# CHAPTER clxxix.

An Act to empower the Corporation of Tynemouth to obtain water from the River Font in the county of Northumberland for the supply of the borough of Tynemouth and adjacent places and for other purposes. A.D. 1898.

[2nd August 1898.]

WHEREAS by the Tynemouth Corporation (Water) Act 1897 (herein-after called "the Act of 1897") the mayor aldermen and burgesses of the borough of Tynemouth in the county of Northumberland (herein-after called "the Corporation") were authorised to supply water to the borough of Tynemouth (herein-after called "the borough") and the townships of Whitley and Monkseaton in the parish of Tynemouth in the said county and to purchase and acquire the undertaking of the company of proprietors of the North Shields Waterworks: 60 & 61 Vict. c. ccx.

And whereas the sources from which the said company were originally authorised to obtain water owing to the partial failure thereof have been for many years insufficient to provide for the requirements of the borough and other places supplied by them with water and the greater part of the water supply thereof is obtained by purchase from the Newcastle and Gateshead Water Company under agreements with that company which will determine in the year 1908 and are subject to the restrictions and limitations imposed by the special Acts of that company:

And whereas the demand for water within the limits of the Act of 1897 is increasing and it is expedient that the Corporation be empowered to obtain a supply of water from the River Font and the Fallowlees Burn a tributary thereof in the parishes of Hollinghill Greenleighton and Ritton White House in the county of Northumberland and to construct and maintain the works by this Act authorised:

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And whereas it is expedient that such other provisions be made and powers granted to the Corporation in relation to the supply of water as are herein-after contained:

And whereas estimates have been prepared by the Corporation showing that they will require to expend for the purchase of land and the construction of new works and other purposes of this Act such purposes being permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875 a sum or sums of money not exceeding four hundred and thirty thousand pounds:

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the third day of November one thousand eight hundred and ninety-seven after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Shields Daily News a local 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 borough fund and borough rate the district fund and general district rate or other funds or rates under the control of the council as should be determined by the council:

And whereas such resolution was published twice in the said Shields Daily News 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 nineteenth day of January one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill in Parliament:

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

And whereas plans and sections of the said intended works showing the lines and levels thereof the plans also showing the lands which are intended to be taken for the purposes thereof with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands respectively have been deposited with the clerk of the peace for the county of Northumberland which plans sections and

book of reference are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the objects 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 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 for all purposes as the Tynemouth Corporation (Water) Act 1898.

Incorporation of general Acts.

**2.** The following Acts or 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 and form part of this Act namely:—

The Lands Clauses Acts:

The provisions of the Waterworks Clauses Act 1847 with respect to the following matters namely:—

The construction of the waterworks;

The construction of works for the accommodation of lands adjoining the waterworks;

Mines;

The breaking up of streets for the purpose of laying pipes;

The provision for guarding against the fouling of the water of the undertakers; and

The recovery of damages not specially provided for and of penalties and to the determination of any other matters referred to justices or to the sheriff:

And the provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the undertakers.

Interpretation.

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

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

And for the purposes of this Act the terms "the undertakers" "the promoters of the undertaking" mean respectively the Corporation:

In construing the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes incorporated herewith the expression "the limits of the special Act" shall for the purposes of this

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Act be deemed to include any street which the Corporation require to open and break up for laying down any lines of pipes or works therein in exercise of the powers of this Act:

"District fund" and "general district rate" mean the district fund and general district rate of the borough:

"Water undertaking" means the waterworks for the time being belonging to the Corporation:

"Water revenue" means the revenue received by the Corporation from their water undertaking.

Act to be executed by council.

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

Power to acquire lands.

**5.** Subject to the provisions and for the purposes of this Act the Corporation may enter upon take and use all or any of the lands described in the deposited plans and book of reference but they shall not enter upon take or use any part of the properties numbered 23 24 26 27 28 and 29 on the deposited plans in the parish of Bedlington without the consent in writing of the Bedlington Coal Company Limited or other the owners for the time being of those properties.

Corporation may acquire easements only in lands for certain purposes.

