts as aforesaid, or any of them, and also to make, erect, build, construct, and maintain any Steam or other Engines, Cuts, Drains, Tunnels, Conduits, Feeders, Pipes, and Aqueducts, Reservoirs, and any Embankments, Walls, and such other Works as aforesaid, and to lay and put down or place any Main Pipe and Branch Pipe in or through any of the Lands or Grounds aforesaid, and also in or through all or any of the Highways, Roads, Streets, Lanes, public Passages and Places within the Limits of this Act, which said Pipes shall be laid at the Depth of at least Eighteen Inches, except in passing over Bridges or Arches; and for executing the Purposes aforesaid, and also afterwards for inspecting or repairing the Works aforesaid, it shall be lawful for the said Company, and their Agents, Servants, Workmen, and Assistants, from Time to Time to enter upon the Lands and Grounds aforesaid, and to mark and stake out such Part or Parts thereof as shall be necessary to be taken and used, or to be dug and broken up, for executing any of the Purposes of this Act, without being deemed a Trespasser or Trespassers; and also to take and use such Part or Parts of such Lands and Grounds as shall be wanted for effecting the Purposes of this Act, and to break up the Soil thereof, and to bore, cut, dig, and trench the same Lands and Grounds, and to get, remove, place, lay, take, and carry away and use any Earth, Soil, Clay, Stones, Gravel, Sand, Trees, Roots of Trees, Rubbish, and other Matters and Things which may be dug and got in the Prosecution of any

of the Works aforesaid, or afterwards in repairing or maintaining the same in repair; and to break up, open, and relay or remove the Soil or Pavement in any present or future Highway, Road, Street, Lane, and public Passage or Place within the Limits of this Act, or any Sewers or Drains therein, for the Purpose of laying, putting down, or placing any Main Pipe or Branch Pipe or any Service Pipe, or for executing any of the Works by this Act authorized to be erected, made, done, or executed, or for inspecting, repairing, and maintaining the same after the same shall be laid, put down, placed, replaced, made, done, or executed; and from Time to Time to repair, alter, take up, reconstruct, renew, remove, or replace any of the Works, Matters, or Things aforesaid, as Occasion shall require; and also from Time to Time to make, construct, and erect, lay, place, affix, or provide, and to repair and maintain, or alter or remove and renew, any Service Pipes, Cisterns, Ponds, Basins, Sluices, Branches, Valves, Plugs, Bores, Cocks, Stopcocks, Chamber Cocks, Fire Cocks, Fire Plugs, Branches, Machines, Devices, Matters, and Things which shall be expedient or necessary for distributing and conveying such Water to the respective Houses, Factories, Warehouses, Workshops, Offices, and other Buildings and Premises within the Limits of this Act, and from Time to Time, as Occasion may require, to do all other Acts, Matters, and Things which shall be necessary or proper for completing, amending, repairing, and improving, and for using the Works authorized by this Act to be done and provided for the Purposes and according to the true Intent and Meaning of this Act; they the said Company, or their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in the Manner herein-after mentioned to all Persons interested in any Lands, Grounds, Tenements, and Hereditaments for any Damage which shall be by them sustained by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Servants, Agents, and Workmen, and other Persons whomsoever, for what they or any of them shall do by virtue of this Act, subject nevertheless to such Provisions or Restrictions as are herein-after contained.

XL. And whereas a Map or Plan describing the Line of the intended Works to be made according to Plan deposited with the Clerks of the Peace. Aqueducts and Conduits, and the Lands through which the same are intended to be carried, and the Situation of the intended Reservoirs, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, has been deposited in the Office of the respective Clerks of the Peace for the Town and County of the Town of *Newcastle-upon-Tyne* and for the Counties of *Northumberland* and *Durham*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said respective Clerks of the Peace for the Time being; and all Persons shall at all reasonable Times have Liberty to inspect and peruse the same, and to have a Copy thereof or of such Parts thereof as such Person or Persons shall require, such Copies or Extracts to be made by the Clerk of the Peace or his Deputy, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Company, in laying and making such Aqueducts and Conduits, shall not deviate from the Line or Course described in the said Maps or Plans, nor make any Reservoirs in any other Lands, Grounds, or Situations than in those therein.

therein described, without the Consent in Writing of the Owner or Owners and Occupier or Occupiers of the Lands and Grounds in which they shall so deviate, or make such other Reservoirs except as hereinafter is mentioned or provided for.

Errors in the Book of Reference not to prevent the Works being made.

XLI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company to make the said Reservoirs, Aqueducts, Conduits, and other Works in, upon, through, under, across, or over the Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers of Land described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two Justices of the Peace for the County or Place where such Lands shall be situated, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be injured without Consent.

XLII. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to enter, take, use, injure, or damage, in the Exercise of any of the Powers herein contained, any House or Houses or other Buildings erected or built before the First Day of *January* last, or any Garden, Orchard, Yard, Plantation, Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, without the Consent of the Owner thereof for the Time being first had and obtained in Writing for that Purpose.

Company hereby established not to take or supply any Water save from the Tyne.

XLIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company hereby established to purchase, take, or use any Wells or Springs of Water on or in any Lands or Grounds within the Limits of this Act, nor in any other Lands or Grounds whatsoever, nor to encroach upon or interfere with any such Wells or Springs, nor to supply the Inhabitants of the said Town and County of *Newcastle-upon-Tyne*, or of the said Townships of *Elswick*, *Westgate*, *Jesmond*, or *Byker*, with any Water whatsoever, except Water drawn or conducted from the *River Tyne*, nor to encroach upon, injure, or interfere with any Cuts, Drains, Tunnels, Conduits, Pipes, Aqueducts, or other Works made or used by the Persons for the Time being beneficially interested in the existing *Newcastle-upon-Tyne* Waterworks which were established by *William Yarnold* of *New Woodstock* in the County of *Oxon*, Gentleman.

Persons empowered to sell and convey Lands, &c.

XLIV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and to and for all Tenants for Life and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, and to and for all Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and also in the same Manner and to the same Extent such Wives, Wards, Lunatics, and Idiots could have

have done by Law under the Powers of this Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments which shall be thought necessary by the said Company to be purchased for the Purposes of the said Undertaking, to contract and to lease, sell and convey the same, and every or any Part thereof, and all Right and Interest therein, to the said Company; and all Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act shall be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons or Parties so conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowens of such Person and Persons claiming under them, any Law, Statute, or Usage, or other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all such Contracts, Leases, Sales, and Conveyances shall be made at the Expence of the said Company; which said Leases, Sales, Conveyances, and Assurances shall be kept by the said Company, and their Secretary or Clerk shall from Time to Time when requested deliver attested Copies thereof to any Person or Persons interested therein requiring the same, and shall have and receive for every One hundred Words of each such attested Copy Sixpence, and so in proportion for any less Number of Words; and every such Conveyance to be made by virtue of this Act in the Manner and Form aforesaid shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

XLV. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Company shall be made in the Form or to the Effect following, or as near thereto as may be; (that is to say,) Form of
Conveyance.

