# CHAPTER cxxii.

An Act to enable the mayor aldermen and burgesses of the borough of Newark to construct waterworks and supply water to the said borough and adjacent places and to acquire the undertaking of the Newark-upon-Trent Waterworks Company and for other purposes. [21st July 1891.]

A.D. 1891.

WHEREAS the borough of Newark in the county of Nottingham is a borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the said borough (herein-after called "the Corporation") acting by the council are the urban sanitary authority for the district thereof:

And whereas the said borough is supplied with water by the Newark-upon-Trent Waterworks Company a joint stock company herein-after called "the company":

And whereas it is expedient that the supply of water to the said borough should be under the control of the Corporation and that they should be authorised to construct the waterworks in this Act described:

And whereas it is expedient that the Corporation be authorised to acquire the waterworks of the company on terms that have been agreed on between the company and the Corporation and to maintain and improve the same:

And whereas the capital of the company is fourteen thousand pounds in one thousand four hundred shares of ten pounds each the whole of which is fully paid up and the company now owe the sum of ten thousand pounds on mortgage:

And whereas the works by this Act authorised would enable the Corporation to supply certain places adjacent to the said borough which are in want of water and it is expedient that the Corporation be authorised to afford such supply:

[*Price* 2*s*. 3*d*.]

A.D. 1891.

And whereas it is expedient that the Corporation be authorised to borrow money for the purposes of this Act:

And whereas the borough is divided into three wards called the East Ward the North Ward and the South Ward but since the division the population and rateable value have increased to a greater extent in the East Ward than in the other wards:

And whereas the borough for the purpose of the Local Government Act 1888 has been divided into three electoral divisions having as nearly as may be equal populations and it is expedient that the boundaries of the said wards should be altered so as to correspond with the boundaries of those divisions:

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

And whereas the Corporation have caused estimates to be prepared for the following purposes and the amounts thereof are as follows (that is to say):—

For the purchase of land and for the execution of the works by this Act authorised fifty-six thousand and thirty-four pounds; and

For new mains and extensions of mains and service pipes twenty thousand pounds:

And whereas the works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the thirtieth day of September one thousand eight hundred and ninety after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Newmarket Advertiser" a newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the borough:

And whereas such resolution was published once in the said newspaper and once in the "Newark Herald" which is also a local newspaper circulating in the borough and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the fifth day of January one thousand eight hundred and ninety-one being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided by Schedule III. to the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Nottingham and are in this Act referred to as "the deposited plans sections and books of reference":

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

**1.** This Act may be cited as the Newark Corporation Act 1891.

Provisions of certain general Acts incorporated.

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

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

The Waterworks Clauses Act 1863.

Interpretation.

**3.** In this Act unless the subject or context otherwise require—

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings;

"The borough" means the borough of Newark;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the town council of the borough;

"The town clerk" means the town clerk of the borough;

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the borough;

"The undertaking of the company" means and includes the undertaking works lands easements plant stock in trade and

A.D. 1891.

all other property (real and personal) of every description (including things in action and all books plans and documents necessary to enable the Corporation to carry on the business of the said undertaking and to perform the duties and obligations of this Act) and all rights and privileges under contract or otherwise belonging to or enjoyed or exercisable by the company save and except the cash and balance in respect of profits of the said undertaking at the twenty-ninth day of September one thousand eight hundred and ninety and the reserve and suspense funds existing at that date;

"The water undertaking" means the water undertaking of the Corporation;

"Water revenue" means all net moneys received for or in relation to the water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

"Annuities" means the annuities issued by the Corporation to shareholders of the company under the provisions of this Act:

For the purposes of this Act in the Acts wholly or partially incorporated with this Act "the undertakers" or "the promoters of the undertaking" means the Corporation:

And the expression "superior courts" or "court of competent jurisdiction" in this Act and for the purposes of this Act in the Acts incorporated herewith or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be executed by council.

**4.** This Act shall be carried into execution by the Corporation acting by the council.

Limits of Act.

**5.** The limits of this Act shall be the parishes townships extra parochial and other places of Newark-upon-Trent those parts of the parishes of Averham and Kelham included between the River Trent and the Newark Navigation and known as "the Island" and the parishes of Farndon Hawton Balderton Coddington and Winthorpe all in the county of Nottingham.

Sale of pipes &c. outside borough.

**6.** The Corporation shall if required by any other sanitary authority sell to such other sanitary authority such portion of their works pipes and mains as is contained within the district of such sanitary authority (excepting all such pipes mains and other works required and used or that may be required and used for supplying and conveying water into and for any other part of the area for the time

being included within the limits of supply of the Corporation) at such price and upon and subject to such terms and conditions as may be settled by agreement between the Corporation and such sanitary authority or failing agreement as may be determined by an arbitrator to be appointed for such purpose by the Local Government Board on the application of either party and after such sale all obligations and powers of the Corporation to supply water within the district of such sanitary authority shall cease Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 within the meaning of that Act.

**Purchase of Water Company's undertaking.**

**7.** The company shall sell and the Corporation shall purchase the undertaking of the company for the consideration and on and subject to the terms and conditions in this Act mentioned.

The purchase of the said undertaking shall be completed and possession thereof shall be given to the Corporation on the twenty-ninth day of September one thousand eight hundred and ninety-one and that date is in this Act referred to as "the transfer day."