**6.** Except as by this Act otherwise provided in respect of lands forming part of Morpeth Common the Corporation may in lieu of acquiring any lands for the purpose of any of the lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing laying inspecting maintaining cleansing repairing or managing the same and in respect of any lands forming part of Morpeth Common which the Corporation require for the purpose of the line or lines of pipes No. 1 herein-after described they shall only acquire such easement and right as they may require for the purpose of constructing laying inspecting maintaining and repairing the same in and under such last-mentioned lands and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts Provided always that nothing herein contained shall authorise the Corporation except as aforesaid to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement or right only and except as aforesaid every notice to treat for the acquisition of an easement or right shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the

Corporation for the purpose of constructing or laying such lines of pipes therein where such lines of pipes are laid underground the Corporation shall not (unless they purchase such lands and not merely easements or rights therein) be required or (except during the construction of the works or where otherwise agreed with the owners and occupiers of such lands) entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being of such lands shall (except where otherwise agreed) at all times except during the construction cleansing renewal or repair of the lines of pipes have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

Power to construct new works.

**7.** Subject to the provisions of this Act the Corporation may make construct lay down and maintain in the situation and lines and according to the levels shown on the deposited plans and sections relating thereto and in and upon the lands described upon such plans the several works shown on the said plans together with all proper embankments bridges roads approaches ways wells tanks basins gauges filter beds dams sluices bye-washes waste weirs outlets outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes stand pipes junctions valves telegraphs telephones and other means of electric communication engines constructions apparatus buildings houses works and conveniences connected with or ancillary to the said works or any of them or which the Corporation may consider necessary for inspecting maintaining cleansing repairing conducting managing and using the same The works shown on the deposited plans and sections comprise the following principal works (that is to say) :—

Work No. 1.—A reservoir (to be called "the Font Reservoir") to be situate in the parishes of Hollinghill Greenleighton and Ritton White House and to be formed by means of an embankment across the valley of the River Font:

Work No. 2.—An outlet tunnel to be situato in the parishes of Hollinghill and Ritton White House :

Work No. 3.—A floodwater tunnel to be wholly situate in the parish of Hollinghill :

Work No. 4.—A floodwater channel to be wholly situate in the parish of Hollinghill :

Work No. 5.—A diversion of the public road between Greenleighton Farm House and Newbigin Farm House commencing in the parish of Greenleighton and terminating in the parish of Hollinghill :

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Work No. 6 (a gravitation main).—A line or lines of pipes No. 1 commencing in the parish of Ritton White House in the River Font and terminating in the parish of Chirton in the borough in the service reservoir next herein-after described:

Work No. 7.—A service reservoir to be wholly situate in the parish of Chirton in the borough at the south-western corner of the field numbered 328 in the said parish on the Ordnance map second edition of 1897 (scale $\frac{1}{2500}$):

Work No. 8.—A line of pipes No. 2 commencing in the parish of Chirton in the last-mentioned work and terminating in the parish of Preston at the northern side of the reservoir of the North Shields Waterworks Company at Billy Mill in the borough.

Power to deviate in construction of works.

**8.** Subject to the provisions of this Act the Corporation may in the construction of the works by this Act authorised deviate from the lines or position thereof respectively as shown on the deposited plans relating thereto to any extent within the limits of deviation defined on those plans and where the line of any work is shown on those plans as passing along any road and no limits of deviation are marked on the deposited plans the Corporation may in making such work deviate laterally to any extent within the boundaries of such road and the Corporation may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards Provided that no such deviation upwards shall cause any part of any pipe to be raised above the surface of any road or (except for the purpose of crossing any stream or railway) ground unless shown upon the deposited sections as intended to be placed above the surface of the ground Provided also that if it be found necessary or expedient in the construction of the reservoir or the road diversion by this Act authorised to alter the situation of any embankment as shown on the deposited plans the Corporation may within the limits of deviation thereof marked on the deposited plans alter the same accordingly and may also in the construction of the works authorised by this Act deviate vertically from the levels of such embankment reservoir and road diversion or any of them as shown with reference to the datum line of such sections to any extent not exceeding twenty feet but the Corporation shall not construct any embankment of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment and three feet in addition.

Temporary use of lands.

