CHAPTER liii.

An Act to authorise the Scunthorpe Urban District Council to construct new waterworks and to acquire additional lands to extend the limits for the supply of water by the Council to make further provision with respect to the water supply of the district and for other purposes. A.D. 1912.

[7th August 1912.]

WHEREAS the urban district of Scunthorpe in the parts of Lindsey in the county of Lincoln is under the management and control of the Scunthorpe Urban District Council (in this Act referred to as "the Council"):

And whereas by the Scunthorpe Urban District Gas and Water Act 1899 and the Scunthorpe Urban District Water Act 1903 (in this Act respectively referred to as "the Act of 1899" and "the Act of 1903") the Council were authorised to supply water in their district and to construct waterworks for the purpose of affording such supply:

And whereas the waterworks of the Council have not yielded so large a quantity of water as was anticipated and it is expedient that they should be empowered to construct new works for the purpose of increasing their existing supply:

And whereas it is expedient that the limits of the Council for the supply of water should be extended so as to include the urban district of Roxby-cum-Risby:

And whereas it is expedient that the Council should be empowered to borrow money for the construction of the waterworks by this Act authorised and for other purposes of this Act and that the other powers in this Act contained should be conferred upon the Council:

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And whereas estimates have been prepared by the Council for the purchase of land for and the execution of the water-works by this Act authorised and such estimates amount to the sum of four thousand five hundred and twenty-eight pounds and for the purchase of land for and the construction of a service tank rising main and distributing pipes for the supply of the urban district of Roxby-cum-Risby and such estimates amount to the sum of five thousand two hundred and thirty-four pounds and the several works included in the said estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the Council at a meeting held on the eleventh day of October one thousand nine hundred and eleven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Hull and Lincolnshire Times a local newspaper circulating in the district 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:

And whereas such resolution was published twice in the Hull and Lincolnshire Times a newspaper circulating in the district 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 tenth day of January one thousand nine hundred and twelve being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands required or which may be taken or used for the purposes or under the powers of this Act with a book of reference to such plans containing the names of the owners or reputed owners and lessees or reputed lessees and occupiers of those lands were

duly deposited with the clerk of the peace for the parts of Lindsey in the county of Lincoln and are in this Act referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

Short and collective titles.

1. This Act may be cited as the Scunthorpe Urban District Water Act 1912 and the Scunthorpe Urban District Gas and Water Act 1899 the Scunthorpe Urban District Water Act 1903 and this Act may be cited together as the Scunthorpe Urban District Gas and Water Acts 1899 to 1912.

Incorporation of Acts.

2. The following Acts and parts of 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 (except section 127 of the Lands Clauses Consolidation Act 1845); and

The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words "with the consent in writing of the "owner or reputed owner of any such house or of the "agent of such owner" in section 44 of the Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts.

Interpretation.

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

"The district" means the urban district of Scunthorpe;

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

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"The water undertaking" means the water undertaking of the Council authorised by the Act of 1899 the Act of 1903 and this Act;

"The water revenue" means and includes all moneys received by the Council 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; and

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

Extension of limits for supply of water.

4. From and after the passing of this Act the limits for the supply of water by the Council shall be extended so as to include in addition to their existing limits the urban district of Roxby-cum-Risby and the Council shall have and may exercise within the said limits as extended all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within the limits for the supply of water by the Council as defined by section 21 of the Act of 1899 and the provisions of the said Act and the Act of 1903 relating to the water undertaking and of this Act shall extend and apply accordingly throughout the limits of supply.

Power to construct new waterworks.

5. Subject to the provisions of this Act the Council may in the parish and urban district of Roxby-cum-Risby and the parish of Appleby in the parts of Lindsey in the county of Lincoln and in the lines and situations and upon the lands delineated on the deposited plans and according to the levels shown upon the deposited sections make and maintain the waterworks hereinafter described and may enter upon take and

use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The waterworks hereinbefore referred to and authorised by this Act are as follows:—

Work No. 1 A pumping station (to be known as the Risby Pumping Station) with a well or wells boreholes adits and other works and conveniences connected therewith to be situate in the field or enclosure numbered 170 on the $\frac{1}{2500}$ Ordnance map (second edition 1907) of the parish of Appleby and so much of the field or enclosure numbered 271 on the said Ordnance map of the parish of Roxby-cum-Risby as is adjacent to the said field or enclosure numbered 170 and lies to the westward of the existing pumping station and works of the Council:

Work No. 2 An aqueduct conduit or line or lines of pipes commencing at or in the pumping station Work No. 1 and terminating by a junction with the existing main of the Council at a point 7 chains or thereabouts measured in a north-westerly direction from the north-west corner of the existing engine-house of the Council.