**Consideration for purchase.**

**8.** The consideration for the purchase shall be—

(1) The payment by the Corporation to the company on or before the transfer day of the sum of ten thousand pounds; and

(2) The issue by the Corporation on the transfer day to the persons who on that day are the holders of shares or stock in the capital of the company amounting to fourteen thousand pounds of annuities after the rate of seven pounds in respect of every one hundred pounds of such shares or stock and so in proportion for any fraction of one hundred pounds of such shares or stock and such annuities shall be called Newark Corporation Redeemable Water Annuities:

Provided that it shall not be necessary to issue such annuities in respect of each one hundred pounds or fractional part of one hundred pounds of such stock or in respect of each such share but such annuities may be issued in respect of such amounts of such stock or such number of such shares as will conveniently allow the same to be apportioned among the holders of such stock and shares.

**Corporation may redeem annuities.**

**9.** The said annuities may be redeemed by the Corporation at any time by agreement with the annuitant and shall be redeemable by the Corporation after the twenty-ninth day of September one thousand eight hundred and ninety-two on payment by the Corporation to the annuitant of the sum of two hundred pounds for each seven pounds of annuity redeemed.

The Corporation shall give not less than six months' notice in writing to each annuitant whose annuity they propose to redeem.

A.D. 1891.

The terms of redemption shall be stated on the annuity certificates. Every annuity redeemed by the Corporation shall be extinguished.

Transfer of undertaking to be by deed.

**10.** The sale of the undertaking of the company shall be carried into effect by a deed duly stamped and truly stating the consideration which deed may be in the form set forth in the First Schedule to this Act or to the like effect with such variations and additions as circumstances require and on the execution of that deed by the company the said undertaking shall by virtue of that deed and of this Act become and shall as on and from the transfer day be transferred to and vested in the Corporation subject and according to the provisions of this Act and free as between the company and the Corporation from all contracts obligations debts liabilities and incumbrances affecting the same except in the case of contracts or debts entered into or incurred by the company with the approval of the Corporation as provided by this Act and thenceforth the Corporation shall have and hold the said undertaking The deed of conveyance shall within three months from its date be produced by the Corporation to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of the deed shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

Provisions incidental to the transfer.

**11.** With respect to the transfer of the undertaking of the company the following provisions shall have effect (that is to say):—

(1) The company shall not pay out of income accruing due after the twenty-ninth day of September one thousand eight hundred and ninety any dividend or bonus to the shareholders of the company for the period between that date and the transfer day which shall in the aggregate exceed the rate of seven pounds per centum per annum on the share capital of the company of fourteen thousand pounds Any surplus income after providing for the ordinary working and other expenses of the company properly chargeable to revenue account and after payment of such dividend and bonus as aforesaid shall be paid to and received by the Corporation and be by them carried to the credit of the district fund.

(2) Until the transfer day the company may exercise all their powers under their deed of settlement provided that they shall not borrow any sum or sums of money exceeding in the aggregate ten thousand pounds inclusive of any money already borrowed by them and the company shall carry on their business as heretofore at their own expense and risk and shall maintain and keep in good repair (reasonable wear and tear

excepted) the whole of their undertaking and shall use their best endeavours to ensure a sufficient supply of water to the consumers but the company shall not expend or enter into any contract or engagement involving the expenditure of any money on capital account or for extraordinary repairs without the previous consent of the Corporation in writing under the hand of the town clerk and the Corporation shall at the transfer day pay to the company all money so expended in addition to the said sum of ten thousand pounds.

(3) The company shall give to the Corporation and to their officers and servants all such information as may be reasonably required by them respectively with reference to the working of the undertaking and the business of the company.

Receipt for purchase money.

**12.** The receipt in writing of three of the directors of the company for any money so to be paid by the Corporation to the company shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

Security for annuities.

**13.** The annuities shall be charged on and payable primarily out of the water revenue and secondarily on and out of the district fund and general district rate.

Corporation to issue certificates for annuities.

**14.** The Corporation shall issue to every annuitant or to his representatives on demand and on delivery of his or their share or stock certificate or proof of its loss or destruction to the satisfaction of the Corporation a certificate of the annuity free of expense to the annuitant and the certificate may be in the form in the Second Schedule to this Act or to the like effect and by agreement one certificate may include any number of annuities.

Annuities to represent shares in company.

**15.** The annuities shall in all respects represent the shares and stock in the capital of the company for which the same are substituted and shall be held by the grantees thereof respectively on the same trusts and subject to the same powers provisions charges and liabilities as those on and to which their respective shares and stock in the capital of the company were held and so as to give effect to and not to defeat any testamentary or other disposition and any deed agreement or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of such annuities.

Power to subdivide or consolidate annuities.

**16.** Any annuity may be divided at the option of the annuitant into two or more annuities of any amount not being less than one

A.D. 1891.

pound and any annuity or annuities whether the same have been subdivided or not may with the like consent be consolidated with other annuities as the annuitant may direct.

Annuities to be payable half-yearly.

**17.** The annuities shall become due and payable half-yearly on the twenty-fifth day of March and the twenty-ninth day of September in every year and the first of such payments shall be made on the twenty-fifth day of March one thousand eight hundred and ninety-two.

Warrants for payment of annuities.