**9.** The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the

railway during the construction thereof shall be incorporated with this Act and for the purposes of this Act in the construction of the said provisions the expression "the Company" shall mean the Corporation and the expression "the railway" shall mean the works referred to in this section and expressions referring to the centre of the railway shall mean in the case of the outlet tunnel floodwater tunnel and floodwater channel authorised by this Act the centre lines thereof respectively and in the case of the reservoir and service reservoir and the works immediately connected therewith authorised by this Act the boundaries thereof respectively and for the purposes of section 32 of that Act the prescribed limits shall be fifty yards in respect of the said reservoir and twenty yards in respect of other works.

Power to take additional lands by agreement.

**10.** The Corporation may for the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres in addition to the lands which they are authorised by this Act to take by compulsion but the Corporation shall not create or permit the creation of any nuisance on any such lands and shall not erect or permit the erection or user on any such lands of any buildings other than houses or buildings required for or used in connexion with the water undertaking.

Power to hold lands for protection of works.

**11.** The Corporation may hold any lands acquired by them under the powers of this Act and which may in their opinion be necessary for the purpose of protecting their waters and waterworks against pollution nuisances encroachment or injury and so long as such necessity shall in the opinion of the Corporation continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts Provided that the Corporation shall not create or permit the creation of any nuisance thereon and shall not erect or permit the erection or user on any such lands whilst so held by them of any buildings other than buildings required for or used in connexion with the water undertaking.

Power to take easements &c. by agreement.

**12.** 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 (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

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Agreements with land-owners as to drainage.

**13.** The Corporation if they think fit may enter into agreements with any owner lessee or occupier of any lands within the drainage area of the water to be taken into the Font Reservoir and other waterworks by this Act authorised who are empowered to make drains for the improvement of the same for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters flowing to upon or from such lands directly or indirectly into such reservoir or works in such manner and to such extent as such owner lessee or occupier and the Corporation may agree and the Corporation may apply to the purposes of this section to which capital is properly applicable any part of the moneys raised by them under the authority of this Act.

Period for compulsory purchase of lands.

**14.** The powers by this Act granted to the Corporation for the compulsory purchase of lands shall cease after the expiration of five years from the passing of this Act.

Period for completion of works.

**15.** If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period 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 Corporation 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.

For protection of Morpeth Common.

**16.** In laying the line of pipes No. 1 by this Act authorised through the lands known as Morpeth Common the Corporation shall complete the work within six months after the commencement thereof but no part of the said line of pipes shall be laid at a less depth than two feet six inches below the mean surface of the ground.

For protection of North Eastern Railway.

**17.** For the protection of the North Eastern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the company and the Corporation be observed and have effect (that is to say):—

(1) Fourteen days before commencing the construction of any part of the lines of pipes by this Act authorised in across or under any of the company's lines of railway the Corporation shall give notice thereof to the company accompanied by sufficient plans and sections of the proposed works:

(2) In constructing laying down and executing or in effecting the repairs (other than urgent repairs) and renewals of the said

lines of pipes the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company and only in accordance with plans and sections submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Corporation and if any difference shall arise between the company and the Corporation as to the mode of carrying out the foregoing provisions of this subsection the same shall be from time to time determined by a single arbitrator in accordance with the Arbitration Act 1889 and all such matters and things shall be constructed executed and done so as not to cause any injury to the company's railway or works or interruption to the passage or conduct of the traffic over such railway and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid the Corporation shall make compensation in respect thereof to the company the amount of such compensation to be recoverable from the Corporation :

(3) The Corporation shall not acquire any of the lands belonging to the company but the Corporation may acquire and the company shall grant the Corporation such easements therein as may be necessary for constructing maintaining and using the said lines of pipes by this Act authorised the amount to be paid for such easements to be settled in case of difference in the manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement.

Reserving rights of sporting &c.

**18.** All rights of fowling and sporting over the lands adjacent to the Font Reservoir and of fishing from the banks of the said reservoir shall be reserved to the owners of the estates from which the said lands were respectively taken Provided that the rights hereby reserved shall not be exercised so as to foul the water in the said reservoir nor to interfere with the rights powers and authorities of the Corporation including the right of drawing off the water of or not filling the said reservoir and the doing of all such acts as they may deem necessary for maintaining cleansing and repairing the said reservoir and the works connected therewith or for preventing the water thereof from being fouled or preventing the accumulation of fish to such an extent as to affect the quality of water therein but no rights of fowling sporting or fishing shall be vested in or exerciseable by the Corporation.