‘ I [or We, as the Case may be,] of
 ‘ in consideration of the Sum of paid to me [or us,
 ‘ or into the Bank of England, as the Case may be,] by the Newcastle
 ‘ Subscription Water Company, do hereby grant and release [or assign,
 ‘ as the Case may be,] to the said Company all [here describe the Premises
 ‘ to be conveyed], and all my [or our] Right, Title, and Interest in and to
 ‘ the same and every Part thereof, to hold to the said Company for ever
 ‘ [or as the Case may be] during all the Remainder of my [or our] Term,
 ‘ Estate, or Interest in the said Premises. In witness whereof I [or we]
 ‘ have hereunto set my Hand and Seal [or our Hands and Seals] this
 ‘ Day of in the Year of our Lord
 ‘ One thousand eight hundred and .’

XLVI. Provided always, and be it further enacted, That full Compensation and Satisfaction shall be made by the said Company to all and every Satisfaction
to be made
for Lands
&c. taken,

[Local.]

4 R

every Body and Bodies Politic, Corporate, or Collegiate, and Tenant and Tenants for Life, and Tenant and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, and all Feoffees in Trust, Executors, Administrators, Femmes Covert, Husbands, Guardians, Committees, Trustees, and all and every other Person or Persons who is or are or who shall be seised, possessed of, or interested in any Lands, Tenements, and Hereditaments by this Act authorized to be purchased, taken, and used, for the same, and for any Injury or Damage to arise from or by or in consequence of the Execution of any of the Powers hereby granted; and all such Parties and Persons shall and may accept and receive Compensation or Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and for such Injury or Damage as shall be agreed upon by and between the said Parties or Persons respectively, or any of them, and the said Company or their Directors; and in case the said Parties or Persons, or any of them, and the said Company or their Directors, cannot agree as to the Value of the Premises, or the Amount of such Compensation or Satisfaction, the same shall be settled and ascertained as is herein-after directed.

If Parties are dissatisfied they may cause a Jury to be impannelled to decide the Matter.

XLVII. Provided always, and be it further enacted, That if any such Body Politic, Corporate, or Collegiate, or any Feoffee or Feoffees in Trust, Executor, Administrator, Husband, Guardian, Trustee, Committee of or for any Idiot or Lunatic, or any Feme Covert, or any Person, whether Tenant for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or any other Person or Persons seised or possessed of, interested in, or entitled unto any of the Lands, Tenements, and Hereditaments authorized by this Act to be purchased by the said Company, cannot agree with the said Company or their Directors as to the Value of the Premises, or the Amount of such Compensation or Satisfaction, or shall refuse to accept such Purchase Money or other Compensation as shall be offered by the said Company or their Directors respecting the Purchase of any such Premises, or the Satisfaction to be made for any such Injury or Damage, and shall give Notice in Writing to the Secretary or Clerk of the said Company or of the said Directors, requiring a Jury to be summoned for the Purpose of assessing the Price of such Purchase or the Amount of such Satisfaction, or if any such Body Politic, Corporate, or Collegiate, or any Person or Persons so interested or entitled as aforesaid, shall for the Space of Twenty-one Days next after Notice in Writing shall have been given by the Secretary or Clerk of the said Company or of the said Directors to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Feoffee or Feoffees in Trust, Executors, Administrators, Husband, Guardian, Trustee, Committee of or for any Idiot, Lunatic, or any Feme Covert, or to such Tenant for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or other Person or Persons so interested or entitled as aforesaid respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or other Hereditaments, neglect or refuse to treat or shall not agree with the said Company or the said Directors, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment cannot treat for themselves, or make such

Agreement or Agreements, as shall not within the Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which he, she, or they respectively is or are or shall be in Possession of, and the Interest which he, she, or they respectively may claim therein, then and in every such Case the said Directors, or any Three or more of them, shall and they are hereby empowered and required, after the Expiration of Twenty-one Days from the Day of the Service of any such Notice, forthwith to issue a Warrant under their Hands and Seals directed to the Sheriff of the County, Town, or Place in which the Lands or Hereditaments in question shall be situated, or the Matter in question or dispute shall arise, commanding such Sheriff to impanel, summon, and return a Jury for assessing the Value or Amount thereof, and the said Sheriff is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four honest, sufficient, and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Warrant shall be appointed; and the said Sheriff is hereby required, out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff shall return other honest, sufficient, and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid) to make up the said Jury to the Number of Twelve; and it shall and may be lawful to and for all Persons concerned to have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby empowered and required, by a Summons or Notice to be signed by such Sheriff either previous to or at the Time of any such Meeting or Meetings, to call before them all and every Person or Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses upon Oath touching and concerning the Premises; and the said Sheriff may order and authorize the said Jury, or any Three or more of them, to view the Place or Places or Matter or Matters in question, if there be Occasion, and to use all other lawful Ways and Means, as well for his own as for the Jury's better Information in the Premises, as the said Sheriff shall think fit; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered and required to administer,) shall inquire of, assess, and ascertain, and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence and Satisfaction to any such Body or Bodies, Person or Persons, in respect of any such Loss, Damage, or Injury sustained or to be sustained as aforesaid; and after the said Jury shall have inquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Sheriff shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Company, or by the said Directors on their Behalf, to the said Owners or Occupiers of, or other Person or Persons interested in, the said Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury, and shall give Judgment for such Purchase Monies, Recompence, or Satisfaction to be assessed by such Jury; which said Verdict or Inquisition, Order and Judgment thereon pronounced

nounced as aforesaid, shall be signed by the said Sheriff, and shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming any Estate in Fee Simple or in Fee Tail, for Life or Lives, in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Females Covert, Persons beyond the Seas, and under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as the said Company and all other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster* or any other Court, any Law or Statute to the contrary thereof notwithstanding.

Penalty on
Jury men and
Witnesses
not attend-
ing.

XLVIII. And be it further enacted, That if any Person so impannelled, summoned, and returned as aforesaid upon such Jury shall not appear without some reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, he shall be liable and subject to the same Regulations, and to the same Pains and Penalties for such Default, as if he had been impannelled, summoned, and returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and if any Person so summoned and required to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear after having been paid or tendered a reasonable Sum for his or her Costs, Charges, and Expences, or shall not allege a sufficient Excuse to the said Sheriff for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence, then and in every such Case every such Person so offending, upon Proof thereof made before One of His Majesty's Justices of the Peace for the County or Place where such Offender shall reside, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, according to the Discretion of the said Justice; and in case any such Penalty shall not be forthwith paid it shall and may be levied by virtue of any Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person so offending the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any such Person who shall be impannelled, summoned, and returned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Persons.

By whom
Expences of
Jury shall
be paid.

XLIX. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered by or on behalf of the said Company as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impanneling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne
by

by the said Company out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within Twenty-one Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company, (unless such Treasurer or Treasurers shall pay such Costs and Charges out of the Monies received by him or them by virtue of this Act, which he or they is and are hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the Town and County of *Newcastle*, or County of *Northumberland* or *Durham* (as the Case may be), which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges the same shall be settled and ascertained by any Justice of the Peace for the said Town and County of *Newcastle*, or County of *Northumberland* or *Durham* (as the Case may be), not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Party or Parties as so much Money advanced for his, her, or their Use; and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

L. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, or by any Justice as herein-after mentioned, for the Purchase of any Lands, Tenements, or Hereditaments, or as a Compensation for Damages as aforesaid to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation

Power to enter Lands on Payment, &c. of Purchase Money.

sation respectively, within One Calendar Month after the same shall be so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Company, and their Agents, Servants, and Workmen, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively, (or before such Payment, Tender, or Investment, with the Consents in Writing of the Proprietors and Owners thereof,) and then and thereupon such Lands, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become and be the sole Property of the said Company to and for the Purposes of this Act for ever; and such Payment, Tender, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Investment in the Bank of *England* as aforesaid it shall not be lawful for the said Company or any Person acting under their Authority to dig or cut into, take or use, such Lands, Tenements, or Hereditaments, for the Purpose of making the said Waterworks, or other the Works hereby authorized to be made, without the Leave of the respective Owners and Occupiers thereof in Writing under their respective Hands.