Subsidiary works.

6. In addition to the foregoing works the Council may upon the said lands make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them or for obtaining raising filtering storing and distributing water or for the general purposes of the water undertaking but nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

7. In the construction of the works authorised by this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections

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to any extent not exceeding three feet upwards and to any extent downwards Provided as follows (that is to say):—

Except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless shown on the deposited sections as intended to be placed above the surface of the ground or to a greater extent than is shown.

Period for completion of works.

8. If the works by this Act authorised are not completed within five years from the passing of this Act the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided always that subject to the restrictions and provisions of this Act the Council may at any time after the expiration of the said period lay down additional lines of pipes and alter enlarge extend and renew their mains pipes and other works as they may think expedient to provide for the requirements of their water supply.

Works to form part of undertaking.

9. The works by this Act authorised shall for all purposes be deemed part of the water undertaking and the provisions of the Act of 1899 and the Act of 1903 so far as the same are applicable and subject to the provisions of this Act shall extend and apply to the said works.

Power to take waters.

10. Subject to the provisions of this Act the Council may raise collect impound take use divert and appropriate for the purposes of the water undertaking all such springs streams and waters as may be raised taken or intercepted by the works by this Act authorised.

Council may acquire easements only in certain cases.

11.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council shall not be required or entitled to fence

off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easements in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Period for compulsory purchase of lands.

12. The powers of the Council for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

As to private rights of way over lands taken compulsorily.

13. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to purchase additional lands by agreement.

14. Subject to the provisions of this Act the Council in addition to any other lands which they are by this Act authorised to acquire may by agreement purchase or take on lease and hold further lands for the purposes of the water undertaking but the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands purchased or taken on lease under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connection with the water undertaking.

Power to purchase and hold lands and exercise powers for protection of waters and waterworks.

15.—(1) For the purpose of protecting any of their waters and waterworks against pollution fouling contamination nuisance encroachment or injury the Council may by agreement purchase acquire and take on lease any lands and may hold such lands and any other lands which the Council may have acquired for the purposes of the water undertaking or are by

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this Act authorised to acquire so long as they shall deem it necessary or expedient for those purposes Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connection with the water undertaking and such buildings and works as may be incident to or connected with the said undertaking.

(2) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Confirming agreement with Lord St. Oswald and provisions for his protection.

16.—(1) The agreement dated the fourth day of April one thousand nine hundred and twelve and made between the Right Honourable Rowland Baron St. Oswald of the one part and the Council of the other part a copy of which is set forth in the First Schedule to this Act is hereby confirmed and made binding on the parties thereto.

(2) Save as in the said agreement provided or with the previous consent in writing of the said Baron St. Oswald his heirs successors or assigns the Council shall not under the powers of this Act enter upon take or use any lands of the said Baron St. Oswald his heirs successors or assigns shown on the deposited plans.

Confirmation of agreement with Gervase Henry Elwes and provisions for his protection.

17.—(1) The agreement dated the twenty-third day of April one thousand nine hundred and twelve and made between Gervase Henry Elwes of the one part and the Council of the other part a copy of which is set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto.

(2) The obligations and restrictions imposed upon the said Gervase Henry Elwes by clause 4 of the said agreement with respect to the sinking of any bores wells &c. and the doing of certain underground works on the portion of his estate referred

to in the said clause or the permitting of any other person so to do shall be binding upon the land comprised in the said portion of the said estate and upon all owners thereof and persons interested therein for the time being unless and until the said obligations and restrictions shall cease and determine in pursuance of the provisions of clause 10 of the said agreement.