Compensation for damage caused by

**19.** The Corporation shall make full compensation to all persons for all damage and injury losses and expenses whatsoever which they may from time to time sustain by reason or in consequence of

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giving way of reservoirs.

the bursting or giving way of the reservoirs by this Act authorised The amount of such compensation together with full costs shall be recoverable from the Corporation by all and the same means as any simple contract debt is recoverable.

Property of North British Railway Company not to be acquired.

**20.** Notwithstanding any powers contained in this Act the Corporation shall not acquire compulsorily any property of the North British Railway Company but only such easements for pipes through the property of the said company as may be necessary for the construction maintenance and user of the line or lines of pipes authorised by this Act.

Restriction on taking houses of labouring class.

**21.** The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last before the passing of this Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall have been subsequently so occupied.

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

On completion of road diversion sites of existing roads to vest in Corporation.

**22.** Upon the completion of the road diversion by this Act authorised the Corporation may stop up and extinguish all rights of way over the portion of any existing road in respect of which such diversion shall have been made and the Corporation may stop up and discontinue any footpaths shown or stated on the deposited plans as to be stopped up or which it may be necessary to stop up in executing the purposes of this Act and may appropriate to and for their own use and as their own property the sites of so much of any such road or footpath so stopped up as shall be upon or adjoin on both sides any lands acquired by the Corporation for the purposes of this Act.

Maintenance of road diversion.

**23.** The road diversion authorised to be constructed under the authority of this Act shall be maintained by and at the cost of the Corporation for one year after the completion of the same of which

completion a certificate of two justices shall be conclusive evidence (which certificate shall be given by two justices on such completion being proved to their satisfaction) and on the expiration of the aforesaid period of one year such road diversion shall become and the same shall thenceforth be part of the public roads of the parish or parishes or district or districts in which the same is situate and shall be repairable as such accordingly.

Corporation liable for expenses of extraordinary traffic on main roads.

**24.** If at any time it appears to the county council of Northumberland or to any committee thereof exercising the powers of the county council with regard to main roads that having regard to the average expense of renewing maintaining or repairing the highways and bridges maintainable and repairable by them or towards the cost of the maintenance and repair of which they have to make an annual payment in the neighbourhood of any of the works authorised by this Act extraordinary expenses have been incurred by the county council in renewing maintaining or repairing any such highway or bridge by reason of extraordinary traffic thereon caused by or arising in consequence of the execution of any such works the county council may recover in a summary manner from the Corporation the amount of such extraordinary expenses as may be proved to the satisfaction of the Court having cognisance of the case to have been incurred by the county council as aforesaid.

Dogs not to be brought on certain works.

**25.** The Corporation shall not permit or suffer any dogs to be kept or brought by them their contractors servants or agents upon the lands acquired or occupied by them under the powers of this Act for or in connexion with Works No. 1 No. 2 No. 3 No. 4 No. 5 and No. 6 by this Act authorised or any of those works.

Corporation may discharge water from their works into streams or watercourses.

**26.** The Corporation may discharge water from any of the waterworks by this Act authorised into any streams or watercourses on the line of such works or near thereto or into any streams or watercourses with which such works may be made to communicate by means of works constructed or made under the powers of this Act Provided that in the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Public Health Act 1875.

Power to take waters of River Font.

**27.** Subject to the provisions of this Act the Corporation may take collect divert impound and use all the waters of the River Font at and above the point at which the embankment of the Font

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Reservoir crosses that river and of its tributaries Blanch Burn Chertner Burn Jabeltrew Sike Newbigin Burn Smiddy Burn and Fallowlees Burn and of all other burns sikes streams springs and waters which flow directly or indirectly into or upon the sites of the Font Reservoir by this Act authorised.

For protection of mill-owners and others.

**28.**—(1.) Before the completion and filling of the Font Reservoir the Corporation shall not take any of the waters of the River Font and its tributaries aforesaid whenever a less quantity than one hundred and sixty-seven cubic feet of water per minute shall be passing down the River Font at some point therein not more than five hundred yards below the foot of the embankment of the Font Reservoir.