Verdicts of
Juries to be
recorded.

LI. And be it further enacted, That the said Verdicts and Judgments so given shall be transmitted by the Sheriff before whom the same shall be taken as aforesaid to and kept by the Clerk of the Peace, or other Person or Persons having the Custody of the Records of the Quarter Sessions of the said Town, County, or Place, and shall be deposited with and be deemed to be Records of such Quarter Sessions respectively to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, or to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words.

If Damages
are less than
20*l.* same to
be settled by
a Justice.

LII. And be it further enacted, That in case the Value or Amount of any Compensation or Satisfaction to be made for any of the Lands, Tenements, or Hereditaments aforesaid, or for any Damages from Time to Time claimed or to be claimed, shall be alleged to amount to any Sum under Twenty Pounds, then such Value, Compensation, or Satisfaction shall or may be ascertained and settled by any Two Justices of the Peace acting for the County, Town, or Place where the Cause of Dispute shall arise, and shall and may be levied and recovered by Warrant under the
Hands

Hands and Seals of any such Justices, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justices, by Distress and Sale of the Goods and Chattels of the said Company, unless the Treasurer of the said Company shall pay and discharge the same within Twenty-one Days next after the Day the same shall be ascertained and settled by such Justices as aforesaid, which he is hereby authorized and empowered to do, out of any Monies received or to be received by him as such Treasurer as aforesaid.

LIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as herein-before mentioned, such Money shall, in case the same shall amount to or exceed Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the *Newcastle* Subscription Water Company, pursuant to the Method prescribed by an Act made in the First Year of the Reign of His late Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or in or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by the
Order

Application of Money to be paid when amounting to 200*l.* or upwards.

1 G. 4. c. 35.

Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less than 20*l.* and amounting to or exceeding 20*l.*

LIV. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the Parties nominating such Trustees, and under the Common Seal of the said Company, in order that such Principal Money and the Dividends arising therefrom may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

Where less than 20*l.*

LV. And be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Company shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

LVI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums so awarded to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of

Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to any such Sum or Sums of Money, or to any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

LVII. And be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase by the said Company, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of disputed Titles, the Person in Possession to be deemed lawfully entitled.

LVIII. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the reasonable Expences of all Purchases from Time to Time to be made in pursuance of this Act, and of the Re-investment of the Purchase Money in Land, together with the necessary Costs and Charges of obtaining the Orders for such Purposes, to be paid by the

The Court may order reasonable Expences of Purchasers to be paid by the Company.

[Local.]

5 A

said

said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to sell
Lands, &c.
not wanted
for the Pur-
poses of the
Act.

LIX. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of any Part of any Lands, Tenements, or Hereditaments which may be purchased in pursuance of this Act, and which may afterwards become useless or unnecessary for the Purposes of this Act, and by Indenture under their Common Seal absolutely to grant and convey any such Part or Parts of the Lands, Tenements, or Hereditaments which shall have been so purchased and shall not be wanted for the Purposes aforesaid; and all such Conveyances from the said Company shall be good, valid, and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Monies for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which the said Lands, Tenements, or Hereditaments shall be sold, or for so much thereof as in such Receipt shall be expressed to be received; and such Person or Persons shall not be answerable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof: Provided always, that before the said Company shall sell and dispose of such Lands, Tenements, or Hereditaments, or their Estate or Interest therein, they shall first offer to sell the same to the Person or Persons whose Lands, Tenements, or Hereditaments shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold, and giving Notice in Writing to such Person or Persons that such Offer is made in pursuance of the Provisions of this Act, and specifying the Particulars of such Provisions; and in case such Offer shall not be accepted, or if the said Company and such Person or Persons shall differ and not agree as to the Price or Rate thereof, and such Person or Persons shall signify his, her, or their Desire to purchase the same, by a Notice in Writing to be given or left with the Secretary or Clerk of the said Company within Fourteen Days after such Offer, at a Price to be settled and adjusted by a Jury, then the Price or Prices thereof shall be settled and ascertained by a Jury in manner directed by this Act in Cases where a Jury is to be summoned in Cases of Purchases made by the said Company, or by Two Justices, as the Case may be, as herein mentioned, *mutatis mutandis*, which Notice shall be deemed an actual Contract for Purchase of the said Premises, as against the Party or Parties giving the same, at a Price which shall be adjusted and settled by such Jury; and in case such Person or Persons shall not agree to purchase, or shall not give such Notice of his, her, or their Intention of purchasing, the same within Fourteen Days after such Offer of Sale, then and in every such Case an Affidavit being made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place where such Lands, Tenements, or Hereditaments shall be situated, by some competent Person or Persons, stating that such Offer was made by or on the Behalf of the said Company, and was not then and thereupon agreed to by the Person or Persons to whom the same was so made, and that

no such Notice as aforesaid was given, shall in all Courts be sufficient Evidence and Proof that such Offer was made and was not agreed to by the Person or Persons to whom it was made (as the Case may be), and that such Notice as aforesaid was not given.

LX. And be it further enacted, That all and every Sum and Sums of Money which shall be had, received, and taken by the said Company as the Consideration of any such Sales as aforesaid shall be paid, applied, and disposed of in such and the like Manner as any other Sums of Money arising or to arise from the said Waterworks respectively are hereby directed to be paid, applied, and disposed of.

Application
of Purchase
Money.

LXI. And be it further enacted, That in all Grants and Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, the Word "grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee, Lessee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were, at the Time of the Execution of every such Grant, Release, or Conveyance, seised of the Hereditaments and Premises thereby granted, conveyed, and sold of an indefeasible Estate of Inheritance in Fee, from all Incumbrances, for quiet Enjoyment thereof against the said Company, their Successors and Assigns, and all claiming under them; and all such Purchasers shall be indemnified and saved harmless by the said Company and their Successors.

The Word
"grant" to
operate as
Covenants
for the Title.

LXII. And be it further enacted, That such of the Inhabitants of the said Town and County of the Town of *Newcastle-upon-Tyne*, and the said several Parishes or Parochial Chapelries, Townships, or Places within the Limits of this Act, as shall be desirous of having Water from the Waterworks of the said Company conveyed by Service Pipes or otherwise into their Houses, Buildings, or other Premises, may and are hereby authorized and empowered, at their own Expence, (having given Six Days previous Notice in Writing of his, her, or their Intention so to do to the said Company, and with the Consent of the Owners or Occupiers of any inclosed Lands or Grounds in or Premises through which any such Pipes shall be conveyed,) to open the Ground between the Main Pipes or Branch Pipes of the said Company and the respective Houses, Buildings, or other Premises of such Inhabitants, and to lay any Leaden or other Service Pipe or Pipes (the Bore thereof to be of the Dimension of Three Quarters of an Inch without the Consent of the said Company, or of a greater Bore with the Consent of the said Company,) from such respective Houses, Buildings, or other Premises, to communicate with the said Main Pipes or Branch Pipes, such respective Inhabitants paying to the said Company the Rates or Sums herein-after mentioned: Provided always, that no such Inhabitant shall lay or put any Pipe to communicate with the Main Pipes or Branch Pipes of the said Company except under the Superintendence and Controul of some Surveyor or other Officer or Person to be appointed by the said Company for the Purpose, unless no such Surveyor, Officer, or Person shall attend after Notice served on the said Company at least Six

Inhabitants
may lay
Pipes to
those of the
Company
after giving
Notice.