(3) Save as in the said agreement provided or with the previous consent in writing of the said Gervase Henry Elwes his heirs or assigns the Council shall not under the powers of this Act enter upon take use or in any way interfere with any lands belonging to the said Gervase Henry Elwes or acquire any easements in any such land.

For protection of John Brown and Company Limited.

18. For the protection of John Brown and Company Limited their successors and assigns (in this section called "the company") the following provision shall unless otherwise agreed in writing between the company and the Council have effect (that is to say):—

The Council in the exercise of the powers of this Act shall not in any way prejudice or interfere with the working getting and carrying away of the mines beds and seams of ironstone and minerals or any of them which the company may lawfully work get and carry away.

For protection of rural district council of Glanford Brigg.

19. For the protection of the rural district council of Glanford Brigg (in this section referred to as "the rural council") the following provisions shall unless otherwise agreed between the Council and the rural council apply and have effect (that is to say):—

(1) After the Council have completed the pumping station by this Act authorised or have so far completed the same as to be in a position to supply water therefrom they shall at any time and from time to time within three months after receiving a request in writing from the rural council supply the rural council with such quantity or quantities of water in bulk as they shall require for domestic purposes only for the use of the parish of Crosby within the district of the rural council at a price not exceeding ninepence per one thousand gallons but the rural council may at any time after the first day of July one thousand nine hundred and sixteen cease to take such supply of water from the Council

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Such water shall be delivered through the meter of the rural council through which the Council are now supplying water to the rural council for the parish of Crosby Provided that such supply shall not be given if and so long as such supply would interfere with the supply of water for domestic purposes within the limits for the time being for the supply of water by the Council nor so as to interfere with any other obligations to supply water imposed upon the Council by this Act:

(2) Such supplies of water shall be delivered through the said meter or such additional meter or meters as may become necessary such additional meter or meters to be provided and fixed by the rural council at their own expense to the satisfaction of the Council:

(3) All meters shall be under the control of the rural council but shall be kept in repair working order and condition and renewed when necessary to the reasonable satisfaction of the Council They shall be tested once or oftener each year as the Council may require and shall at all reasonable times be open to inspection by the Council their duly authorised officers and servants and the Council and their officers and servants aforesaid shall at all reasonable times have access thereto for the purpose of inspecting testing and reading the same:

(4) The accounts of the supply of water shall be made up half-yearly on the thirty-first day of March and the thirtieth day of September and the sum due for the half-year's supply shall be paid by the rural council to the Council within one month from the delivery of each half-yearly account Provided that the Council shall be entitled to receive from and be paid by the rural council until the first day of July one thousand nine hundred and sixteen for a minimum supply of not less than twenty thousand gallons per day of twenty-four hours and from and after that date for a minimum supply of not less than ten thousand gallons per day of twenty-four hours during such time as the rural council shall take a supply of water from the Council:

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(5) If any difference arise between the Council and the rural council under this section such difference shall be referred to the arbitration of an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either of the parties in difference and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

20. The Council may on all or any of the lands for the time being held by them in connection with the water undertaking execute for the purposes of or in connection with the said undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 Provided that the Council shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connection with the water undertaking.

Limiting powers of Council to abstract water.

21. The Council shall not construct any works for taking or intercepting water from any lands acquired by them in connection with the water undertaking unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Supply of water by hose-pipe to stables &c.

22. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Council may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Fittings not to be subject to distress.

23. Any fittings let for hire under the provisions of section 36 (Power to supply materials) of the Act of 1899 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous

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part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

Detection of waste.

24. Subject to the provisions of the Waterworks Clauses Act 1847 the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Council shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

As to communication pipes.

25. For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Contracts for supplying water in bulk.

26. As from the passing of this Act section 55 (Council may contract with local authority for supply of gas and water in bulk) of the Act of 1899 so far as it relates to the supply of water in bulk shall be and the same is hereby repealed but without prejudice to anything which may have been done thereunder and the following provisions shall have effect in lieu thereof:—

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

as such supply would interfere with the supply of water for domestic purposes within the limits for the supply of water by the Council Nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond the said limits.

Application of provisions of Act of 1903.