(2.) The Corporation shall make compensation in manner provided by section 6 of the Waterworks Clauses Act 1847 to all owners lessees and occupiers of mills and works and other persons interested in the said waters for all damage sustained by them by reason of the taking of such waters before the completion and filling of the said reservoir.

(3.) After the completion and filling of the Font Reservoir the Corporation shall at all times cause to pass into the River Font at such point as aforesaid not less than one hundred and sixty-seven cubic feet of water per minute.

(4.) Such quantity of water shall be accepted and taken as full compensation to the several owners lessees and occupiers of mills and works and other persons interested in the waters which the Corporation are hereby authorised to take and use after the completion and filling of the said reservoir.

(5.) The several owners lessees and occupiers aforesaid of mills and works and other persons interested as riparian owners in the said waters are herein-after referred to as "riparian owners."

Gauge to be constructed for measuring water passing down River Font.

**29.** The Corporation shall erect and for ever thereafter maintain in a proper state of repair a sufficient gauge for measuring the quantity of water passing down the River Font at the point herein-before mentioned.

Disputes as to gauge to be settled by an engineer.

**30.** In the event of any dispute at any time arising between the Corporation and the riparian owners or any of the riparian owners or between their respective engineers as to the sufficiency or accuracy of the said gauge or as to its state of repair or condition such dispute shall be settled and determined by some hydraulic engineer on whom the parties shall agree or in default of agreement by a hydraulic engineer to be appointed by the President of the Institution of Civil Engineers in London on the application of either of the parties.

Riparian owners and their officers may inspect gauge.

**31.** The riparian owners and their officers or servants duly authorised on producing their authority if required shall at all reasonable times have the right of access to the said gauge for the purpose of ascertaining the state of repair and efficiency thereof and of gauging measuring and ascertaining the quantity of water from time to time passing over or through the same.

Penalty in case Corporation fail to supply the stipulated quantity of compensation water.

**32.** If at any time the Corporation fail to cause to pass through or over the said gauge the quantity of compensation water which they are by this Act required to pass into the River Font in manner herein-before provided they shall for each and every day during which such failure shall have occurred forfeit and pay to every riparian owner whose mill works or lands as the case may be are situate below the said gauge who shall sue for the same in any court of competent jurisdiction within one month after such failure shall have occurred a sum not exceeding five pounds but not exceeding in the whole fifty pounds in respect of any one day on which such failure shall occur.

New waterworks to form part of water undertaking of Corporation.

**33.** The waterworks by this Act authorised to be made by the Corporation shall form part of the water undertaking of the Corporation and the Corporation may use the water obtained by means thereof for the purpose of supplying water under the Act of 1897 and this Act Provided always that nothing in this section contained shall be deemed to authorise the Corporation to make use of or confer upon the Corporation any rights powers or privileges over the manor of Tynemouth or any lands in which the Right Honourable Henry George Earl Percy has any estate or interest.

Provisions for preventing fouling of water.

**34.** For the prevention of the pollution of the Font Reservoir and of the burns sikes streams and waters over which the Corporation for the time being for the purposes of their water supply have any power of user or in which for the like purposes they are for the time being interested and in the event of the sanitary authority for the district within which the pollution occurs refusing or neglecting within the space of one month after being requested by the Corporation by notice in writing under the hand of the town clerk so to do to enforce with respect to such pollution the provisions of the Rivers Pollution Prevention Act 1876 the Corporation shall in respect of such pollution have and may if they think fit exercise beyond the borough such and the like powers as may for the time being be exercised by a sanitary authority under that Act and the provisions of that Act shall for the purposes aforesaid extend and apply mutatis mutandis to the Corporation.

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Prevention of plumbism.

**35.** All water supplied by the Corporation under this Act shall be properly and efficiently filtered or otherwise treated so as to prevent it from acting on lead in such manner as to endanger the health of the consumer.

In case the Corporation shall make default under this section they shall be liable to a penalty not exceeding ten pounds for every day during which such default shall continue and such penalty shall be recoverable before any court of summary jurisdiction.

