



CHAPTER xxxiii.

An Act to confer further powers upon the Corporation of the city of Lincoln with respect to their water undertaking and to authorise the Corporation to construct additional waterworks and to extend their limits for the supply of water to consolidate the loans and sinking funds of the Corporation and to borrow money and for other purposes. A.D. 1908.
[1st August 1908.]

WHEREAS the city and county of the city of Lincoln (in this Act called "the city") is a municipal borough subject to the Acts relating to municipal corporations and is also a county borough and is under the government of the mayor aldermen and citizens (in this Act called "the Corporation") and the Corporation acting by the council are the urban sanitary authority for the district of the city:

And whereas the Corporation are the owners of waterworks and supply water within the city and neighbourhood under and subject to the following local Acts of Parliament and Orders confirmed by Parliament (that is to say):—

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| Lincoln Waterworks Act 1846 (hereinafter in this Act referred to as "the Act of 1846"); | 9 & 10 Vict.
c. exi. |
| Lincoln Waterworks Act 1856 (hereinafter in this Act referred to as "the Act of 1856"); | 19 & 20 Vict.
c. exii. |
| Lincoln Water Act 1871 (hereinafter in this Act referred to as "the Act of 1871"); | 34 & 35 Vict.
c. cxlix. |
| The Local Government Board's Provisional Orders Confirmation (Aberavon &c.) Act 1880 (Lincoln Order) (hereinafter in this Act referred to as "the Order of 1880"); | 43 & 44 Vict.
c. lxxxvi. |

A.D. 1908.
6 Edw. 7.
c. cxxiii.

The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1906 (Lincoln Order) (hereinafter in this Act referred to as "the Order of 1906"):

And whereas the supply of water from the present waterworks of the Corporation is inadequate to meet the present and growing demands of the inhabitants within the water limits of the Corporation and it is expedient that the Corporation should be empowered to make and maintain the additional works by this Act authorised:

And whereas by the Act of 1871 the Corporation were authorised in addition to any moneys they were authorised to borrow under the Public Health Acts to borrow for the purchase of their water undertaking and other the purposes of that Act a sum not exceeding eighty-five thousand pounds and by the Order of 1880 they were authorised subject to the sanction of the Local Government Board to borrow in addition to the said sum of eighty-five thousand pounds a sum not exceeding fifty thousand pounds for the like purposes and the Corporation have borrowed the said sums respectively upon the security of the revenue of their water undertaking and upon the security of the district fund and general district rate of the city:

And whereas by the Order of 1906 the Corporation were authorised with the sanction of the Local Government Board to borrow upon the security of the revenue of their water undertaking and upon the security of the district fund and general district rate of the city or upon either of those securities such sums not exceeding two hundred thousand pounds in the whole as might be necessary for the purposes of the said water undertaking and of any new waterworks to be undertaken by the Corporation in addition to the sums which the Corporation were authorised to borrow by the Act of 1871 and the Order of 1880:

And whereas the Corporation have borrowed under the provisions of the Order of 1906 and with the sanction of the Local Government Board the sum of eight thousand one hundred and thirty-two pounds and they have applied to the Local Government Board for their sanction to a further borrowing under that Order of the sum of one thousand two hundred and twenty-nine pounds for the purposes of their water undertaking:

And whereas it is expedient to extend the limits of the Corporation for the supply of water so as to include certain parishes named in this Act and that the Corporation should be

[8 EDW. 7.] *Lincoln Corporation (Water, &c.)* [Ch. xxxiii.]
Act, 1908.

empowered to increase their rates and charges for water and to demand and take differential rates and charges for the supply of water within and beyond their existing limits of supply and within and beyond the city : A.D. 1908.

And whereas it is expedient that the rates of the city should be consolidated and made assessed and levied in manner provided in this Act :

And whereas it is expedient to alter the existing provisions as to and mode of publication of the list of parliamentary voters citizens and parochial electors within the city in manner by this Act provided :

And whereas it is expedient that the Corporation should be empowered to borrow further moneys for the construction of the works by this Act authorised and otherwise for the purposes of this Act :

And whereas the city is subject to the provisions now in force of the several public Acts relating to municipal corporations and public health and also to the several public and local Acts and Orders mentioned and referred to in the Schedule A. to this Act annexed and now in force and which Acts and Orders together with the Acts altering amending or affecting any of such public Acts so far as the same relate to the city are in this Act referred to collectively as "the Corporation Acts" :

And whereas the Corporation acting in execution of the Corporation Acts have from time to time borrowed various sums of money and by the Lincoln Corporation Act 1888 (hereinafter in this Act referred to as "the Act of 1888") the Corporation were authorised from time to time to exercise any statutory borrowing powers vested in them by creation of redeemable stock to be designated Lincoln Corporation redeemable stock (hereinafter in this Act referred to as "Lincoln Corporation redeemable stock") and by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1907 (Lincoln Order) (hereinafter referred to as "the Order of 1907") the Act of 1888 was partially repealed and altered as in the Order of 1907 set forth : 51 & 52 Vict. c. xcvi. 7 Edw. 7. c. clii.