27. The following provisions of the Act of 1903 shall with the necessary modifications and subject to the provisions of this Act extend and apply to the exercise of the powers or for the purposes of this Act and the works thereby authorised as if the same were expressly re-enacted in this Act with reference thereto (namely):—

Section 16 (Persons under disability may grant easements &c.);

Section 17 (Power to sell lands and cancel or alter contracts for purchase of lands);

Section 18 (Power to agree as to drainage of lands &c.); and

Section 19 (Power for repairs of conduits and temporary discharge of water into streams).

Power to borrow.

28. The Council may for the purposes hereinafter mentioned from time to time (in addition to any other moneys which they are now authorised to borrow) borrow at interest on the security of the water revenue and of the district fund and general district rate as follows (that is to say):—

(1) For the payment of the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act" any sums not exceeding the amount ascertained as in that section provided;

(2) For the purchase of land for and the construction of the waterworks by this Act authorised to be acquired and constructed any sums not exceeding four thousand six hundred pounds;

(3) For the purchase of land for and the construction of a new service tank a rising main in connection therewith and mains and pipes for the supply of the urban district of Roxby-cum-Risby any sums not exceeding five thousand three hundred pounds;

and with the approval of the Local Government Board such further sums as the Council may require for the purposes of

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the water undertaking on the security of the water revenue and of the district fund and general district rate Provided that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and that in calculating the sum the Council may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow under this Act shall not be reckoned.

Periods for payment off of money borrowed.

29. The Council shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

As to moneys borrowed for the purpose (1) in the section of this Act whereof the marginal note is "Power to borrow" within five years from the passing of this Act;

As to moneys borrowed for the purposes (2) in the said section within fifty years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes (3) in the said section within forty-five years from the date or dates of borrowing the same;

and with respect to moneys borrowed by the Council under the authority of this Act with the consent of the Local Government Board within such term not exceeding sixty years as such Board may prescribe.

Application of financial provisions of Acts of 1899 and 1903.

30. The following provisions of the Act of 1899 and of the Act of 1903 respectively shall with the necessary modifications and subject to the provisions of this Act extend and apply mutatis mutandis to the further borrowing powers under this Act (namely):—

Act of 1899—

Section 40 (Inquiries by Local Government Board);

Section 41 (Provisions of Public Health Act as to mortgages to apply);

Section 42 (Power to borrow under Local Loans Act 1875);

Section 44 (Mode of payment off of money borrowed);

Section 45 (Regulations as to sinking fund);

Section 46 (Annual return to Local Government Board);

Section 48 (Council not to regard trusts);
Section 49 (Application of money borrowed):

Act of 1903—

Section 30 (Application of moneys from sale &c. of land):

And in construing the said provisions for the purposes of this Act the expression "prescribed period" therein shall mean the respective periods within which the Council are by this Act required to repay money borrowed by them under this Act Provided that from and after the passing of this Act the said section 42 shall be read and have effect as if the words "debenture stock" had not been inserted therein.

Power to reborrow.

31.—(1) Section 47 (Power to reborrow) of the Act of 1899 is hereby repealed but without prejudice to anything which may have been done thereunder.

(2) The Council shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(3) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(4) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

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(5) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(C) Out of moneys derived from the sale of land; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Authentication and service of notices &c.

32.—(1) Where any notice or demand under the Scunthorpe Urban District Gas and Water Acts 1899 to 1912 requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under the Scunthorpe Urban District Gas and Water Acts 1899 to 1912 may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or documents shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Summons or warrant may contain several sums.

33. Where the payment of more than one sum by any person is due under the Scunthorpe Urban District Gas and Water Acts 1899 to 1912 or any one or more of such Acts any summons or warrant issued for the purposes of such Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Costs of Act.

34. All the costs charges and expenses of and incident to and preparatory to the obtaining and passing of this Act or otherwise in relation thereto shall when taxed and ascertained by the taxing officer of the House of Lords or the House of Commons be paid by the Council in the first instance out of the district fund and general district rate but ultimately if the Council so determine out of money borrowed under this Act.

SCHEDULES referred to in the foregoing Act. A.D. 1912.

THE FIRST SCHEDULE.

Stamp.

Three pounds fifteen shillings.