For acquiring rights of storage &c. in existing reservoirs and works.

**36.** Whereas the said company of proprietors of the North Shields Waterworks under the powers conferred on them by an Act of the twenty-sixth year of the reign of His late Majesty King George III. chap. cx. intituled "An Act for supplying North Shields and the shipping resorting thereto with water" (herein-after called "the Act of 1786") entered upon certain lands or grounds then belonging to the Most Noble Hugh then Duke and Earl of Northumberland within the manors of Tinmouth or Tinmouthshire otherwise called the manor of Tynemouth and therein from time to time made and constructed certain trenches watercourses and other works laid pipes erected engines and other devices and made certain reservoirs for the purpose of raising conveying receiving keeping and distributing water from springs streams and ponds within the lands aforesaid and from a certain spring arising within Whitley Limestone Quarry and have maintained and used the same as part of their undertaking and therein and thereby stored and distributed the water from time to time supplied by them within their limits of supply And whereas the said reservoirs pipes and works or some of them will be or may be useful and proper for conveying storing and distributing the water to be obtained by the Corporation under the powers of this Act or otherwise than from the lands aforesaid Be it therefore enacted that it shall be lawful for the Corporation at any time after the transfer to them of the undertaking of the said company pursuant to the provisions of the Act of 1897 to serve upon the owner or owners of the lands (not being a public street) in or upon which the said reservoirs pipes and other works or any of them are situate a notice in writing under their common seal stating their intention to use the reservoirs or reservoir pipes and other works to which such notice shall relate either permanently or for any limited period for the conveyance storage and distribution of water other than water obtained from the springs streams ponds or other sources mentioned in the Act of 1786 and from and after the service of such notice the Corporation shall be entitled to use the reservoirs or reservoir pipes and other works to which the same

notice shall relate for the conveyance storage and distribution of such other water as aforesaid either permanently or for the period mentioned in such notice and the Corporation shall pay to the said owner or owners of such lands for such user such a sum or sums either annual or in gross at the option of the said owner or owners as failing agreement shall be determined by arbitration in manner provided by the Lands Clauses Acts for determining questions of disputed compensation Provided that no notice in writing under this section shall be served after the expiration of one year from the completion of the Font Reservoir.

For supply of water to other authorities.

**37.** It shall be lawful for the Corporation to supply water by agreement in bulk for use beyond the limits of the Act of 1897 to any county council urban or rural district council parish council company or persons within ten miles of the gravitation main by this Act authorised on such terms and conditions in all respects and for such periods as the Corporation and such council company or persons may from time to time agree Provided that nothing in this section shall authorise the Corporation directly or indirectly to supply water within or so as to be used within the district or limits of supply of any authority company or persons possessing statutory authority to supply water without the consent in writing of such authority company or persons nor shall the Corporation under any such agreement supply water so as to interfere with their giving a proper supply of water for all purposes to persons within their limits of supply for the time being.

Power to borrow.

**38.**—(1.) The Corporation may borrow at interest for the purpose of executing the powers of this Act any sum or sums of money not exceeding in the whole four hundred and thirty thousand pounds and for paying any compensation under the previous section of this Act the marginal reference to which is "For acquiring rights of storage &c. in existing reservoirs and works" the sum or sums requisite for that purpose and for paying the costs charges and expenses of this Act as defined by the section of this Act the marginal reference whereof is "Costs of Act" the sum requisite for that purpose And in order to secure the money so borrowed they may mortgage the revenue of their water undertaking and the district fund and general district rate of the borough.

(2.) Money borrowed under or for the purposes of this Act shall be applied only to the purposes of this Act to which capital is properly applicable and not otherwise.

(3.) All moneys borrowed under this section (other than moneys borrowed for the purpose of paying the costs charges and expenses of this Act) shall be repaid within sixty years from the borrowing

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of the same and all moneys borrowed for paying those costs charges and expenses shall be repaid within ten years from the borrowing of the same.

(4.) If having borrowed any money under the provisions of this Act the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or by the application of any money in the nature of capital other than borrowed money they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing 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 re-borrowing.

As to mortgages of Corporation.