And whereas it is expedient that further powers should be granted to the Corporation and provisions made with reference to the consolidation of the redeemable debt and mortgages of the Corporation equation and consolidation of sinking funds and

A.D. 1908. — repayment of loans and to the creation and issue by the Corporation of Lincoln Corporation redeemable stock in classes as in this Act provided :

And whereas plans and sections showing the lines situations and levels of the works by this Act authorised and also a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands which may be taken or used for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the parts of Lindsey in the county of Lincoln with the clerk of the peace for the city of Lincoln and with the clerk of the peace for the county of Nottingham and are in this Act respectively referred to as "the deposited plans sections and book of reference" :

And whereas an estimate has been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised and such estimate is as follows:—

For and in connection with the purchase of lands for and the construction of the works authorised by this Act one hundred and eighty thousand pounds :

And whereas the several works included in such estimate are permanent works within the meaning of the Public Health Act 1875 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 twentieth day of November one thousand nine hundred and seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Lincoln Leader and County Advertiser* a local newspaper published and circulating in the city 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 the said resolution was published twice in the *Lincoln Leader and County Advertiser* a newspaper published and circulating in the city 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 seventh day of January one thousand nine hundred and eight being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1908.

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 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):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Lincoln Corporation (Water &c.) Act 1908. Short title.

2. This Act is divided into Parts as follows (that is to say):— Act divided into Parts.

- Part I.—Preliminary.
- Part II.—Water.
- Part III.—Rates and rating.
- Part IV.—Registration of electors.
- Part V.—Borrowing powers.
- Part VI.—Consolidation of loans.
- Part VII.—Repeal of statutory provisions.
- Part VIII.—Costs of Act.

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

- (1) 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; and

A.D. 1908.

(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 ;

(c) section 12 of the Waterworks Clauses Act 1863 :

(2) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 :

(3) The Railways Clauses Consolidation Act 1845 with respect to the temporary use of lands near the railway during the construction thereof but for the purpose only of constructing the works by this Act authorised.

Interpreta-
tion.

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

“The city” means the city of Lincoln ;

“The Corporation” means the mayor aldermen and citizens of the city ;

“The council” means the council of the city ;

“The “district fund” and “general district rate” mean respectively the district fund and general district rate of the city ;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;

“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 ;

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“Prescribed period” means the period fixed by this Act or by the Local Government Board as regards loans sanctioned by them with reference to the repayment of moneys borrowed under this Act and with the sanction of the said Board.

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions “the railway” “the work” and “the centre of the railway” shall mean the well and pumping station and the works numbered 2 3 and 4 by this Act authorised and the expression “the company” shall mean the Corporation.

PART II.

WATER.

5. From and after the passing of this Act the limits of supply of the Corporation for water as defined by the Act of 1846 and extended by section 8 of the Act of 1871 are hereby further extended and shall as from the passing of this Act include as well as the city and the parishes and places named in those Acts the parishes or places of Saxilby-with-Ingleby Hardwick Broxholme Burton Riseholme Cherry Willingham Reepham and Nettleham all in the parts of Lindsey in the county of Lincoln and North Hykeham South Hykeham Mere Heighington Washingborough Branston and Waddington in the parts of Kesteven in the county of Lincoln and the Corporation shall have and may exercise within the limits of supply as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of water and shall be subject to the like duties

Extension of
limits.

A.D. 1908. liabilities and obligations in respect thereof as if the said parishes and places had been originally included within the limits of supply of the Corporation for water as defined as aforesaid.

Power to local authority &c. to supply water in case Corporation fails to supply.

6. If at any time after the expiration of seven years from the commencement of this Act the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Corporation as if in either case this Act had not passed.

If any difference shall arise between the Corporation and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Local Government Board.

Power to make works.