**18.** The Corporation shall deliver to each annuitant or send by post in a prepaid letter addressed to the registered address of such annuitant a warrant or order on the treasurer of the borough for every payment to such annuitant.

Every warrant shall be deemed a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Transfer and transmission of annuities.

**19.** The provisions of the Companies Clauses Consolidation Act 1845 with respect to the distribution of the capital of the company into shares and with respect to the transfer or transmission of shares are hereby incorporated with this Act and shall (except as expressly varied by this Act) so far as the same are applicable apply to the Corporation and the annuities and annuitants as if the Corporation were the company and the annuities were shares in the undertaking of the company and the annuitants were shareholders but the form of transfer of an annuity may be according to the form in the Second Schedule to this Act or to the like effect The town clerk or any other duly authorised officer of the Corporation shall perform the duties imposed by the said Act upon the secretary of the company and no annuity shall be paid to any transferee thereof until the transfer has been delivered to the town clerk.

Recovery of arrears of annuities.

**20.** If within thirty days after an instalment of an annuity becomes payable it is not paid the annuitant may subject to the provisions of this Act recover it against the Corporation in any court of competent jurisdiction.

Receiver for annuitants.

**21.** The annuitants without prejudice to other remedies may enforce payment of arrears of their annuities by the appointment of a receiver as if they were mortgages of the water undertaking and the district fund and general district rate and each annuity was interest on a mortgage of the Corporation and for that purpose the provisions in that behalf applicable of the Companies Clauses Consolidation Act 1845 shall apply mutatis mutandis to the Corporation and the annuitants and to the receiver.

Receipt of guardians &c.

**22.** If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind the receipt of the guardian or committee of his estate shall be a discharge to the Corporation for the same.

Application of the said ten thousand pounds, &c.

**23.** The liquidators of the company shall out of the said sum of ten thousand pounds and all other moneys belonging to the company or payable to them by the Corporation pay and discharge all the mortgage and other debts and liabilities of the company and subject thereto shall pay to the officers and servants of the company by way of compensation for loss of office or service such sum as the company in general meeting shall determine and shall distribute the residue (if any) among the shareholders of the company their executors administrators or assigns in proportion to their respective shares and interests in the undertaking of the company.

Company's debts &c. to be paid.

**24.** All debts rents charges and sums of money which at the transfer day are due or owing to or from the company shall be paid discharged settled and satisfied as if this Act had not been passed.

Pending actions &c. against the company.

**25.** If at the transfer day any action suit or proceeding or any cause of action suit or proceeding is pending or existing against the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against the Corporation as and when it might have been continued prosecuted and enforced against the company if this Act had not been passed but not further or otherwise.

Contracts of company to be binding on Corporation.

**26.** Except as is by this Act or in any agreement made thereunder otherwise specially provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the transfer day and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Company's books evidence as to shareholders.

**27.** The persons who on the transfer day appear in the books of the company to be proprietors of shares in the capital of the company or their respective executors administrators or assigns shall be considered to be shareholders thereof for the purposes of the issue of annuities and the distribution of the company's assets.

Winding up and dissolution of company.

**28.** The company shall be wound up under the Companies Acts 1862 to 1890 and when and as soon as their affairs have been wound

A.D. 1891.

up and all their debts and liabilities paid and satisfied the company shall be by virtue of this Act dissolved.

Power to make waterworks.

**29.** Subject to the provisions of this Act the Corporation may in the county of Nottingham make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the pumping station reservoirs conduits lines of pipes and other works shown on the deposited plans among which are the following (that is to say) :—

(1) A pumping station and well to be wholly situate in the parish of Farnsfield in certain fields numbered 365 366 and 195 on the $\frac{1}{2500}$ ordnance map of that parish ;

(2) A drift wholly situate in the said parish of Farnsfield commencing in and out of the said well and terminating in the said field No. 195 ;

(3) A line or lines of pipes commencing in the said parish of Farnsfield in and out of the said pumping station and terminating in the borough of Newark in the parish of Newark-upon-Trent at the junction of Beast Market Hill with Castlegate ;

(4) A line of communication pipes (No. 2) wholly in the parish of Halam commencing by a junction with the said line or lines of pipes at or near the junction of New Hall Lane and Gray Lane and terminating in the service reservoir next hereinafter described ;

(5) A service reservoir to be wholly situate in the said parish of Halam in a field numbered 202 on the $\frac{1}{2500}$ ordnance map of that parish.

Limits of deviation.

**30.** In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards :

Provided that no part of any aqueduct conduit or line of pipes shall be constructed or laid in any public road so as to be above the general surface of the ground.

Power to make subsidiary works.

**31.** The Corporation may upon any lands for the time being belonging to them from time to time construct and maintain all such cuts channels adits drifts catchwaters aqueducts culverts tunnels drains sluices byewashes weirs gauges wells shafts water towers stand pipes filter beds tanks banks walls roads approaches engines machinery electric apparatus and appliances as may be necessary or convenient in connexion with the before-mentioned works or the

existing works of the company or any of them or for the obtaining raising impounding using and distributing water.

Power to take lands and waters.