**39.**—(1.) All mortgages to be granted by the Corporation under the Act of 1897 and this Act respectively shall rank together without any priority on account of the dates of the respective mortgages or on any other account and notice of the effect of this enactment shall be endorsed on every such mortgage.

(2.) The provisions contained in sections 236 to 239 of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in the said provisions shall be construed to mean the Corporation and the term "rates" shall be construed to include the revenue of the water undertaking of the Corporation and the district fund and general district rate Provided that any application for the appointment of a receiver shall be made to the High Court and not to a court of summary jurisdiction.

(3.) Section 58 of the Act of 1897 is hereby repealed.

Repayment of borrowed moneys.

**40.** The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or principal and interest or by means of the sinking fund herein-after referred to or partly by such instalments and partly by such sinking fund Provided that it shall not be obligatory on the Corporation to commence to pay off any money borrowed under this Act (other than moneys borrowed for paying the costs charges and expenses preliminary to and of and incident to the preparing for obtaining and passing of this Act) or to make any appropriations for the sinking fund in respect thereof before the expiration of ten years from the passing of this Act.

Regulations as to sinking fund.

**41.** The following regulations shall be observed by the Corporation in relation to the sinking fund formed under this Act :—

(1) Such equal yearly sums shall be paid by the Corporation out of the revenue of the water undertaking and if and so far as such revenue proves insufficient for the purpose out of the district fund and general district rate into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off the moneys borrowed within the periods by this Act prescribed in relation thereto respectively :

(2) All sums paid into the sinking fund shall as soon as may be be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stocks Corporation stocks or other securities (not being annuities or securities payable to bearer) duly created and issued by any municipal corporation in Great Britain (other than the Corporation) or by any local authority within the meaning of section 34 of the Local Loans Act 1875 (other than the Corporation) :

(3) The Corporation shall apply the sinking fund in or towards the discharge or redemption of the principal moneys for the discharge whereof it was created until thereby or otherwise the whole of such principal moneys has been discharged or redeemed :

(4) Whenever any of such principal moneys have been paid off by means of the sinking fund the Corporation shall until the whole of the principal moneys have been paid off pay into the sinking fund every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based :

(5) Whenever and so long as the value of the securities in the sinking fund for the discharge of the principal moneys borrowed or becoming payable under this Act shall be equal to the amount of the principal moneys then outstanding the Corporation may in lieu of investing the yearly income arising from such securities apply the same in payment of the interest on the said principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

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Regulations of Public Health Act 1875 not to apply to borrowing powers.

**42.** The powers of borrowing or raising money conferred by this Act shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the sum which the Corporation may borrow under that Act or any other Act any sums which they may borrow under this Act shall not be reckoned.

Priority of principal moneys secured by existing mortgages.

**43.** Except as herein otherwise expressly provided all mortgages and securities granted by the Corporation before the passing of this Act and charged upon the district fund and general district rate of the borough and subsisting at the passing hereof shall during the continuance of such mortgages and securities have as regards the said fund and rate priority over any mortgages and other securities granted under this Act.

Protection of lender from inquiry.

**44.** No person lending money to the Corporation shall be bound to inquire as to the observance by the Corporation of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Corporation not to regard trusts.

**45.** The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security given by them under the Act of 1897 or this Act may be subject but the receipt of the person in whose name any loan or security for a loan stands in the register of mortgages stock or other security of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in the register.

Annual return to Local Government Board.

**46.** The town clerk shall within twenty-one days after the expiration of each year during which any sum is required by this Act to be paid as an instalment or set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by such Board and verified by statutory declaration if so required by them showing the amount which has been paid by instalment or invested or applied for the purpose of such sinking fund during the year next 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 thereon have been applied during the same period and

the total amount (if any) remaining uninvested at the end of the year In the event of wilful default in making such return the town clerk shall be liable to a penalty 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 appears to the Local Government Board by that 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 moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act they may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Money may be raised by issue of Tynemouth Corporation redeemable stocks.