7. Subject to the provisions of this Act the Corporation may in the county of Nottingham and 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 described in the deposited book of reference make construct and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1 A well and pumping station situate wholly in the parish of Elkesley in the rural district of East Retford in the county of Nottingham in the field or enclosure numbered 281 on the $\frac{1}{2500}$ Ordnance map of the said parish of Elkesley (second edition 1899):

Work No. 2 An aqueduct conduit or line of pipes situate wholly in the said parish of Elkesley commencing at or in the above described well and pumping station (Work No. 1) and terminating at the River Poulter numbered 306 on the said Ordnance map at or about a point one thousand seven hundred and twelve yards or thereabouts (measured along the centre of the course of the said river) west of the footbridge crossing the said river at "Crook

Ford" on the road named "Cross Lane" on the said A.D. 1908.
Ordnance map:

Work No. 3 An aqueduct conduit or lines of pipes commencing in the said parish of Elkesley at or in the above described well or pumping station (Work No. 1) and passing into and through the said parish and the parishes or places following namely the village of Elkesley the parish and village of West Drayton the parish and village of East Markham the parish and village of Darlton the parish of Ragnall and the parish and village of Dunham all in the said rural district of East Retford and county of Nottingham the parish and village of Newton-upon-Trent the parish of Kettlethorpe and the parish of Hardwick all in the rural district of Gainsborough in the parts of Lindsey division of the county of Lincoln the parish of Thorney in the rural district of Newark in the county of Nottingham the parish of Saxilby-with-Ingleby and the parish of Burton both in the rural district of Welton in the parts of Lindsey division of the county of Lincoln and crossing the boundary of the city and county of the city of Lincoln into and through the city and county of the city of Lincoln and terminating in the existing Westgate service reservoir belonging to the Corporation at or about a point ten lineal yards or thereabouts measured in a south-westerly direction along the reservoir cope from the south-east corner thereof:

Work No. 4 An approach road to the above described well and pumping station (Work No. 1) situate wholly in the said parish of Elkesley commencing at the public road leading from Worksop to Elkesley at the point where the occupation road to Forest Farm numbered 246 and 25 on the $\frac{1}{2500}$ Ordnance map of the said parish (second edition 1899) joins the said public road and terminating in the enclosure numbered 281 on the said Ordnance map at the north-east corner of the above described pumping station (Work No. 1).

8. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated and described in the deposited plans and book of reference including such and so much of the lands in the said parish of Elkesley numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1899) 256 257 258 259 276 278 281 282 283 303 304 305 310 311 329

Power to
take lands
and waters.

A.D. 1908. and 330 as are within the limits shown on the deposited plans as "Limits of lands under which headings may be driven" as may be required for the purposes of this Act and they may for the purposes of this Act and of their water undertaking take collect use impound and appropriate all such underground springs and waters as can be taken or collected by the waterworks authorised by this Act and any waters (other than streams) which may be found in or under any lands that may be entered upon taken or used by them under this Act :

Provided that the quantity of water to be taken by the Corporation under the powers of this Act for use within the limits of supply of the Corporation as set out and included in the section of this Act of which the marginal note is "Extension of limits" shall not in any year ending the thirty-first day of December exceed in the aggregate a quantity equal to an average of three million gallons for each day of twenty-four hours in such year and the Corporation shall keep all necessary records of the quantity so taken and the county council of the administrative county of Nottingham (in this Act hereinafter referred to as "the Nottinghamshire County Council") may at all reasonable times inspect such records. Provided further that after the expiration of forty years from the passing of this Act the quantity of water to be taken by the Corporation as in this section provided shall be such as shall be determined by Parliament upon the application of either the Corporation or the Nottinghamshire County Council.

Power to
make sub-
sidiary
works.

9. In addition to the works hereby expressly authorised the Corporation may upon the said lands make and maintain all such cuts channels tunnels adits pipes conduits culverts drains sluices bye-washes shafts wells headings bores water towers overflows waste water channels gauges filter beds tanks drains basins valves banks walls bridges embankments piers approaches telegraphs telephones and other means of electric communication engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before mentioned works or any of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them :

Provided always that the telegraphs telephones and other means of electric communication constructed under the powers

of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. A.D. 1908.

10. In the construction of the works authorised by this Act the Corporation 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 to any extent not exceeding four feet upwards and to any extent downwards Provided that except for the purposes of crossing over a stream canal or bridge no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. Power to deviate.

11. The council may (with the consent of the road authority where the council are not the road authority) during the execution and for the purposes of any work authorised by this Act or authorised by the Act of 1901 or by the Order of 1905 as amended by this Act stop up any street and prevent all persons other than those bonâ fide proceeding to or returning from any house in the street from passing along and using the same for any reasonable time and the council shall provide reasonable access for all persons so bonâ fide proceeding to or returning from any such house. Temporary stoppage of streets.