**32.** The Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as they may require for the purposes of the works authorised by this Act and may collect divert impound take appropriate and use for the purposes of the said proposed works and of their water undertaking all such waters as will or may be intercepted by the proposed works or as may be found under any of the lands now or hereafter belonging to the Corporation or over or in respect of which they have or may acquire easements and the Corporation may also enter upon take and use the following lands shown on the deposited plans and described in the deposited books of reference (that is to say):—

Certain lands situate wholly in the parish of South Muskham in the county of Nottingham adjacent to the existing pumping station of the company near Muskham Bridge and forming part of the field numbered 330 on the $\frac{1}{2500}$ ordnance map of that parish.

Limitation of time for compulsory purchase of lands.

**33.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to take easements &c. by agreement.

**34.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege in over or affecting any lands (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Purchase of land by agreement.

**35.** In addition to any other lands which the Corporation are under this Act authorised to take or purchase the Corporation may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their water undertaking any lands within their limits of supply not exceeding in the whole twenty acres in extent or any easement (not being an easement of water) in over or under any such lands Provided that the Corporation shall not deal with such lands so as to create a nuisance nor use any such lands for any building except buildings required for the water undertaking.

A.D. 1891.

Consideration for such acquisition.

36. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange:

Provided that this section shall not be taken to dispense with the consent of the Local Government Board to any disposition of land in any case in which the consent of that Board would have been required if this Act had not been passed.

Restriction on taking houses of labouring class.

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

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

Corporation may lease &c. lands of undertaking.

**38.** The Corporation may from time to time demise and lease for any terms not exceeding seven years in possession and also absolutely sell and dispose of to such persons and in such manner as the Corporation think fit any lands houses and property acquired under the powers of this Act which they do not require for the purposes of their water undertaking and on the lease or sale by the Corporation of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Constant supply and pressure.

**39.** The water to be supplied by the Corporation shall be constantly laid on under pressure but the Corporation shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the said service reservoir constructed under the powers of this Act Provided that such pressure shall not be less than that now afforded by gravitation from the existing reservoir of the company at Beacon Hill.

Rate at which water is to be supplied for domestic purposes.

**40.** Subject to the provisions of this Act the Corporation shall on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such person a sufficient supply of water for domestic purposes at rates according to the rateable value of his dwelling-house or part of a dwelling-house not exceeding the following (that is to say) :—

Where the rateable value of the premises so supplied with water shall not exceed five pounds at a rate not exceeding twopence per week ;

Where such rateable value shall exceed five pounds and shall not exceed ten pounds at a rate not exceeding threepence per week ;

Where such rateable value shall exceed ten pounds and shall not exceed twenty pounds at a rate per annum not exceeding eight per centum on such rateable value ;

Where such rateable value shall exceed twenty pounds and shall not exceed thirty pounds at a rate per annum not exceeding seven and a half per centum on such rateable value ;

Where such rateable value shall exceed thirty pounds and shall not exceed forty pounds at a rate per annum not exceeding seven per centum on such rateable value ;

Where such rateable value shall exceed forty pounds and shall not exceed fifty pounds at a rate per annum not exceeding six and a half per centum on such rateable value ;

Where such rateable value shall exceed fifty pounds and shall not exceed sixty pounds at a rate per annum not exceeding six per centum on such rateable value ;

Where such rateable value shall exceed sixty pounds and shall not exceed seventy pounds at a rate per annum not exceeding five and a half per centum on such rateable value ;

Where such rateable value shall exceed seventy pounds at a rate per annum not exceeding five pounds per centum on such rateable value :

Provided that when the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as herein-after mentioned the apportionment in case of dispute to be determined by two justices :

Provided also that the Corporation shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the

A.D. 1891.

next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable :

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

Rates for water-closets and private baths.

**41.** The Corporation may in addition to the rates computed as above specified charge for a supply of water to every water-closet beyond the first the sum of ten shillings per annum and to every bath the sum of ten shillings per annum Provided that for every bath containing as usually filled for use more than fifty gallons the Corporation may charge an increased rate in proportion to the size of the bath.

Certain provisions as to supply.

**42.** The Corporation shall not be compelled to supply water in the following cases except as therein mentioned :—

To the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house (such part or premises not being separately assessed to the rate for the relief of the poor) unless the water rate rent or charge is paid for the whole of such dwelling-house and premises;

To any water-closet or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the waste undue consumption or contamination of the water of the Corporation ;

To any bath which shall be capable of containing when filled for use more than fifty gallons :

Nor in the following cases except as therein mentioned :—

To any dwelling-house any part of which is used by the occupier thereof for any trade or business purposes or pursuit for which water is required in addition to the ordinary supply for domestic purposes otherwise than by special agreement or by meter at the option of the consumer;

To any workhouse hospital or other large public institution otherwise than by meter upon such terms as may be from time to time agreed between the Corporation and the guardians trustees managers or other persons having the charge of such workhouse hospital or institution or than as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital or institution is situate or if he declines to act in the matter by

a single arbitrator in accordance with the provisions of the Arbitration Act 1889.

As to supply of water by meter.