Six Days previously, such Notice specifying the particular Day and Hour when such Pipe is intended to be laid or put, or made to communicate as aforesaid with the Pipes of the said Company: Provided also, that all and every Person or Persons who shall have laid any Leaden or other Service Pipe or Pipes as aforesaid shall be at liberty to remove and take away such Pipe and Pipes, and the Cock or Cocks belonging thereto, under the Superintendence of some Surveyor, Officer, or Person, after having first given at least Six Days previous Notice in Writing to the said Company of his, her, or their Intention so to do, and of the Time of the doing thereof, in like Manner as is herein-before required for laying the same, unless such Surveyor, Officer, or Person shall not attend accordingly, and doing no Injury or Damage to the Pipes of the said Company; and all such Inhabitants so breaking up or removing the Soil or Pavement in any of the Cases aforesaid shall forthwith make good the same, on pain of forfeiting for every Day's Neglect the Sum of Forty Shillings, to be recovered as other Penalties may be recovered by virtue of this Act; and every such Inhabitant neglecting to make good the same shall also be liable to pay and shall pay any Expences which may be incurred by the said Company, or any other Person or Persons, in making good the same, in addition to such daily Penalty.

Cisterns and
Ball Cocks
to be pro-
vided.

LXIII. And in order to prevent as much as possible the wilful and negligent Waste of Water, be it further enacted, That each and every Person supplied with Water by virtue of this Act shall, on being required by the said Company or their Directors, provide a proper Cistern or Cisterns, or other Vessel or Vessels of Lead, Stone, Brick, Wood, or other Materials, to receive and hold such Quantity of Water as shall be deemed sufficient for his, her, or their Consumption; and he, she, and they is and are hereby required to provide a Ball and Stopcock, and to fix or cause the same to be fixed to the Pipe conducting the Water from the Main or Service Pipes belonging to the said Company to such Cistern or Cisterns, Vessel or Vessels, and at all Times afterwards shall keep the same in good Repair, for the Purpose of preventing the Water running to waste when the same shall be full; and in case any Person or Persons supplied with Water by virtue of this Act shall (on being required so to do as aforesaid) neglect to provide such Cistern or Cisterns, Vessel or Vessels, and also a Ball and Stopcock, and to affix or cause the same to be affixed in manner aforesaid, for the Purpose of preventing the Water from running to waste when such Cistern or Cisterns, Vessel or Vessels, shall be filled as aforesaid, it shall and may be lawful to and for the said Company or for their Directors, or any Person or Persons acting by virtue of or under the Authority of the said Company, to cut off the Pipe and turn off the Water by such Ways and Means as to him or them shall seem right or proper from the House, Building, or other Premises of every such Person, until such Cistern or Cisterns, Vessel or Vessels, and Ball and Stopcock shall be provided, and such Ball and Stopcock added in manner aforesaid.

Penalty on
Persons not
repairing
Pipes, &c.

LXIV. And be it further enacted, That if any Person or Persons shall negligently suffer any of his, her, or their Pipe or Pipes, or Cock or Cocks attached thereto, which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said Company, to be out of repair, so as to let the Water run waste and useless, or shall neglect to repair the same within

within Twenty-four Hours after being required so to do by any of the Agents or Workmen of the said Company, it shall and may be lawful to and for the said Company to cause the said Pipes and Cocks to be repaired, and the Expences attending the same to be payable by such Person or Persons so allowing any of his, her, or their Pipes to be out of repair as aforesaid, and recoverable in like Manner as is provided for the Recovery of Rent as herein-after mentioned.

LXV. And be it further enacted, That the said Company of Proprietors shall be obliged, in the Manner before directed, to furnish such a sufficient Supply of Water, as far as their Means will allow, to every Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Square, Street, Close, or Lane within the Limits of this Act, as herein-before described, where the Pipes of the said Company of Proprietors hereafter shall be laid, for the Use of his or her own Family, at the following Rate *per Annum*; (that is to say,)

Limiting the Rates to be paid for Water, &c.

Where the Rent of such Dwelling House or Part of a Dwelling House shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds and Ten Shillings:

And where such Rent shall be above Twenty Pounds and not exceeding Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds:

And where such Rent shall be above Forty Pounds and not exceeding Sixty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds and Ten Shillings:

And where such Rent shall be above Sixty Pounds and not exceeding Eighty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds:

And where such Rent shall be above Eighty Pounds and not exceeding One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds and Ten Shillings:

And where such Rent shall be above One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds:

And such Rate shall be payable according the actual Amount of the Rent where the same can be ascertained, and where the same cannot be ascertained, according to such Rent as such Inhabitant shall be assessed for the Relief of the Poor: Provided nevertheless, that the said Company of Proprietors shall not be entitled to receive from any such Inhabitant more than the Sum of Ten Pounds in any One Year for such Supply, nor shall such Company be obliged to furnish such Supply to any Inhabitant for less than Twelve Shillings in any One Year, unless they shall think fit so to do; and in case of Schools, Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Livery Stable Keepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of his or their own Families Consumption, or Persons requiring a Supply of Water for Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Company in such Cases at such Rate as shall be settled by and between the Directors of the said Company and such Persons respectively.

[Local.]

5 B

LXVI. And

Power for
Company to
reduce the
Water Rates.

LXVI. And be it further enacted, That it shall be lawful for the said Company to lower and reduce the Rates or Rents by this Act authorized to be taken, and afterwards from Time to Time again to advance and raise the said Rates or Rents which shall have been so lowered and reduced, if Circumstances render it necessary so to do: Provided always, that the said Rates or Rents shall not in any Case be advanced or raised so as to exceed the several and respective Rates or Rents authorized to be taken by virtue of this Act: Provided also, that the said Rates or Rents shall not be lowered or reduced whilst any Principal Sum, borrowed under the Powers of this Act in relation to the Waterworks, shall remain unpaid: And provided further, that in case of Brewers, Maltsters, Innkeepers, or other Persons requiring a Supply of Water independently of their, his, or her own Family's Consumption, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Company in such Cases at such Rate or Rent as shall be settled and agreed upon by and between them and the said Company.

Notice to be
given on dis-
continuing
the Use of
Water;

LXVII. And be it further enacted, That the Rate or Rates, Rent or Rents, so agreed to be paid as aforesaid, shall be charged on the Owner or Owners, Occupier or Occupiers as aforesaid, until Notice in Writing be given by him, her, or them to the Clerk of the said Company of the Intention of such Owner or Owners, Occupier or Occupiers, to discontinue to take or use such Water, such Notice to expire on some usual Quarter Day: Provided always, that in all Cases where any Owner or Occupier shall remove from or quit Possession of any House, Building, Land, Ground, or other Hereditaments in respect whereof he, she, or they shall have agreed to pay for Water supplied by the said Company by virtue of this Act, such Owner or Occupier shall be liable to pay for the same down to the next Quarter Day after such Removal only.

but in case of
Removal,
Rates to be
paid to the
Quarter Day
only.