12. The Corporation may in lieu of acquiring any land for the purposes of such of the works authorised by this Act as are intended to be placed and maintained underground acquire such easements and rights in such lands as they may require for the purpose of making maintaining using cleansing repairing renewing and enlarging the said works or of obtaining access thereto 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 limited owners and 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: Power to acquire easements only.

A.D. 1908.

Provided that as regards any lands taken or used by the Corporation for the purpose of such works where they are respectively laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements or rights therein) 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 at all times after the completion of the works 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 :

Provided also that except as to land forming part of a street nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement 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 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.

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

Period for completion of waterworks.

14. If the works authorised by this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof and otherwise in relation thereto shall cease except as to so much thereof respectively as shall be then completed. Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the conduits authorised by this Act lay down additional lines of pipes as and when occasion may require.

Correction of errors &c. in deposited plans and book of reference.

15. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county in which such land is situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their

certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for such county and a duplicate thereof shall also be deposited with the clerks of the councils of the boroughs districts or parishes in which the lands affected are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerks of councils respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

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16. For the purpose of sinking any well shaft or bore constructing enlarging extending repairing cleansing or examining any well shaft bore adit aqueduct conduit or other work authorised by this Act the Corporation may cause the water in any such well shaft bore adit aqueduct conduit or other work to be temporarily diverted into any available stream or watercourse.

Temporary discharge of water into streams.

In the exercise of the power 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 power the amount of such compensation to be settled in the case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

17. The Corporation may from time to time for any of the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres in addition to the lands which they are authorised to take by compulsion but the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands or use any of such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks undertaking.

Power to take additional lands by agreement.

18. 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 persons other than the grantors

Power to take easements &c. by agreement.

A.D. 1908. have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Confirming agreement with Duke of Newcastle.

19. The agreement set forth in Schedule C. to this Act bearing date the twelfth day of February one thousand nine hundred and eight and made between the Most Noble Henry Pelham Archibald Douglas Duke of Newcastle of the one part and the Corporation of the other part is hereby confirmed and made binding upon the parties thereto respectively.

For protection of Duke of Portland.

20. For the protection of the Duke of Portland or other the owner for the time being of the Nottinghamshire and Derbyshire estates of which the said duke is now tenant for life (all of whom are in this section included in the expression "the owner") the following provisions shall have effect unless otherwise agreed in writing between the owner and the Corporation (that is to say) :—

(1) Notwithstanding anything contained in this Act the powers by this Act conferred upon the Corporation for the purchase of lands of the owner shall only be exercised upon such terms and subject to such conditions as may have been or may be agreed upon between the owner and the Corporation :

(2) The powers by this Act conferred upon the Corporation shall not be deemed to deprive the owner of any rights or powers in respect of the use enjoyment and development and working of the said estates and the mines minerals and waters in under or upon the same which the owner might now lawfully exercise and the Corporation shall not oppose any proposals of the owner with reference to the use enjoyment development and working of the said estates and the mines minerals and waters in under or upon the same or any Bill or Provisional Order or Scheme for enabling any such proposal to be carried into effect Provided that the owner shall not carry out any works for collecting such waters within a radius of three miles from the well (Work No. 1) authorised by this Act :

- (3) The Corporation may and if so required by the owner shall supply in bulk to the owner at such place or places on the said estates being within five miles of any of the aqueducts by this Act authorised as the owner may determine such quantity of water as the owner may require for the use on or in connection with the said estates at a price not exceeding six pence per one thousand gallons. The mains or pipes necessary for affording such supply shall when and as required be laid by and at the expense of the owner to the reasonable satisfaction of the Corporation and shall subsequently be maintained by the Corporation at their own expense: A.D. 1908.
- (4) The powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to agree as to drainage of lands &c." shall not be exercised so as to impose upon the owner or his lessees or tenants any part of any expenditure incurred in carrying out any of the provisions of that section or to restrict the owner and his lessees and tenants in the use and enjoyment of the said estate:
- (5) The Corporation shall supply water to the tenants of the owner within the parish of Elkesley at the same price and on similar conditions to those at and on which they supply or may supply water to the tenants of the Duke of Newcastle within the said parish.

21. The Corporation may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Corporation shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks undertaking. Power to hold lands for protection of waterworks.

22. The Corporation shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them after the passing of this Act unless the works Limiting powers of Corporation to abstract water.

A.D. 1908. and lands upon which the same are to be constructed are specified in this or some future Act of Parliament nor shall anything in this Act or in Schedule C. to this Act contained empower the Corporation to sink any well or wells or to drive any adits or headings in or upon any lands other than the lands delineated on the plan signed in triplicate by John Joseph Mooney M.P. the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred and within the limits defined and coloured pink thereon one copy of which plan has been deposited in the Private Bill Office of the House of Commons and one copy with the Clerk of the Parliaments and one copy with the town clerk of the city of Lincoln.