**43.** Subject to the provisions of this Act the Corporation may supply water by meter or otherwise for other than domestic purposes and may enter into agreements accordingly and they shall at the request of the owner or occupier of any premises within the limits of this Act furnish to him by meter a sufficient supply of water for manufacturing trade or business purposes at rates not exceeding the following (that is to say):—

Two shillings per one thousand gallons up to five thousand gallons;

One shilling and ninepence per one thousand gallons of the excess beyond five thousand gallons up to ten thousand gallons;

One shilling and sixpence per one thousand gallons of the excess beyond ten thousand gallons up to twenty thousand gallons;

One shilling and threepence per one thousand gallons of the excess beyond twenty thousand gallons up to fifty thousand gallons;

One shilling per one thousand gallons of the excess beyond fifty thousand gallons up to one hundred thousand gallons;

Elevenpence per one thousand gallons of the excess beyond one hundred thousand gallons up to two hundred and fifty thousand gallons;

Ninepence halfpenny per one thousand gallons of the excess beyond two hundred and fifty thousand gallons up to five hundred thousand gallons;

Eightpence per one thousand gallons of the excess beyond five hundred thousand gallons.

The rates and charges for any supply under the provisions of this section shall be paid quarterly on the same quarter days as the water rate payable for a supply of water otherwise than by meter and the first quarterly supply shall be considered as ending on the first quarter day next following the day on which such supply was first given.

No person shall under this section be entitled to a supply for other than domestic purposes whenever and so long as the Corporation are of opinion that the same would interfere with the supply for domestic purposes.

Corporation not bound to supply several houses by one pipe.

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

A.D. 1891.

Supply of water to tenements in a row.

**45.** Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements or any person on his behalf shall take or use the water laid on by the Corporation to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water and every person offending against this enactment shall be liable for every such offence to a penalty not exceeding five pounds.

Incoming tenant not liable for arrears.

**46.** The Corporation shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Notice of discontinuance.

**47.** A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at the town hall or be sent to the town clerk in a registered letter.

Notice to Corporation of putting up &c. meters.

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

Register of meter to be primâ facie evidence.

**49.** Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

Fraudulently injuring meters &c.

**50.** If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Corporation or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied he shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damages sustained by them and the Corporation may also after twenty-four hours' notice in writing under the hand of the town clerk enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by

means thereof and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Repair of meters.

**51.** Every consumer of water of the Corporation shall at all times at his own expense keep all meters belonging to him whereby any water of the Corporation is registered in proper order for correctly registering such water in default whereof the Corporation may cease to supply water through such meters and the Corporation shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing inspecting and replacing to be done at the expense of the Corporation if the meter be found in proper order but otherwise at the expense of the consumer.

Power to remove meters and fittings.

**52.** The Corporation after forty-eight hours' notice in writing under the hand of the town clerk or some other officer of the Corporation to the occupier or if there is no occupier then to the owner or lessee of any building or lands in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for not less than forty-eight consecutive hours may enter such building or lands between the hours of ten in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Power for Corporation to supply materials &c.

**53.** The Corporation may if requested by any person supplied or about to be supplied or any of whose property or premises is supplied or is about to be supplied by them with water furnish to him and from time to time renew repair or alter any such meters cisterns pipes valves ferrules cocks baths soil-pans and water-closets apparatus receptacles fittings and appliances as are required or permitted by their regulations in connexion with such supply and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Byelaws for preventing waste of water.

**54.** For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say) :—

(1) The Corporation may from time to time make byelaws for the purpose of preventing the waste undue consumption or

A.D. 1891.

misuse or contamination of water and amongst other things may by such byelaws prescribe the point of connexion with the mains of the Corporation the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the ferrules pipes meters cocks valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before-mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination.

(2) No such byelaws shall be of any force or effect except within such part or parts of the limits of this Act as the Corporation for the time being are bound to supply and do in fact supply or are prepared on demand (subject to the provisions of the Waterworks Clauses Act 1847) to supply with water under constant pressure and unless and until the same shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same and no such byelaws shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation together with a copy of the proposed byelaws shall have been given by or on behalf of the Corporation to every sanitary authority within the limits of supply and any such authority may within the said period of one month make such representation with reference thereto to the Local Government Board as such authority shall think expedient.

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 and 184 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties.

(4) A copy of all such byelaws in force for the time being shall be kept at the town hall All persons may at all reasonable times inspect such copy without payment and the Corporation shall cause to be delivered a printed copy of all byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding two pence for each copy.

(5) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the Corporation and to have been confirmed by the Local Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation

publication and existence of such byelaws without further or other proof. A.D. 1891.

(6) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing between the hours of ten in the morning and four in the afternoon enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rent is recoverable.

(7) Any person who shall offend against any such byelaws shall without prejudice to any other right or remedy for the protection of the Corporation or punishment of the offender be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day on which such offence shall occur after conviction therefor and the Corporation may in addition thereto recover the amount of any damages sustained by them.

Where byelaws confirmed Corporation bound to supply water under constant pressure in parts of limits specified in the byelaws.

**55.** Any byelaws which the Corporation from time to time submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the limits of this Act to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Corporation shall thenceforth be bound to supply with water under constant pressure subject as in this Act provided the part or parts of the said limits specified in the byelaws so confirmed.

Form and service of notices by Corporation.

**56.** Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the town clerk or if it be a notice to pay any charge in respect of a supply of water by the name of the collector of the Corporation being affixed thereto or stamped thereon and any such notice may be served on such person either personally or by post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such

A.D. 1891.

premises Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Contracts for supplying water beyond limits of Act.