ARTICLES OF AGREEMENT made the fourth day of April one thousand nine hundred and twelve between THE RIGHT HONOURABLE ROWLAND BARON ST. OSWALD (hereinafter called "Lord St. Oswald") of the one part and THE SCUNTHORPE URBAN DISTRICT COUNCIL (hereinafter called "the Council") of the other part.

WHEREAS Lord St. Oswald is the owner in fee simple of an estate situate in the parish of Appleby in the county of Lincoln being part of his Lincolnshire estates and the Council are the owners of a pumping station and other works forming part of their water undertaking in the adjoining parish of Roxby-cum-Risby:

And whereas the Council are promoting a Bill during the present session of Parliament entitled "A Bill to authorise the Scunthorpe "Urban District Council to construct new waterworks and to acquire "additional lands to make further provision with respect to the "water supply of the district and for other purposes" for (inter alia) the erection of a pumping station on the said estate of Lord St. Oswald and obtaining an additional supply of water therefrom for the purposes of their said water undertaking:

Now these presents witness that the parties hereto mutually agree and contract the one with the other of them as follows:—

1. Lord St. Oswald will grant to the Council the following rights:—

(A) To erect the necessary pumping station and works in connection therewith on his said estate on some part of the land coloured pink on the plan annexed hereto the total area whereof shall not exceed one and three-quarter acres The plans and site of all buildings and erections other than temporary structures to be approved in writing by Lord St. Oswald prior to the commencement of building operations:

(B) To lay a line of pipes along the line coloured blue on the said plan for the purpose of connecting the proposed

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pumping station with the Council's existing pumping main or works or alternatively along the line coloured brown on the said plan to their existing works:

(C) Of way over the land coloured brown on the said plan:

(D) To sink boreholes and wells and drive adits upon any part of the land edged green dotted line containing about nineteen acres together with the right to lay the necessary pipe connections to convey the water from such boreholes wells and adits to the pumping station or their existing works along the said lines coloured blue or brown on the said plan:

(E) To take water by means of the said boreholes wells and adits from the area edged green dotted line on the said plan not exceeding on a monthly average two hundred thousand gallons per day of twenty-four hours and to convey the same by means of the said pipes to their said main or existing works Provided that if water from the existing wells or catchments of the Council in the parish of Roxby-cum-Risby shall be carried to the proposed new pumping station the same shall be properly measured and an allowance shall be made in respect thereof in ascertaining the quantity of water taken from such area.

2. Lord St. Oswald expressly reserves to himself his heirs and assigns and his and their grantees lessees tenants and others—

(A) All minerals underlying the whole of his estate in any way affected by these presents with full power to work and get the same and particularly the minerals comprised in the lease thereof dated the twelfth day of February one thousand eight hundred and sixty-two to Messrs. W. H. and G. Dawes:

(B) Full power to lay water pipes gas pipes cables mains or other pipes and structures in over and under the whole of his said estate and to move reinstate and repair same at all times:

(C) All sporting rights in upon or over his said estate.

3. The Council shall conform to and perform and carry out the following conditions and stipulations (viz.):—

(A) If the water in the streams running eastward through the property of Lord St. Oswald shall diminish to the extent of depriving the agricultural occupiers of any of such property lying to the west of Ermine Street and adjoining such streams or their cattle or other animals of sufficient water the Council will free of expense to Lord St. Oswald lay a main and supply water at points to be agreed upon and will during the continuance of this agreement maintain free

of cost to Lord St. Oswald his heirs and assigns and his and their lessees and tenants a supply of water thereto (unless prevented by drought or any cause beyond the control of the Council) whenever the present supply shall be diminished Provided that if such deprivation of water is caused by works of or under the authority of Gervase Henry Elwes or other the owner for the time being of the property known as Risby Warren adjoining the said estate of Lord St. Oswald the Council shall not be liable under this clause and if they do not give such substituted supply Lord St. Oswald may take such steps and execute such works on his said estate for providing such occupiers with an efficient water supply in all respects as if this agreement had not been entered into:

(B) Will fence the said land used for a pumping station and all boreholes or wells with iron fencing to be approved by Lord St. Oswald or his agent:

(C) Will not fence the pipe line and road easements:

(D) Will complete the whole of the works on the lands coloured pink blue and brown on the said plan within five years from the first day of July next and the other works within the area edged green dotted line on the said plan to be completed from time to time within six months from the commencement thereof On each occasion six months' notice in writing of the Council's intention to execute such works to be given to Lord St. Oswald and the works to be undertaken at the time of the year approved by him:

(E) Will not execute any works which shall intercept by surface works any surface water or water running in a defined channel upon the visible surface:

(F) After completing any works within the area edged green dotted line on the said plan will remove from the site any surplus earth and spread it at some point to be agreed by Lord St. Oswald within three-quarters of a mile of the place where it has been excavated and restore the surface of the ground to its present condition:

(G) Will use their best endeavours to prevent trespass and poaching upon the said estate of Lord St. Oswald and only the members for the time being of the Council and such of the employees of the Council as shall have the written authority of the Council shall have power to visit the works:

(H) Will give free of charge a water supply through their pipes or by deepening the existing wells to the existing keeper's house and existing buildings at Low Santon (if required)

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and also to any new houses or farm buildings not exceeding twelve in number which may at any time hereafter be erected upon that portion of the said estate of Lord St. Oswald as is coloured yellow on the said plan:

(1) Will not in the exercise of any of the rights and privileges proposed to be granted or in the carrying out of any of the works proposed to be authorised in any way interfere with the working getting and carrying away of any of the mines and minerals in and under the said estate of Lord St. Oswald or whereby the cost of working getting or carrying away the same may be increased and will not cause or allow any damage to be done to such mines and minerals.

4. For the rights and privileges hereinbefore referred to the Council shall pay to Lord St. Oswald his heirs and assigns the annual rent of one hundred and fifty pounds payable by equal half-yearly payments on the first day of January and the first day of July in every year the first half-yearly payment to become due and payable on the first day of January one thousand nine hundred and thirteen.

5. After the expiration of five years from the first day of July next the Council may remove all buildings and fences erected by them on the said estate of Lord St. Oswald and on their then restoring the surface of the land the said rent of one hundred and fifty pounds and the rights and privileges hereinbefore referred to shall cease and determine and the said land shall revert to Lord St. Oswald his heirs and assigns absolutely.

6. Lord St. Oswald his heirs and assigns will not sink or allow to be sunk any wells or boreholes for the purpose of taking water therefrom on any portion of the said land coloured yellow on the said plan.

7. Nothing in these presents contained except as herein specified shall in any way limit or abridge the power of Lord St. Oswald his heirs and assigns and his and their lessees and others to sink wells for the supply of private dwelling-houses he or they may build on the said land coloured yellow on the said plan and to develop and deal with his said estate in such way as he may deem desirable and to work get and carry away all mines and minerals in and under the same.

8. Immediately after the grant of the powers sought by the said Bill the necessary deed or document embodying and amplifying the terms and conditions herein contained and to give proper validity to the true meaning and intention of these presents shall be prepared by the solicitors of Lord St. Oswald and shall be settled in case of difference by a conveyancing barrister to be agreed upon between the parties hereto and such deed or document shall be forthwith

executed by the Council and Lord St. Oswald in duplicate one part to be held by each party. A.D. 1912.

9. The Council will on the execution of such document pay the reasonable costs charges and expenses incurred by Lord St. Oswald in relation to this agreement and all matters precedent thereto or the said Bill or any matters or things done or to be done hereunder.

10. The Council will insert in the said Bill a clause confirming this agreement and limiting the lands and rights to be acquired from Lord St. Oswald under the said Bill to those comprised in these presents.

11. In the event of the Council failing to obtain the powers sought by the said Bill during the present session of Parliament this agreement shall thereupon cease and determine except the agreement by the Council contained in clause 9 hereof which shall remain in full force and effect and the costs charges and expenses payable thereunder shall become due and payable by the Council at the end of the present session of Parliament.

12. This agreement is made subject to such alterations as Parliament may think fit to make therein and in the event of either House of Parliament making any material alteration therein it shall be in the option of either of the parties hereto to withdraw from the same by notice in writing to that effect and thereupon this agreement shall become void except as to clause 9 hereof.

In witness whereof Lord St. Oswald hath hereunto set his hand and seal and the Council have hereunto affixed their common seal the day and year first above written.