Corporation may sell spare lands of undertaking subject to reservations.

23. The Corporation on selling any lands acquired for or in connection with their waterworks undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make such sale subject to such reservations accordingly and may also make such sale subject to such other reservations special conditions restrictions and provisions with regard to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

Proceeds of sale of surplus lands to be treated as capital.

24. The proceeds of the sale of any superfluous lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation for waterworks purposes but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Any moneys discharged out of the proceeds of any such sale shall not be reborrowed.

Power to agree as to drainage of lands &c.

25. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of their waterworks with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which they are empowered to divert collect and appropriate flowing to upon or from such lands directly or derivatively into such works.

26. The works by this Act authorised to be constructed shall for all purposes whatsoever (inclusive of water rates rents and charges) form part of the waterworks undertaking of the Corporation and the Corporation may use the water collected diverted and impounded by means of the same for the purpose of supplying water and the Acts of 1846 and 1871 shall subject to the provisions of this Act be read and have effect for all purposes as if the works by this Act authorised formed part of the undertaking authorised by those Acts and referred to in the agreement contained in the schedule to the Act of 1871.

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New works
to be part of
undertaking.

27. As from the first day of April one thousand nine hundred and nine the Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates set forth in Schedule B. to this Act annexed Provided that the supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing carriages or for any trade or business whatsoever or for watering gardens fountains or other ornamental purposes.

Rates for sup-
ply of water
for domestic
purposes.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

In addition to the foregoing charges the Corporation may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply of the Corporation any sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding five shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects as the water rate.

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Supply by
measure.

28. The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Supply to
houses
partly used
for trade &c.

29. The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Price of
supply by
measure.

30. The price to be charged for a supply of water by measure shall not exceed one shilling and sixpence per thousand gallons.

Power to sell
or let meters
&c.

31. The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Corporation to let for hire any water fittings to any person supplied by them with water.

Notice to
Corporation
of connecting
or discon-
necting
meters.

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

Injuring
meters &c.

33. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without pre-

judice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained : A.D. 1908.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

34.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil pans water-closets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination. Byelaws for preventing waste &c. of water.

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply

A.D. 1908. — and the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 shall apply to all byelaws so made.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable.

(4) As from the date of the confirmation of such byelaws sections 45 and 46 of the Act of 1871 shall be repealed but nothing in this Act contained shall prejudice or affect any byelaws or regulations made prior to the passing of this Act.

Notice of discontinuance.

35. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation.

Dates for payment of water rate.

36. Notwithstanding the provisions of section 70 of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that the water rates shall commence and be payable at such time or times and be collected by such persons and either together or separately or with any other rate as the Corporation may from time to time appoint Provided nevertheless that nothing herein contained shall authorise the Corporation to charge and collect more than one quarter's water rate in advance.

For protection of Trent Navigation Company.

37. For the protection of the Trent Navigation Company (in this section called "the navigation company") the following provisions shall unless otherwise agreed between the Corporation and the navigation company have effect (that is to say):—

(1) The aqueduct conduit and line of pipes where the same cross or are adjacent to the River Trent the hauling path or any of the lands or works of the navigation company and any works authorised by this Act or any works of the Corporation which may affect the navigation of the river or the use of the hauling path shall be constructed under the inspection of

the engineer or other duly appointed officer of the navigation company and to his reasonable satisfaction the cost of such inspection to be paid by the Corporation to the navigation company and previously to commencing the works the Corporation shall deposit at the office of the navigation company plans sections and working drawings of the proposed works and shall obtain the approval of the engineer of the navigation company to such plans sections and working drawings and all such works shall be constructed only in accordance with the plans sections and drawings so approved or settled as hereinafter provided and it shall not be lawful for the Corporation at any time to alter the said works without previously to making such alteration obtaining the like approval Provided always that if the said engineer shall for the period of one month neglect or refuse to approve such plans sections and drawings or shall disapprove the same then the said works shall be constructed according to plans sections and working drawings to be submitted to and approved by a competent engineer to be appointed in manner hereinafter provided :