**57.** The Corporation may from time to time enter into and carry into effect agreements with any sanitary authority company corporation public body officers or persons for the supply by the Corporation to any such sanitary authority company corporation public body officers or persons respectively of water beyond the limits of this Act Provided that such supply of water do not at any time interfere with the supply of water for domestic purposes within the limits of this Act and provided further that the powers of this section shall not be exercised within the limits of supply of any company authority or body authorised by Act of Parliament or Provisional Order confirmed by Act of Parliament to supply water without the consent in writing of such company authority or body but the consent of the Southwell Union Rural Sanitary Authority shall not be required in respect of any supply of water to Lewis Randle Starkey of Norwood Park his heirs or assigns or his or their tenants so long as that rural sanitary authority is unable to afford such supply from their own works.

Power to borrow.

**58.** The Corporation may from time to time (in addition to any other moneys they are now authorised to borrow) borrow at interest on the security of the water revenue and the district fund and general district rate and for the following purposes the following sums (that is to say):—

For the purpose of paying the costs of this Act as herein-after defined the sum requisite for that purpose;

For the purpose of acquiring the undertaking of the company such sum as shall be equal to the amounts to be paid by the Corporation to the company under the provisions of this Act;

For the redemption of the annuities the sum necessary for that purpose;

For the construction of the works by this Act authorised any sum or sums not exceeding fifty-six thousand and thirty-four pounds;

For the new mains and extensions of mains and service pipes any sum not exceeding twenty thousand pounds:

Provided always that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned.

Provisions as to mortgages.

**59.** The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :—

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ;

Section 238 (Transfer of mortgages) ; and

Section 239 (Receiver may be appointed in certain cases).

Sinking fund for redemption of annuities.

**60.** The Corporation shall out of the water revenue and the district fund and general district rate after the expiration of one year from the transfer day commence the formation of a sinking fund and shall maintain the same so as to make provision for the redemption of the annuities within a period not exceeding fifty years from the transfer day.

Repayment of borrowed moneys.

**61.** The Corporation shall pay off all moneys borrowed by them under the powers of this Act within the following periods (that is to say) :—

As regards money borrowed to defray the costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto within any period not exceeding ten years from the time of the borrowing thereof ;

As regards money borrowed for redemption of the annuities within any period not exceeding fifty years from the transfer day ;

As regards money borrowed for all other purposes within any period not exceeding fifty years from the time of the borrowing thereof :

And such repayments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest ;

Or by means of a sinking fund ;

Or partly by such instalments and partly by a sinking fund.

As to sinking fund.

**62.** The following provisions shall apply as to the sinking fund :—

It shall be formed by setting apart in every year out of the water revenue or the district fund and general district rate such equal annual sums as will with the accumulations thereof at compound interest (at a rate not exceeding three pounds per centum per annum) be sufficient after payment of all expenses to pay off the moneys borrowed and to redeem the annuities (so far as they are respectively repayable or redeemable by means of sinking funds) within the periods by this Act prescribed in relation thereto respectively :

A.D. 1891.

The first payment to the sinking fund for repayment of borrowed moneys shall be made on or before the twenty-fifth day of March next following the expiration of one clear year after the date of the borrowing of the money in respect of which such payment is to be made:

The first payment to the sinking fund for redemption of annuities shall be made on or before the twenty-fifth day of March next following the expiration of one clear year from the transfer day:

The sums to be annually appropriated and set apart in respect of the sinking fund exclusive of accumulations shall be equal throughout the whole period allowed for repayment:

The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys or for the redemption of the annuities for the repayment or redemption of which the sinking fund was set apart in such order and manner as they deem proper Provided as follows:—

That in such case they pay into the sinking fund in each year afterwards and accumulate as herein-after prescribed until the whole of such borrowed moneys or all of such annuities as the case may be are discharged or redeemed a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based:

That whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding and to the amount then yearly payable in respect of the annuities the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest or such annuities as the case may be and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto:

That if any annuities are redeemed otherwise than out of moneys accumulated by means of a sinking fund the amount payable in every year to the sinking fund for the redemption of annuities shall be reduced in the same proportion as the amount of the annuities so redeemed bears to the total amount of the annuities redeemable by means of such sinking fund.

Power to reborrow.

**63.** If the Corporation pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of

instalments appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may reborrow the same and so from time to time Provided that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing shall have been made and any amounts from time to time reborrowed shall be deemed to form the same loan as the moneys in lieu of which such reborrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such reborrowing.

Proceeds of sale of surplus lands.

**64.** The Corporation shall apply all moneys received from the sale of lands under the powers of this Act in extinguishment of any loan raised or annuities issued by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board.

Sinking funds may be adjusted in certain events.

**65.** If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed or redeem any annuities issued under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Power to borrow under Local Loans Act 1875.

**66.** The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act.

Sinking fund how to be invested.

**67.** All sums paid into the sinking fund and the annual income thereof shall be accumulated at compound interest and shall be as soon as may be invested in any manner in which trustees are by law

A.D. 1891.

for the time being authorised to invest trust moneys or in any debenture stock or other security issued under the authority of any Act of Parliament by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Corporation.

Protection of lenders from inquiry.

**68.** A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Priority of existing mortgages.

**69.** All mortgages granted by the Corporation subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Application of revenue.