Signed sealed and delivered by the above-named Rowland Baron St. Oswald (by George William Phipps Winn under power of attorney) in the presence of

ST. OSWALD
by G. W. P. Winn
under power of attorney.

L.S.

G. N. Croft
Nostell Priory Wakefield
Land Agent.

The common seal of the above-named Scunthorpe Urban District Council was hereunto affixed at a meeting of the Council and in pursuance of a resolution for this purpose duly passed at such meeting in the presence of

The Seal of the Scunthorpe Urban District Council.

John Long Chairman.
H. M. Hett Clerk.

A.D. 1912.

THE SECOND SCHEDULE.

Stamp.

Three pounds two shillings and sixpence.

ARTICLES OF AGREEMENT made the 23rd day of April 1912 between GERVASE HENRY ELWES of Billing Hall in the county of Northampton Esquire of the one part and THE SCUNTHORPE URBAN DISTRICT COUNCIL (hereinafter called "the Council") of the other part.

WHEREAS the said Gervase Henry Elwes is the owner in fee simple of an estate situate in the parish of Roxby-cum-Risby in the county of Lincoln being part of his Lincolnshire estates subject to certain family charges and incumbrances which are secured on such Lincolnshire estates and the Council are the owners of a pumping station and other works forming part of their water undertaking in the same parish:

And whereas the Council are promoting a Bill during the present session of Parliament intituled "A Bill to authorise the Scunthorpe "Urban District Council to construct new waterworks and to acquire "additional lands to make further provision with respect to the water "supply of the district and for other purposes" and hereinafter called "the Bill" for (inter alia) the acquisition of certain portions of the said estate of the said Gervase Henry Elwes and obtaining an additional supply of water therefrom for the purposes of their said undertaking:

Now these presents witness that the said parties hereto mutually agree and contract the one with the other of them as follows:—

1. The Council to be empowered within five years from the passing of the Bill to purchase an additional acre of the land of the said G. H. Elwes adjoining their existing pumping station being part of the land coloured red on the plan hereto annexed and signed by John Long on behalf of the Council and by John Landers on behalf of the said G. H. Elwes Moreover the Council within one year from the passing of the Bill to purchase the site for the new service tank hereinafter mentioned All works and apparatus along the pipe line which is to be constructed under and in pursuance of this agreement and of the contract referred to in the next clause hereof to be underground except such number of manholes as shall be agreed which are to be on the ground level.

2. The said G. H. Elwes to complete the contract and the Council to take over and pay the contract price of £4,605 for the contract which the said G. H. Elwes has entered into for the construction of the new service tank and service mains (shown on the said plan hereto annexed) and in addition to reimburse the said G. H. Elwes all costs and expenses incurred by the said G. H. Elwes in boring and all fees and other expenses incurred or to be incurred by him in connection with the under-

taking to which the said contract relates including all legal expenses and all costs and expenses incurred or to be incurred in Parliament in relation to the Bill including the costs of this agreement and of the carrying out of the same with interest at the rate of 5 per cent. per annum upon all moneys expended or to be expended by the said G. H. Elwes in or about the matters aforesaid from the respective dates of payment The site for the service tank and the additional acre of land mentioned above to be paid for at the rate of £100 per acre.

3. The Council to have the following powers to sink a well and erect one pumping station at a site on the land of the said G. H. Elwes (that is to say) the Council to be allowed within 10 years from the passing of the Bill to sink a well and erect a pumping station at a site on the land of the said G. H. Elwes within the limits of deviation shown on the plans deposited in connection with the Bill for the construction of such works Alternatively (if the Council elect not to exercise the last-mentioned power) the said G. H. Elwes not to oppose any application by the Council within 10 years from the passing of the Bill for powers to sink a well and erect a pumping station at a site within the area shown on the said plan and thereon coloured red Moreover the Council to be allowed to lay a rising main either from such new pumping site on land of the said G. H. Elwes or from a new pumping site on the land on the south belonging to Lord St. Oswald or from the Council's present pumping station across the property of the said G. H. Elwes to the service tank included in the before-mentioned contract The site of any such new pumping station on his land and the direction and method of laying the rising main and the plan of the pumping station to be subject to the approval of the said G. H. Elwes The site for the said new well and pumping station to be paid for by the Council at the rate of £100 per acre the Council to compensate the tenant or tenants of any lands affected for any damage done to farm crops.