**47.** The Corporation may raise the whole or any part of the moneys which they are authorised to borrow under this Act by the creation and issue of Tynemouth Corporation redeemable stock under the Tynemouth Corporation Loans Act 1882 or by the creation and issue of Tynemouth Corporation new redeemable stock under and subject to the provisions of the Act of 1897 and for this purpose the powers of the Act of 1897 shall be deemed to be enlarged to that extent and the provisions of sections 66 to 68 of that Act shall be read and construed as if the purposes of this Act were purposes of that Act Provided that the amount of the annual sums payable to the Tynemouth Corporation consolidated loans fund or the Tynemouth Corporation consolidated loans fund No. 2 as the case may be towards the redemption or repayment of stock created and issued for the purposes of this Act shall be such as with accumulations at a rate not exceeding three per centum per annum will suffice to redeem such stock within the periods herein-after prescribed from the times or respective times of the issue of such stock (that is to say) :—

In the case of stock created and issued for the purposes of this Act other than moneys borrowed for the purpose of paying the costs charges and expenses preliminary to and of and incident to the preparing for obtaining and passing of this Act within sixty years;

In the case of stock created and issued for the purpose of paying the said costs charges and expenses within ten years.

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Application of moneys from sale &c. of land.

**48.** The Corporation shall apply all moneys from time to time received by them in respect of any sales or dispositions of lands and premises or by way of fine or premium on any lease under this Act in or towards paying off moneys borrowed and for the time being owing under this Act Provided that such proceeds shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Sections 69 and 70 of Act of 1897 repealed.

**49.** Sections 69 and 70 of the Act of 1897 are hereby repealed.

Application of water revenue.

**50.** The Corporation shall keep separate accounts of their receipts and expenditure from or in respect of their waterworks undertaking on capital and revenue account and shall apply their water revenue in the manner and order following (that is to say):—

First In payment of the costs charges and expenses of and incidental to the collecting and recovery of the water revenue:

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

Thirdly In payment of the interest on money borrowed for the purposes of the Act of 1897 and this Act:

Fourthly In providing the sums necessary for instalments appropriations annual repayments or payments into the sinking fund for the repayment of moneys borrowed for the purposes of the Act of 1897 and this Act:

Fifthly In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing and accumulating the same at compound interest in any securities in which they are authorised to invest the sums paid into the sinking fund until the reserve fund so formed amounts to ten thousand 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 or charge at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of ten thousand pounds and so from time to time as often as such reduction happens Provided that when and so often as the said fund shall reach the sum of ten thousand pounds the interest thereon shall be carried to the water revenue Provided also that resort may be had to the reserve fund for any of the purposes aforesaid although such fund may not at the time

have reached or may have been reduced below the full amount of ten thousand pounds:

Lastly The surplus (if any) from time to time shall be carried to the district fund but the Corporation may retain in hand at the close of any financial year so much of the surplus as they shall think necessary for the purpose of carrying on the undertaking and paying the current expenses connected therewith including the carrying out of improvements and extensions.

Provision in case of deficiency of water revenue.

**51.** If in any year the amount of the water revenue actual or estimated shall be insufficient for the payment of the charges thereon the deficiency shall be made up out of the district fund by carrying an adequate sum therefrom to the credit of the water account and the Corporation in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the borough shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency from time to time arising or expected to arise as aforesaid in the water revenue Provided that in the case of an actual deficiency such deficiency shall be made good by an increase of the next general district rate.

Audit of accounts.

**52.** The accounts of receipts and expenditure of the Corporation in respect of their water undertaking shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published.

Application of penalties.

**53.** Every penalty imposed by this Act or by any regulation under this Act shall (except where otherwise expressly provided and except where the Corporation shall be the party by whom the penalty has to be paid) be paid to the Corporation and carried to the credit of the revenue of their water undertaking.

Penalties not cumulative.

**54.** Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and any Act wholly or partially incorporated with this Act shall be deemed several Acts.

Recovery of demands under fifty pounds.

**55.** Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

For protection of postal telegraphs.

**56.** No telegraph telephone or other means of electric communication constructed under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the

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exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

The Corporation may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or otherwise) in any rural district in connexion with the works authorised by this Act and any expenses incurred by the Corporation under such undertaking may be defrayed out of the revenue of the water undertaking.

Costs of Act.

**57.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and in the first instance the Corporation may pay the same out of any of their funds or revenues but they shall be recouped by and charged to the moneys to be borrowed by the Corporation under this Act.

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