**70.** The Corporation shall keep accounts in respect of their water undertaking separate from all their other accounts and shall apply all water revenue as follows (that is to say) :—

First. In payment of their costs charges and expenses of and incidental to the collecting and recovering of water revenue and of the borrowing of money under this Act;

Secondly. In payment of the working and establishment expenses and cost of maintenance of their water undertaking;

Thirdly. In payment of the said annuities;

Fourthly. In providing the moneys required to pay the interest on moneys borrowed by them under this Act for their water undertaking;

Fifthly. In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act and for redemption of the said annuities;

Sixthly. In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in or upon any securities in or upon which the Corporation are or may be authorised to invest their sinking fund and accumulating the same at compound interest until the reserve fund so formed amounts to one thousand five hundred pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or to the improving and extending thereof and so that if that fund is at any time

reduced it may thereafter be again restored to the sum of one thousand five hundred pounds and so from time to time as often as such reduction happens:

And the Corporation shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to one thousand five hundred pounds:

The accounts of the Corporation kept in accordance with the provisions of this section shall be audited with the same incidents and consequences as the accounts of the Corporation are audited under the provisions of the Municipal Corporations Act 1882.

As to deficiency in receipts.

**71.** Any deficiency in the revenues and receipts of the Corporation on account of their water undertaking shall be from time to time made good out of the general district rate in such manner as the Corporation may from time to time determine.

Application of money borrowed.

**72.** All money borrowed under this Act shall be applied for the purposes of this Act only for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

Annual return to Local Government Board with respect to sinking funds.

**73.** The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the

A.D. 1891.

moneys set apart for that sinking fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

The provisions of this section shall extend and apply mutatis mutandis to appropriations and to annual repayments.

Liability to water rent not to disqualify justices &c.

**74.** No justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rent meter rent rate or charge under this Act.

Contents of summons &c.

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

Costs of distress.

**76.** Any justice who issues a warrant of distress for any of the purposes of this Act may order that the costs of the proceedings for the recovery of the money to be levied be paid by the person liable to pay such money and in that case such costs shall be ascertained by the justice and shall be included in the warrant of distress.

For protection of the Nottinghamshire County Council.

**77.** In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county or main road bridges of the county of Nottingham the following provisions for the protection of the County Council of Nottinghamshire (in this section called "the county council") shall have effect (that is to say):—

(1) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all main roads and county or main road bridges opened and broken up or interfered with by the Corporation in the exercise of the powers of this Act outside as well as inside the limits of this Act provided that the notice required by the thirtieth section of that Act shall be not less than seven days instead of three days;

(2) The plan required by the thirty-first section of the last-mentioned Act shall be accompanied by a section of the proposed works and shall be delivered to the county council or their surveyor by the Corporation not less than in the case of a bridge one month and in all other cases than fourteen days before they commence to open or break up any main road or

interfere with any county or main road bridge for the purpose of executing the works;

(3) Nothing in this Act contained shall interfere with the right of the county council to alter the level of deviate or improve in any manner they think fit any main road in or along which any aqueduct conduit or line of pipes of the Corporation shall have been laid and the Corporation shall forthwith on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in the manner prescribed by the Public Health Act 1875 and the expenses of any such alteration deviation or improvement shall be paid to the Corporation by the county council;

(4) Nothing in this Act contained shall interfere with the right of the county council at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over near or attached to which any aqueduct conduit or line of pipes of the Corporation is carried in the same manner as they might have removed altered or rebuilt such bridge or the approaches thereto if this Act had not been passed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Corporation shall at the expense of the county council alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at their own expense afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across the stream or river so as not to interrupt the continual supply of water through such aqueduct conduit or line of pipes;

(5) All works shall be so executed by the Corporation as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto;

A.D. 1891.

(6) The Corporation shall pay to the county council the reasonable expenses incurred by them in relation to the reasonable superintendence by this Act authorised;

(7) If any difference at any time arise between the county council and the Corporation touching this section or anything to be done or not to be done thereunder and for the determining whereof no other provision has been made such difference shall be settled by an engineer to be appointed by the president of the Institution of Civil Engineers on the application of either party and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct;

(8) The county council shall not be liable for or in respect of any damage or injury done to any work of the Corporation by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use by the county council of any steam or other roller for the repair of such road or from the passage of the traffic on such road or in repairing any county or main road bridge or the approaches thereto or by reason of the non-repair of any such bridge or approaches.

For protection of the Midland Railway Company.

**78.** For the protection of the Midland Railway Company the following provisions shall have effect:—

(1) Notwithstanding anything in this Act contained the Corporation shall not commence the execution of any works passing under or affecting the railways lands and works of the Midland Railway Company (herein-after called "the company") until they shall have given to the company twenty-one days' notice in writing of their intention to commence such works accompanied with plans sections and specifications showing the place or places at which such works are to be executed and the depth width and extent thereof and until the company shall have signified their approval of the same under the hand of their principal engineer or (in case of any difference between the Corporation and the company) until the same shall have been approved by an arbitrator to be appointed as herein-after provided Provided that if for the space of twenty-one days after service of such notice with plans sections and specifications as aforesaid the company fail to signify their approval or disapproval thereof or to submit any such difference to arbitration they shall be deemed to have approved the same;

(2) The said works shall be executed in all respects at the expense of the Corporation and in accordance with the plans sections and specifications so approved under the superintend-

ence and to the reasonable satisfaction of the principal engineer of the company who shall have access for the purposes of this section to the works of the Corporation at all reasonable times and the works shall be so constructed and maintained that the traffic upon the said railways shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the said engineer of the company and in all things at the expense of the Corporation;