- (2) The Corporation and their contractors agents servants and workmen shall during the construction of the said aqueduct conduit and works connected therewith and at all times thereafter during the repair or maintenance or otherwise thereof keep the navigation of the River Trent free and clear so that vessels navigating in or upon the same shall have sufficient and convenient room to navigate and pass thereon and for enabling vessels to be conveniently hauled thereon and the Corporation shall at their own expense provide and work to the reasonable satisfaction of the engineer of the navigation company proper and sufficient means for hauling such vessels by day or night if rendered necessary by or in consequence of the operations of the Corporation and the Corporation shall not in constructing or repairing or maintaining any works over or affecting the navigation of the River Trent obstruct impede or interfere with the free and uninterrupted and safe and convenient use of the navigation or any traffic thereon and if any such

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obstruction or interference shall be caused or take place contrary to this enactment the Corporation shall pay to the navigation company all costs and expenses to which that company may be put as well as full compensation for any loss they may sustain by reason of any such interruption :

- (3) The Corporation shall if required by the navigation company during such construction or repair exhibit every night from sunset to sunrise a light or lights which shall be kept burning by and at the expense of the Corporation for the guidance of vessels. Such lights shall be of such reasonable description and number and be so used and placed as the navigation company in writing shall direct and shall if necessary be from time to time altered by the Corporation in such manner as the navigation company direct :
- (4) The Corporation shall make good all damage that may be occasioned to the navigation of the River Trent or the works or property of the navigation company by the construction renewal or want of repair of any of the Corporation's works ; but
 - (A) In every case of pressing necessity ; and
 - (B) In every other case if for seven days after notice in writing thereof given to the Corporation by the navigation company or their engineer the Corporation neglect to proceed with due diligence to make good such damage ;the navigation company may if they think fit make good the damage and the amount expended by them in so doing shall be repaid to them by the Corporation :
- (5) The Corporation shall carry the aqueduct conduit and line of pipes between the flood bank in the parish of Dunham and the eastern or landward side of the towing path in the parish of Newton-upon-Trent by means of a bridge no portion of which between the said flood bank and the high-water mark of ordinary tides on the western bank of the River Trent shall be at a lower level than twenty-six feet above Ordnance datum and between the said high-water mark and the eastern side of the said towing path at a lower level than thirty-six feet above Ordnance datum and

the last mentioned portion of such bridge shall be a girder bridge and shall be in not more than two spans the centre pier of which shall be as nearly as possible in alignment with the mid-river pier of the existing Dunham Bridge The Corporation shall construct a towing path under the bridge by this Act authorised with proper approaches thereto at a level and of a width and construction as shall be reasonably approved by the engineer to the navigation company The Corporation shall at all times maintain and keep the aqueduct conduit and line of pipes and works to a level which shall not be less than the before mentioned level: A.D. 1908.

- (6) The Corporation shall at all times maintain the said aqueduct conduit and line of pipes and other works over or adjacent to the navigation in substantial repair and good order to the reasonable satisfaction in all respects of the engineer of the navigation company and if and whenever the Corporation fail so to do the navigation company may make or do such repairs in and upon as well the lands of the Corporation as their own lands and the reasonable amount of such expenditure shall be repaid to the navigation company by the Corporation:
- (7) Notwithstanding anything in this Part of this Act contained the Corporation shall be responsible for and make good to the navigation company all costs losses damages and expenses which may be occasioned to that company or to any of the works or property thereof or to the traffic thereon or otherwise by reason of the execution or failure of the construction of the said aqueduct conduit and works in connection therewith or of any act or omission of the Corporation or of any of the persons in their employ or of their contractors or others and the Corporation shall effectually indemnify and hold harmless the navigation company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission:
- (8) If and whenever by any act or omission of the Corporation the navigation of the River Trent or hauling path

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shall be so obstructed as to prevent boats barges or other vessels navigating or using the said navigation or persons or animals using the said hauling path the Corporation shall pay to the said navigation company as or by way of ascertained damages the sum of fifty pounds for every day of twenty-four hours during which such obstruction shall continue and so in proportion for any less time than a day ;

Provided that nothing in this Part of this Act contained shall prevent the navigation company or any owner of boats or barges from recovering from the Corporation (in addition to the ascertained damages hereinbefore mentioned) any special damages (if any) that may be sustained by the navigation company or such owner in consequence of the stoppage or hindrance to the traffic upon the said navigation caused by the work to be executed by the Corporation or on account of any other act or omission of the Corporation :

- (9) Except as in this Act otherwise expressly provided nothing in this Act contained shall extend or be construed to extend to diminish alter prejudice affect or take away any of the rights privileges powers or authorities vested in the navigation company :
- (10) If any damage is done by vessels for the time being on the navigation or by any men or horses connected with the same or by any dredging or other operations for the time being of the navigation company to any works of the Corporation no responsibility shall rest on the owner or master of such vessel or on any men connected with the same or on the navigation company unless such damage has been negligently or intentionally done :
- (11) The foregoing provisions of this section shall apply so far as the same can be applicable to any alteration or reconstruction or repair of any works of the Corporation as well as to such original works Provided that the provisions of subsection (1) of this section shall not apply to ordinary repairs and maintenance of the works nor in cases of emergency :