The Water
Rates to be
payable in
advance.

LXVIII. And be it further enacted, That the Proportion of the Quarter's Water Rates or Rents payable to the said Company by virtue of this Act from the Period at which the said Company shall contract with any Person or Persons for the Supply of Water, under the Powers herein contained, until the next of the Quarter Days herein-after mentioned, *videlicet*, the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, shall be paid in advance at the Time at which the Contract shall be made, and that the full Water Rate or Rent for each Quarter shall thenceforward become due and payable in advance on the said Days as they respectively occur and happen.

Power to
lease the
Water Rates.

LXIX. And be it further enacted, That it shall be lawful for the said Company to lease the Rates or Rents of the said Water in whole or in part from Time to Time, in the Way and Manner that shall be directed by the said Company, for any Term not exceeding Three Years, subject to the Performance of such Covenants as the said Company shall think fit to prescribe, and for the best Rent that can be obtained for the same, to such Person or Persons as shall give sufficient Security for the Performance of such Covenants and for the sure Payment of such Rents, to be approved of by the said Company.

LXX. And

LXX. And be it further enacted, That in case Default shall be made in Payment of any Rate or Rates, Rent or Rents, or Sum or Sums of Money, at any Time or Times to be due or payable to the said Company under or by virtue of this Act, it shall and may be lawful for the said Company to cause any Service Pipe or Pipes used for supplying with Water the Person or Persons making such Default, and communicating with the Main Pipes or Aqueducts belonging to the said Company, to be separated from the said Main Pipes or Aqueducts, and to cause the Water to be stopped from issuing or running into the Houses, Buildings, and other Premises of every Person making such Default; and the Rate or Rates, Rent or Rents, Sum or Sums of Money which shall be due and in arrear from such Person or Persons to the said Company, and every Part thereof, in case the Amount due shall be less than Twenty Pounds, shall be recoverable and shall and may be recovered by the said Company, together with the Costs and Expences of removing such Pipes and stopping such Water and of making the Distress, by Warrant under the Hand and Seal of any Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Person or Persons refusing or neglecting or liable to pay the same or any Part thereof, wherever such Goods and Chattels may be found, or of any Goods and Chattels whatsoever found upon the said Premises which by Law would be liable to a Distress for Rent, in the same Manner as Rents reserved or in arrear on common Demises may by Law be recovered; or in case the Amount due shall amount to or exceed Twenty Pounds, then the same, with Costs of Suit, may be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case,

In case Rates are in arrear.

LXXI. Provided always, and be it further enacted, That where several Messuages, Cottages, Dwelling Houses, or Tenements in the Occupation of several Persons shall be supplied by One common Service Pipe to be laid to and introduced into any Reservoir, Main Pipe, Branch Pipe, or Aqueduct, the several Owners or Occupiers of such Messuages, Cottages, Dwelling Houses, or Tenements shall be respectively liable to pay for such Supply of Water at and after the same Rate as he or they would be liable to pay for the same if each of such several Messuages, Cottages, Dwelling Houses, or Tenements was separately supplied with Water by a distinct Service Pipe from the Waterworks of the said Company; and such several Rates or Rents, in case of Nonpayment, shall be recoverable and recovered in like Manner as any other Rates or Rents are recoverable or may be recovered by virtue of this Act.

Where several Houses, &c. are supplied by One common Branch Pipe, each Occupier liable to Rates.

LXXII. And be it further enacted, That in case the said Company shall neglect or refuse to supply any of the said Inhabitants occupying any private Dwelling House in any Square, Street, Close, or Lane where the Pipes of the said Company shall be laid, with Water for the Use of his or her own Family, at the Rate or Rent aforesaid, for the Space of Five Days, (after Demand in Writing shall have been made by such Inhabitant to the Secretary, Clerk, Engineer, or other Servant of the said Company for the Time being for such Supply of Water, and Tender made to such Secretary, Clerk, Engineer, or other Servant of the Amount of the Rate or Rent so payable immediately in advance for such Supply,) the said Company shall forfeit and pay to such Inhabitant Treble the Amount of

Penalty for not supplying Water to the Inhabitants.

the

the Rate or Rent so tendered, (in case the said Company at the Time of such Demand and Tender being made can grant such Supply of Water without lessening the Supply to the other Tenants of the said Company, but not otherwise,) to be levied and recovered, together with such Costs and Charges as shall be awarded and allowed, by Warrant under the Hand and Seal of any One Justice of the Peace, by Distress and Sale of the Goods and Chattels of the said Company, and also the further Sum of Ten Shillings for every Day after the Decision so made by such Justices that the said Company shall continue to neglect or refuse such Supply, to be recovered as the above-mentioned Penalty is herein-before directed to be recovered.

Penalty on Persons supplying Water to others not agreeing with Company.

LXXIII. And be it further enacted, That if any Person or Persons supplied with Water by virtue or under the Directions of this Act shall supply any other Person or Persons not having agreed with the said Company to be supplied with Water from the said Waterworks, or shall wilfully permit or suffer any other Person or Persons not having so agreed to be supplied to take any Water, or if any Person or Persons not having so agreed to be supplied shall take or use any Water at or from any Reservoir, or any Pipes leading thereto, or any Main Pipe or Branch Pipe or Service Pipe, or any Cock affixed or to be affixed to any Reservoir, Aqueduct, or Pipe made, laid, or used for the Purposes of this Act, or from any Cistern or other Receptacle for Water as aforesaid, or if any Person or Persons shall, by negligently suffering his, her, or their Service Pipes or Cisterns, or other Receptacles for Water, or the Cocks belonging thereto, to be out of repair, occasion the Water thereby supplied to run waste or useless, then and in every such Case every Person so offending as aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, according to the Discretion and Decision of any Justice of the Peace before whom any Penalty may be recovered as herein-after provided.

Persons permitted to supply Water in certain Cases.

LXXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person or Persons whomsoever supplied with Water by virtue of this Act to a Penalty or Forfeiture for supplying any Person or Persons whomsoever with any Quantity of such Water in case of Fire, or during any Time that the Pipe or Pipes, Cock or Cocks, belonging to any Person or Persons supplied with Water by virtue of this Act shall or may happen to be out of repair, and before a sufficient Time has elapsed to put the same in repair.

For enabling Company to enter Premises to see that there is no Waste of Water.

LXXV. And be it further enacted, That it shall and may be lawful to and for the Engineer, or any other Person or Persons acting by or under the Authority of the said Company or of their Directors, between the Hours of Ten in the Forenoon and Four in the Afternoon, upon giving Twelve Hours previous Notice of his or their Intention, to enter into any House, Building, or other Premises supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company; and if such Engineer, or other Person or Persons acting by or under the Authority of the said Company or their Directors, shall

at any such Time or Times be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall and may be lawful to and for the said Company to cut and turn off the Water supplied by the said Company from such House, Building, or other Premises.

LXXVI. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons whomsoever at all Times to use and employ the Water which shall so as aforesaid be contained in or supplied from any Pipes or Aqueducts of the said Company in the extinguishing of any Fire or Fires which may happen to any House or Building, Goods or other Property, within the said Town and County or its Neighbourhood, as herein-before described, without making any Satisfaction or Compensation for the same to the said Company, or any other Person or Persons whomsoever.