(3) The Corporation shall bear and on demand pay to the company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railways during the execution of the said works and for preventing as far as may be all interference obstruction danger or accident that may arise from any act or default of the Corporation or any contractor employed by them or any person in the employ of them or him but the employment of such inspectors and watchmen shall not in any way relieve the Corporation from their liability under this Act;

(4) The Corporation shall from time to time be responsible for and make good to the company all costs losses damages and expenses from time to time occasioned to the company or to their railways or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of the said works or any act or omission of the Corporation or of any contractor employed by them or of any person in the employ of them or him and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission;

(5) The Corporation shall not acquire any estate or interest in the lands and property of the company other than an easement or right of constructing or maintaining therein the works by this Act authorised;

(6) If any difference arise between the company and the Corporation touching any of the foregoing matters such difference shall be determined unless otherwise agreed on by an engineer to be appointed by the president of the Institution of Civil Engineers on the application of either party and the costs of such arbitration shall be borne as the arbitrator shall direct.

Alteration of wards.

**79.**—(1) From and after the thirty-first day of October one thousand eight hundred and ninety-one the areas of the East Ward

A.D. 1891.

the North Ward and the South Ward respectively shall be altered and shall be as set forth in the Third Schedule to this Act.

(2) The wards as so altered are shown on a ward plan signed in duplicate by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords but if there be any discrepancy between the said plan and the description in the said Third Schedule the description shall prevail.

(3) The ward plan shall within two weeks after the passing of this Act be deposited in the Office of the Clerk of the Parliaments and with the town clerk at his office.

(4) Copies of the ward plan deposited with the town clerk or any extract therefrom certified by him to be true shall be received by all courts of justice and elsewhere as primâ facie evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of any burgess of the borough and he shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract All sums received under this section shall be carried to the credit of the district fund.

(5) For the purposes of the election of councillors to be held on and after the first day of November one thousand eight hundred and ninety-one the burgess roll shall be made up in accordance with the wards as altered by this Act.

(6) The councillors of the existing wards shall continue to represent those wards as altered as if this Act had not passed.

Costs of Act.

**80.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of moneys to be borrowed for the purpose under the provisions of this Act.

SCHEDULES referred to in the foregoing Act. A.D. 1891.

## THE FIRST SCHEDULE.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY TO CORPORATION.

In pursuance of and subject to the provisions of the Newark Corporation Act 1891 and in consideration of the Newark-upon-Trent Waterworks Company do hereby grant convey and assign their undertaking unto the mayor aldermen and burgesses of the borough of Newark to hold the same unto them their successors and assigns as from the day of one thousand eight hundred and ninety and the mayor aldermen and burgesses of the borough of Newark do hereby accept the same accordingly.

In witnesss whereof the parties hereto have hereto set their respective common seals this day of 189 .

L. S.

## THE SECOND SCHEDULE.

FORM OF CERTIFICATE OF ANNUITY.

*Newark Corporation Act* 1891.

No. £

By virtue of the Newark Corporation Act 1891 the mayor aldermen and burgesses of the borough of Newark (herein-after called "the Corporation") do hereby certify that of is under and subject to the provisions of that Act entitled to an annuity [or annuities] charged on and issuing out of the revenue of the water undertaking of the Corporation and on and out of the district fund and general district rate of the borough of Newark which annuity [or annuities] is [or are] payable to the said his executors administrators or assigns clear of all deductions (except for income tax) by equal half-yearly

A.D. 1891.

payments on the day of in each year. and the day of

Given under the common seal of the mayor aldermen and burgesses of the borough of Newark this day of one thousand eight hundred and

Entered

Town Clerk. L.S.

---

FORM OF TRANSFER OF ANNUITY.

I of in consideration of the sum of paid to me by of do hereby transfer to (herein-after called the transferee) the annuity [or annuities] of nnmbered created under the Newark Corporation Act 1891 and all my right and interest therein and thereto to hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same at the time of the execution hereof and I the transferee do hereby agree to take the same annuity [or annuities] subject to the same conditions.

As witness our hands and seals this day of one thousand eight hundred and

L. S.

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# THE THIRD SCHEDULE.

## AREAS OF WARDS.

### *North Ward.*

So much of the borough as lies to the north of a line commencing at the boundary between the existing north and south wards at Quibell's Wharf and following that boundary to the eastern end of Bridge Street and thence proceeding in a straight line to the centre of the western extremity of Barnby Gate thence along the centre line of that street to the junction therewith of Cross Street thence along the centre line of Cross Street to its junction with Sleaford Road thence along the centre line of that road to the boundary of the borough.

### *South Ward.*

So much of the borough as lies to the south and west of a line commencing at the said boundary between the north and south wards at Quibell's Wharf and

thence proceeding along that boundary to the said eastern end of Bridge Street thence along the boundary between the existing south and east wards to the junction of Beaumond Street with Cartergate thence along the centre of Beaumond Street and London Road to the junction of Bowbridge Lane with London Road thence along the centre of Bowbridge Lane to the point where it is joined by Cross Lane otherwise Boundary Lane. A.D. 1891.

*East Ward.*

The remainder of the said borough.

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FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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