- (12) The Corporation shall not otherwise than by agreement purchase or take any land of the navigation company or any portion of the towing path but the Corporation may subject to the provisions of the Lands Clauses Acts purchase and take and the navigation company may and shall sell and grant accordingly an easement or right of using the land of the navigation company required for the construction of the aqueduct conduit and line of pipes: A.D. 1908.
- (13) Whenever the level of the existing Dunham Bridge over the River Trent shall be raised so as to afford additional headway for vessels navigating the said river and navigation the Corporation shall forthwith proceed to raise the level of the bridge carrying the aqueduct conduit and line of pipes by this Act authorised over the said river to the height of the said Dunham Bridge when the same shall have been raised as aforesaid:
- (14) If any difference arises between the Corporation and the navigation company touching anything done or omitted to be done by the Corporation or the reasonableness of any requirements or works or any charges or in any manner in connection with anything by this Act authorised affecting the navigation of the river or the use of the hauling path or property of the navigation company the matter in difference unless otherwise agreed shall be referred to and determined by a competent engineer or other person competent to deal with the matter in difference to be appointed on the application of either party in case the parties do not agree by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to every such reference.

38. Nothing in this Act shall extend so as to deprive the Wigan Coal and Iron Company Limited their successors tenants or assigns of any right which if this Act had not been passed they might have had to work the mines and to take collect use appropriate divert or deal with water by means of any operations conducted upon or in or under any lands upon in or under which they have any mining or other rights or interest under or by virtue

For protection of
Wigan Coal
and Iron
Company
Limited.

A.D. 1908. of an indenture of lease from the Duke of Newcastle made the thirtieth day of October one thousand eight hundred and ninety-six Provided nevertheless that nothing in this section contained shall be deemed to be an agreement within the meaning of section 22 of the Waterworks Clauses Act 1847.

For protec-
tion of Not-
tinghamshire
County
Council.

39. In executing the works and exercising the powers as by this Act authorised the following provisions for the protection of the county council of the administrative county of Nottingham (in this section called "the county council") shall (unless otherwise agreed) have effect (that is to say):—

- (1) All mains conduits lines of pipes or works to be laid in and along any road vested in or under the control of the county council (hereinafter referred to as "main roads") shall where reasonably practicable be constructed and laid in such position at the side thereof or where necessary under the metalled portion of the road as the county council shall by writing under the hand of their surveyor (hereinafter referred to as "the county surveyor") direct and in any case such mains conduits and pipes shall not be laid at a less depth than three feet measured from the surface of the ground to the highest part of such main conduit or pipe and no mains conduits lines of pipes or works shall be constructed or laid in upon or attached to any county or main road bridge or any arch connected therewith:
- (2) All mains conduits lines of pipes or works to be constructed or laid in along or across or in any way affecting any main road or any approach to any county or main road bridge shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the county surveyor and in accordance with plans sections and descriptions to be submitted to and approved of by him in writing before the commencement of any such works and all such plans sections and descriptions shall be delivered to the county surveyor not less than twenty-one days before the Corporation commence to break up or open any such main road or approach to any county or main road bridge for the purpose of laying any main conduit or line of pipes;

Provided that if the county surveyor shall not within twenty-one days after the plans sections and descriptions shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

- (3) The Corporation shall pay to the county council the reasonable costs of the county surveyor in relation to the examination of plans sections and descriptions and the superintendence by this section authorised:
- (4) All surplus paving metalling gravel or materials removed during the construction of the works on any main road and not required by the Corporation for the purpose of such construction may be used for the repair and maintenance of any main or other road in the district and the Corporation shall not place any such paving metalling gravel or materials on any portion of the main road but shall on receiving notice from the county surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the county surveyor may direct and if the Corporation fail to do so the county surveyor may remove the same at the expense of the Corporation:
- (5) The works and all necessary repairs thereto shall be so executed as not in any way to stop or unreasonably interfere with or impede the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible dispatch and during the laying of the mains every precaution shall be taken by the Corporation at their own expense to avoid danger or injury to persons or cattle or stock using the road and the Corporation shall cause danger lights to be placed at night at the end and by the side of the trenches which may be dug and temporarily left open in or across any road so that all such lights are lighted and kept burning from one hour after sunset to one hour before sunrise whilst the said trenches remain open so as to effectually warn the traffic passing on the said road and