Water may be used in extinguishing Fires.

LXXVII. And be it further enacted, That the said Company shall and they are hereby required to keep, maintain, and lay down in the several Streets, Lanes, Courts, Passages, and Places within the said Town and County, and the several Parishes and Places herein-before described, as far as the Pipes of the said Company shall extend, a sufficient Number of Fire Plugs in such Streets, Lanes, Courts, Passages, and Places as aforesaid, for the Supply of Water in case of Fire; and when and as soon as any such Fire Plug or Fire Plugs shall be finished the said Company shall deliver a Key or Keys of such Fire Plug or Fire Plugs to the Constable or Constables of the Limit within which such Fire Plug is placed, in order that the same may be more effectually got at in case of Fire, and shall from Time to Time keep such Fire Plugs in good and sufficient Repair, Order, and Condition.

Requiring the Company to fix Fire Plugs.

LXXVIII. And be it further enacted, That if any Person shall bathe in any Reservoir, Aqueduct, Waterway, Feeder, or Pond, being the Property of the said Company, made, maintained, or supported by virtue of this Act, or wash any Sheep or other Animal therein, or throw or cast any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Matter or Thing there, or wash or cleanse any Cloth, or any Wool or Leather, or the Skins of Sheep, Lambs, or other Animals, or cause or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into any such Reservoir, Aqueduct, Waterway, Feeder, Pipe, or Pool, or into any of the Brooks, Streams, or Springs communicating therewith, or cause any other Annoyance, Nuisance, or Injury to be done to the Water contained in any such Reservoirs, Aqueducts, Waterway, Brook, Stream, Spring, Feeder, Pipe, or Pool, whereby or by means whereof the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in each and every such Case every such Person so offending shall forfeit and pay to the said Company for every such Offence any Sum not exceeding Ten Pounds nor less than Forty Shillings.

Penalty on fouling the Water.

Penalty on Persons opening the Locks, or doing other Damage to the Waterworks.

LXXIX. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish into any Part of the said Waterworks, Reservoirs, Aqueducts, Trenches, Watercourses, or Feeders to be made by virtue of this Act, or shall open or cause to be opened any Lock, Cock, Gate, Paddle, Valve, Plug, or Clough belonging to the said Waterworks, or otherwise injure the same, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Waterworks, or shall leave any of the said Valves, Cloughs, Locks, Pipes, or Cocks belonging to the same open or running, or shall cause to be drawn any Paddle, Valve, or Clough, or other Thing, so as to mispend or waste the Water thereof, its Courses or Feeders, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall take or cause to be taken (except in Cases of Fire) any Water from or out of any Pipe which shall be laid by virtue of this Act (without the Consent of the said Company first had and obtained), every Person so offending in any of the Cases aforesaid shall forfeit and pay to the said Company for every such Offence any Sum not exceeding Ten Pounds nor less than Ten Shillings.

Penalty on destroying Works.

LXXX. And be it further enacted, That if any Person shall knowingly, wilfully, or maliciously break, throw down, damage, or destroy any Banks, Fences, Reservoirs, Pipes, or other Works to be erected, made, or maintained by virtue of this Act, then and in every such Case every such Person shall be adjudged guilty of Felony, and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to award such Sentence as the Law directs in Cases of Simple Larceny.

Requiring Company to reinstate Pavements, &c. after the Pipes have been laid down.

LXXXI. And be it further enacted, That whenever and so often as the said Company, or any other Person or Persons, shall have opened, broken up or removed, pursuant to the Provisions of this Act, the Stones, Ground, Soil, or Pavement in or of any Road, Highway, Foot Pavement, Wharf, Quay, Street, Square, Court, Yard, Lane, Passage, or Place, or any Part thereof, within the said Town and County of the Town of *Newcastle-upon-Tyne*, or other Places within the Limits of this Act, the said Company and such other Person or Persons shall and are hereby required immediately to reinstate and make good such Ground, Soil, Carriage or Foot Pavement, in as good sound State and Condition, and with the like Materials in all respects, as the same was or were in at the Time of being so opened, broken up, or removed; and the said Company, or such other Person or Persons, shall cause all surplus Earth, Filth, and Rubbish occasioned by opening the Ground to be removed and carried away, at their own Costs and Charges, with as little Delay, Detriment, or Danger as possible, and so that in no Case such Ground shall remain open, unrepaired, or the Rubbish unremoved, for a longer Space than Twenty-four Hours from the Time when such Works commence, unless the Commissioners acting under any Act of Parliament, or the Trustees of any Turnpike Road, or the Surveyors of any of the Highways not being Turnpike Roads, who shall have the Care or Management of such Streets or Highways respectively (as the Case may be), shall grant further Time for doing the same; and that during the Time the Works of the said Company in so opening the Pavements shall be carried on there shall at all Times be left a free

Passage

Passage for Carriages of at least Ten Feet wide, unless the Carriageway shall be less than Twenty Feet wide, in which Case the Opening so made shall be filled up and the Streets repaved in the Space of Forty-eight Hours after the Commencement of the Works thereon; and that during the Time of forming the Trenches, laying or taking up the Pipes, or doing any thing else by which Obstructions may be occasioned in the Streets, Lanes, Passages, or other Places, the said Company, or such other Person or Persons, shall protect such Opening and Obstruction with a sufficient Fence, and provide proper Watchmen to guard the same, and place a Lamp or Lamps at each Extremity, and at other Parts of the Opening or Obstruction where it may be necessary, to be kept burning from Sunsetting to Sunrising, and shall otherwise properly secure and guard the said Works, to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and the said Company, or such other Person or Persons, shall from Time to Time, when required by the said Commissioners, Trustees, or Surveyors aforesaid, at any and every Period during Three Calendar Months from the Time of making or commencing any such Opening, or receiving from Time to Time a written Notice from the said Commissioners, Trustees, or Surveyors, or their respective Clerks, or any Person authorized by them (as the Case may be), relay and again take up and relay such Carriageway or Foot Pavement until the said Carriageways and Foot Pavements shall be made complete to the Satisfaction of the said Commissioners, Trustees, or Surveyors (as the Case may be): Provided always, that if the said Company, or any of their Agents or Workmen, or such other Person or Persons, shall neglect to reinstate such Ground, Soil, or Pavement which may be so broken up with the like Materials, and in as good sound State and Condition as aforesaid, or to remove the Rubbish occasioned as aforesaid, within the Period of Twenty-four Hours as aforesaid, (unless the said Commissioners, Trustees, or Surveyors respectively shall grant further Time for doing the same,) or shall omit to leave a free Passage for Carriages as before mentioned, or to protect such Openings with a Fence, or to provide Watchmen and Lamps as aforesaid, then and each and every such Case of Neglect or Omission the said Company, or such other Person or Persons, shall forfeit and pay any Sum not exceeding Five Pounds, over and besides the Expence of putting such Grounds in repair as aforesaid, to be recovered on the Complaint of any Owner or Occupier of the aforesaid Grounds, or of any such Commissioners or Trustees or Surveyors as aforesaid, from the said Company, or such other Person or Persons, in like Manner as other Penalties and Forfeitures are by this Act to be recovered, and to be paid over to the Treasurer for the Time being of such Commissioners or Trustees, or to such Surveyors (as the Case may be), to be applied for the Purpose of their respective Commission, Trust, or Office; and in case the said Company, or such other Person or Persons, shall make default in reinstating such Ground, Soil, or Pavement as aforesaid within the Period aforesaid, it shall be lawful for the said Commissioners, Trustees, or Surveyors to reinstate and make good such Ground, Soil, or Pavement, and the Charges and Expences thereof shall be reimbursed and repaid by the said Company or their Treasurer, or such other Person or Persons, to the said Commissioners or Trustees, or their respective Treasurers, or to the said Surveyors (as the Case may be); and in default of Payment thereof within Ten Days next after Demand thereof in Writing shall have been