4. The said G. H. Elwes for the purpose of binding his estate but not of rendering himself liable in damages after he has parted with it hereby agrees not to sink any bores wells &c. or do any underground works (other than works for winning or getting minerals clay or sand or wells for the supply of dwelling-houses which may not desire or be able to take a supply from the Council's works) on that portion of his estate which is bordered green or coloured red on the said plan and not to permit any other person to do so.

5. The Council's limits of water supply as defined by section 21 of their Act of 1899 to be extended so as to include the whole of the urban district of Roxby-cum-Risby A constant supply from the new service tank and distributing mains included in the before-mentioned contract to be given by the Council not later than twelve months from the passing of the Bill.

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6. The Council to supply Winterton in bulk at their boundary at a price not exceeding 1*s.* per 1,000 gallons subject to a guarantee to take at least 6,000 gallons a day for three years and afterwards 7,500 gallons a day for a period to be determined by the Winterton Council under usual safeguarding clauses that Winterton is only to be entitled to surplus water.

7. The said G. H. Elwes expressly reserves to himself his heirs and assigns all minerals and the right to work the same and also all sporting rights with full powers of entry for sporting purposes on every part of the lands acquired from him No dwelling-house to be erected on any lands acquired by the Council under this agreement and no cables or wires to be placed above ground thereon.

8. The Council but subject to the exercise by the said G. H. Elwes his heirs and assigns of his rights to work minerals to have the right to sink and maintain boreholes and wells and to construct drive and maintain catchments and adits in the said land coloured red on the said plan all surface sporting and minerals rights being reserved to the said G. H. Elwes his heirs and assigns.

9. For the rights and privileges proposed to be granted to them the Council shall pay to the said G. H. Elwes his heirs and assigns owner or owners for the time being of the land referred to in clause 8 hereof coloured red on the said plan before referred to other than the portion or portions thereof which may be purchased by the Council under this agreement the annual rent of £125 payable by equal half-yearly payments on the first day of January and the first day of July in every year the first half-yearly payment to become due and payable on the first day of January 1913.

10. If at any time after the first day of July 1918 the supply of water at the Scunthorpe Council's pumping works as existing under the Act of 1903 or to be constructed under the pending Bill shall fail the Council may stop the payment of such annual rent on any half-yearly day by giving six calendar months' notice in which event the Council shall leave upon the land belonging to the said G. H. Elwes all buildings fences and other erections placed thereon by them and the rights and privileges hereby granted and all obligations and restrictions imposed on the said G. H. Elwes under this agreement (other than any liability for damages then already accrued) shall cease and determine.

11. In the event of any difference arising between the Council and the said G. H. Elwes or their successors in title touching any of the matters aforesaid such difference to be determined by an engineer to be appointed on the application of either the Council or the said G. H. Elwes or of both of them or of their respective successors in

title by the President of the Institution of Civil Engineers for the time being whose decision shall be final and binding on both parties and the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof shall apply to such reference.

12. The Council to insert in the Bill a clause confirming this agreement and limiting the lands and rights to be acquired from the said G. H. Elwes under the Bill to those comprised in these presents.

13. This agreement is provisional only and is subject to confirmation by the Bill and it is also subject to such alterations as Parliament may think fit to make therein and in the event of either House of Parliament making any material alteration therein it shall be within the option of either party to withdraw from the same by notice in writing to that effect and thereupon this agreement shall become void.

In witness whereof the said G. H. Elwes has hereunto set his hand and seal and the Council have caused their common seal to be hereunto affixed the day and year first above written.

Signed sealed and delivered by the above-named Gervase Henry Elwes in the presence of } GERVASE HENRY ELWES. L.S.

JOHN LANDERS
Estate Agent
Brigg.

The common seal of the Scunthorpe Urban District Council was hereunto affixed pursuant to a resolution of the Council duly passed at a meeting of the said Council in the presence of } L.S.

JOHN LONG Chairman.
G. E. DAVY Assistant Clerk.

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