been made by the Clerk of the said Commissioners or Trustees, or of the said Surveyors (as the Case may be), Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the Town and County of *Newcastle-upon-Tyne*, or County of *Northumberland* or *Durham* (as the Case may be), all such Sum or Sums of Money so paid by them shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or such other Person or Persons, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace, and which Warrant such Justice or Justices respectively is and are hereby empowered to grant, and such Sum or Sums of Money shall be paid to the said Commissioners or Trustees, or their respective Treasurer, or to such respective Surveyors (as the Case may be).

If Ground removed so as to cause Pipes to be near the Surface, the Pipes to be re-laid.

LXXXII. And be it further enacted, That if at any Time hereafter the Ground over any Pipe or Pipes laid down or belonging to the said Company shall be removed, so as to lessen the Depth thereof, the Trustees or Commissioners, Surveyor or Surveyors, Person or Persons so removing or causing the same to be removed, shall relay so much of the Pipe or Pipes as shall be necessary to replace them at the Depth of Eighteen Inches at the least below the Surface of the Ground, to be measured from the upper Surface of such Pipe; and in case such Trustees, Commissioners, Surveyor or Surveyors, or Person or Persons, shall neglect or refuse to relay the same for the Space of Seven Days next after they or he shall be thereto requested, then and in such Case the said Company may replace the same, and the Expence thereof shall be charged to and payable by the Party or Parties by whom the said Alteration in the Ground was effected; and the Amount thereof may be recovered by the said Company by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, in any of His Majesty's Courts of Record at *Westminster*, or by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, under the Warrant of Two Justices of the Peace for the County or Place where the Cause of Action shall arise, together with the Charge of such Distress and Sale, in manner herein directed.

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

LXXXIII. And be it further enacted, That all and every the Pipes and other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Highway, Street, or other Passage or Place within the Limits of this Act shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof at the Distance of Four Feet at least, from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Highways, Streets, or other Passages or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Case the said Gas Pipes shall be laid over the said Water Pipes, Soughs, or Watercourses at the greatest practicable Distance therefrom, and shall form a Right Angle therewith; and the Gas Pipes so crossing the said Water Pipes, Soughs, and Water-

courses shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes, Soughs, or Watercourses than Four Feet at least, and such Gas Pipes so crossing the said Water Pipes shall for the whole Length thereof be sufficiently bedded in with good sound Clay, stiff Loam, or other proper and sufficient Materials of a proper Consistence, and well worked and rammed into the Trenches all round the said Gas Pipes; and in laying down the said Gas Pipes the Contractor or other Persons to whom the same shall belong shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes which may be added thereto with proper and sufficient Materials, and also, wherever practicable, lay and well and sufficiently bed each and every of the Joints of the said Main Gas Pipes, and also the Joints or Screws of the Branch or Service Gas Pipes connecting with the Main Gas Pipes, and also the Joints of the Service or Branch Pipes for conveying Gas from the Main Gas Pipes to the Houses and other Buildings, and all other Joints, Inlets, Apertures, or Openings which are or shall or may be made in any of the said Gas Pipes with such Clay, stiff Loam, or other proper and sufficient Materials as aforesaid, all round the said several and respective Joints, Inlets, Apertures, or Openings, and for Twelve Inches in Length each Way from the Centre of each and every of the Caps or Joints in the Main Pipes, and of the Inlets, Apertures, Screws, or Joints connecting the Service Pipes with the Main Pipes, and all other Joints, Inlets, Apertures, or Openings therein, and for Six Inches at least from the Centre of each of the Joints in the Service Pipes, so as to make and keep all and every such Pipes, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in every respect prevent the Gas from escaping therefrom, upon pain of forfeiting the Sum of Five Pounds for every such Offence, to be paid to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction takes place shall have sustained any Annoyance or Injury or Damage by any such Act so done or committed.

LXXXIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by any such Contractors or other Persons as aforesaid, such Contractors or other Persons shall, at their own Expence, immediately after Notice of any such Escape of Gas given to them or him by Parol. or in Writing from any Person whomsoever, stop and prevent such Gas from further escaping; and in case the said Contractors or Persons shall not, within Twenty-four Hours next after such Notice given, stop and prevent any further Escape, and thereby remove the Cause of Complaint, then and in every such Case the said Contractors or Persons as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of some credible Witness, by Information to be laid before some Justice of the Peace for the County, Town, or Place within which such Offence shall be committed, and shall

For preventing
Escape
of Gas.

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and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Contractors or Persons as aforesaid.

Penalty for conveying Washings of Gas into any River, Stream, &c.

LXXXV. And be it further enacted, That if any Contractor or Contractors, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be produced in or by the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or other Thing to the Water contained in such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in each and every such Case such Contractor or Contractors, or other Person or Persons, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased or determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, Canal or Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to such Contractor or Contractors, or Person or Persons, and they or he shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Contractor or Contractors, or Person or Persons so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted,

conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by such Act so done or committed.

LXXXVI. And be it further enacted, That whenever the Water of the said Company shall be contaminated or affected by the Gas of any Contractor or Contractors, or Person or Persons making, furnishing, or supplying Gas as aforesaid, such Contractor or Contractors, or Person or Persons so offending, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Company and Individuals affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatever, that then and in every such Case the Contractor or Contractors, or Person or Persons making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Secretary or Clerk for the Time being of the said Company, to be left at the usual Office or Place of transacting Business of the Contractor or Contractors, or Person or Persons so offending, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from the Works, Mains, or Pipes, or contaminating or affecting such Water; and in case such Contractor or Contractors, or Person or Persons, shall not, within Twenty-four Hours after each and every such Notice so left as last aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then and in every such Case the said Contractor or Contractors, or Person or Persons making, furnishing, or supplying such Gas, shall on each and every Complaint whereof Notice shall be given as aforesaid forfeit and pay to the Treasurer for the Time being of the said Company so affected, over and above the before-mentioned Penalty not exceeding Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by such Gas; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath or Affirmation of One credible Witness, by and in the Name of the Secretary or Clerk of the said Company, before any Justice of the Peace for the County, Town, or Place where the Cause of Complaint shall arise, with Costs to be assessed by such Justice, and to be levied and recovered as any other Penalty is by this Act directed to be levied and recovered; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer for the Time being of the said Company.

To prevent
Escape of Gas
and Con-
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Water.

LXXXVII. And

For ascer-
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Water is con-
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LXXXVII. And whereas it may become a Matter of question, upon such Complaint as aforesaid, whether such Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall be lawful for the said Company, or for the Party or Parties using such Water, to dig to and about, and to search and examine the Mains, Pipes, Conduits, and Apparatus of the Contractor or Contractors, or other Person or Persons supplying Gas as aforesaid, for the Purpose of ascertaining whether such Contamination be occasioned by the Gas of the said Contractor or Contractors, or other Person or Persons as aforesaid; and if it shall appear that such Contamination is occasioned by the Gas of the said Contractor or Contractors, or other Person or Persons as aforesaid, the Costs and Expences of such Examination, and of the Repair of the Pavement which shall be taken up or disturbed, shall be borne and paid by the said Contractor or Contractors, or other Person or Persons as aforesaid (as the Case may be); which Costs and Expences shall be ascertained and determined (if necessary) by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not proceeded from any Gas of the said Contractor or Contractors, or other Person or Persons as aforesaid, then and in such Case the said Company, or the Party or Parties making Complaint of such Contamination as aforesaid, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to the said Contractor or Contractors, or other Person or Persons producing or supplying Gas as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Works of the said Contractor or Contractors, or other Person or Persons as aforesaid, in and by such Examination, and shall also make good any Loss, Injury, or Damage which may have been occasioned in or by such Examination to the Pavements of the Streets and other Places so broken up or disturbed as aforesaid, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice as aforesaid.

Persons sup-
plying Gas
liable to be
indicted for
a Nuisance.

LXXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the Contractor or Contractors, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, in respect of any Works, or the Means which shall be employed by them or any of them in making the said Gas and using the same in furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Contractor or Contractors, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

LXXXIX. And

LXXXIX. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed, then and in such Case the Amount of such Compensation or Satisfaction and Costs shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties ordered to pay the same Sum or Sums of Money under a Warrant to be issued for that Purpose by the Justice or Justices of the Peace so ordering and directing the same to be paid, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid; and in case any Surplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Surplus shall be returned, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained and sold.

In case of Nonpayment of Compensation for Damage, the same to be levied by Distress, &c.

XC. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act for the levying of any Penalties or Forfeitures, and the Money so levied and recovered shall be paid to the said Company or other Person or Persons sustaining such Damage or Injury.

Damages and Charges, in case of Dispute, to be settled by Justices.

XCI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred; and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

XCII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act imposed or authorized to be imposed (the Manner of levying, recovering, and applying of which is not herein otherwise particularly directed) shall, upon Proof of the Offence or Offences respec-

How Penalties, Forfeitures, and Fines are to be recovered and applied.

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tively before any Justice or Justices of the Peace for the County, Town, or Place where the Offence shall be committed, either by the Confession of the Party or Parties offending, or by the Oath or Affirmation of One or more credible Witness or Witnesses (which Oath or Affirmation such Justice or Justices is and are hereby empowered and required to administer), together with all such Costs, Charges, and Expences as such Justice or Justices respectively shall adjudge and determine to be fair, reasonable, and proper to be allowed (and which he and they is and are hereby authorized and empowered to ascertain and determine accordingly), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for such County, Town, or Place, which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant; and the Overplus, after such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and the Charges of such Distress and Sale, are deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines (if not otherwise directed by this Act) shall be paid to some one of the Overseers of the Poor or some other Officer (as such Justice or Justices shall direct) of the Parish or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County; and if sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required to authorize the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, and such Penalties, Forfeitures, and Fines shall not be paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for the said Justice or Justices as aforesaid, or any other Justice or Justices of the Peace for the same County, Town, or Place, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the same County, Town, or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, with or without hard Labour, unless such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and all other reasonable Costs and Charges attending the Recovery thereof, shall be sooner paid and satisfied.

XCIII. And

XCIII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall, on being paid or tendered a reasonable Sum for his, her, or their Loss of Time, Costs, Charges, and Expences, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or in case of a Quaker upon solemn Affirmation, and to give Evidence before such Justice of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

For compelling Witnesses to attend.

XCIV. And be it further enacted, That no Person shall be disqualified from being a Witness in any Suit or Proceeding for any Matter or Thing arising under this Act by reason of his or her being a Shareholder in the said Undertaking, or an Agent or Officer belonging to the said Company, or an Inhabitant of the said Town and County, or any of the Parishes or Places herein named, or as an Inhabitant of either of the said Counties of *Northumberland* or *Durham*.

Shareholders or Officers, &c. not disqualified as Witnesses.

XCV. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or against any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say,)

Form of Conviction.

‘ to wit. } BE it remembered, That on this Day of
 ‘ in the Year of the Reign of
 ‘ *A. B.* is convicted before of His Majesty’s Justices of the Peace
 ‘ for the County of of having [*as the Conviction shall be*], and
 ‘ I [*or we*] the said do adjudge him [*her or them*] to forfeit
 ‘ and pay for the same the Sum of Given under my Hand
 ‘ and Seal [*or our Hands and Seals*] the Day and Year aforesaid.’

XCVI. And be it further enacted, That no Order, Verdict, Judgment, Conviction, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*, any Law or Statute to the contrary thereof notwithstanding.

Proceedings not to be quashed for Want of Form.

XCVII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, or the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining,

Distress not to be deemed unlawful for Want of Form, &c.

distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Plaintiff not to recover if sufficient Amends offered.

XCVIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place of Abode, Ten Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of Action, nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made it shall and may be lawful to and for the Defendant or Defendants, in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XCIX. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuance of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action or Suit shall have been brought before the Expiration of Ten Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Continuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Allowing an Appeal to the Quarter Sessions.

C. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company,

Company, or the Directors of the said Company, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, and not hereinbefore made binding and conclusive, then and in every such Case such Person or Persons may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the said Town and County of *Newcastle-upon-Tyne*, or County of *Northumberland* or *Durham*, (as the Case may be,) first giving Ten Days Notice of such Appeal to the Person or Persons appealed against, and of the Nature and Matter thereof, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the same Town or County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court therein; and the said Justices shall, in a summary Way, either hear and determine such Appeal at such General or Quarter Sessions, or if they think proper may adjourn the hearing thereof to the next General or Quarter Sessions of the Peace to be holden for the same Town or County; and the said Justices may make such Determination in such Appeal, and award such Costs to either of the Parties, as they shall deem proper; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, Judgment, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable.

CI. And be it further enacted, That in all Cases wherein it may be requisite to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other Proceeding or Proceedings in Law or Equity, the Service of a Copy upon the Secretary or Clerk of the said Company, or delivered to any Inmate at the Office of such Secretary or Clerk, or at his last or usual Place of Abode, or delivered to any Inmate at the Office of the said Company, or Service upon any Director, or delivered to any Inmate at his last or usual Place of Abode, or Service upon any known Agent or other Officer employed by the said Company, or delivered to any Inmate at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

How Notices, Writs, &c. may be served on the Company.

CII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the applying for, obtaining, and passing this Act shall be paid and discharged by the said Company, out of the Monies already subscribed or hereafter to be subscribed by virtue of this Act, in preference to all other Payments whatsoever.

Expences of the Act how to be borne.

CIII. Provided always, and be it further enacted, That in case the Reservoirs, Aqueducts, and other Works intended to be made under the Authority of this Act shall not have been completed, so as to answer the Objects of this Act, within the Term of Five Years from and after the passing of this Act, all the Powers and Authorities hereby given for making the same shall thenceforth cease and determine, save only as to so much as shall have been completed within the said Term of Five Years.

If Purposes of this Act not completed in Five Years, Powers to cease.

[*Local.*]

§ F

CIV. And

Public Act.

CIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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