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a watchman shall also be employed by the Corporation on the road during the night and the Corporation shall indemnify the county council against all costs losses or damages that may be incurred or suffered consequent upon their neglect or omission to protect the public using the main road :

- (6) All mains conduits or pipes shall be laid under every stream or watercourse crossed by a county or main road bridge or arches and the Corporation shall not carry any such mains conduits or pipes across or over any such bridge or arch or in any way interfere with the structure or foundations of the said bridge or arches and such mains conduits or pipes laid under any stream or watercourse as aforesaid shall be laid at least ten feet clear of the foundations of any such bridge or arch :
- (7) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times and except in case of emergency after three months' notice in writing to the Corporation to alter the level of or divert improve widen or reconstruct any main road and also to remove alter widen or rebuild any county or main road bridge or the approaches thereto in alongside or near to which any such mains conduits pipes or works are carried in the same manner as they might have altered the level of diverted improved removed altered widened reconstructed or rebuilt any such main road or bridge or the approaches thereto if this Act had not been passed and as if such mains conduits pipes or works had not been constructed or laid in over alongside or near to such main road or bridge respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such alteration of level of diversion improvement removal alteration widening reconstruction or rebuilding and in the event of such main road or bridge or the approaches thereto in alongside or near to which the mains conduits pipes or works are laid being diverted improved removed altered widened reconstructed or rebuilt as aforesaid the Corporation shall where necessary at their own expense

alter the position of the works by which such mains culverts pipes or works are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the county surveyor ;

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Provided that before and during such diversion improvement removal alteration widening reconstructing or rebuilding of any such main road or bridge or the approaches thereto as aforesaid the county council shall afford at the cost of the Corporation all reasonable facilities for temporarily carrying such mains conduits pipes or works so as not to diminish or interrupt the continuous supply of water :

- (8) The county council shall not be liable for or in respect of any damage or injury done to any main conduit or line of pipes of the Corporation in or under the metalled portion of any main road arising from the ordinary use by the county council or by any district council of a steam or other roller not exceeding fifteen tons in weight or from the passage of the traffic on such road :
- (9) The Corporation shall not permit any trench made by them in any main road to be open for more than four hundred yards in a single length at any one time and where any material or soil from any works trenches or excavations in any main road is deposited upon the metalled portion of the main road such material or soil shall be so placed and protected as the county surveyor may direct Provided always that in every case at least twelve feet of metalled road shall be kept clear of material or soil for the use of the public :
- (10) Section 30 of the Waterworks Clauses Act 1847 incorporated with this Act shall with respect to the opening or breaking up of any street main road bridge sewer drain culvert or other property belonging to or under the control or management of the county council be read and have effect as if the period of ten days were inserted therein instead of the period of three days in the said section mentioned and such notice shall be given to the county surveyor :

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(11) The Corporation shall fill in and properly ram to the satisfaction of the county surveyor any trench or excavation made by them in any main road in the execution or in the repair of the works by this Act authorised and after they have done so the county council shall make good pave or repair the surface of the main road and in respect of the work so done by the county council the Corporation shall in respect of the area of the trench where such trench passes under the metalled surface of any road on demand pay to the county council an amount calculated at the price or rate of two shillings and sixpence per square yard in the case of a road made of granite or tar macadam and of one shilling and sixpence per square yard in the case of a road made of slag which amount shall be recoverable as a debt due from the Corporation to the county council:

(12) The Corporation shall repay to the county council all costs charges and expenses necessarily incurred or paid by the county council in or about any renewal of or strengthening alteration or repair of any county or main road bridge or in the repair of any fords culverts or arches which may be endangered or damaged by passage of the traffic of the Corporation or of their contractors or servants;

All costs charges and expenses payable by the Corporation as aforesaid shall be recoverable as a debt due from the Corporation to the county council:

(13) The Corporation shall during such period as the works in the county of Nottingham by this Act authorised are in process of construction pay to the county council the cost of maintaining such an additional number of police as the chief constable of the county may deem reasonably necessary for the due preservation of order:

(14) The Corporation shall in respect of all lands acquired by them in the county of Nottingham be liable to pay all county or parochial rates leviable within the said county as if the Corporation were assessed in respect of such lands in the valuation list in force at the time the Corporation acquired such lands whether

such lands be occupied or vacant and shall continue liable to and pay all such rates until the waterworks are completed and assessed or liable to be assessed to such rates or until such of the lands as may not be required for the purposes of the waterworks shall have been otherwise duly assessed or liable to be assessed and become liable to such rates :

- (15) The Corporation shall from time to time make full compensation to all persons for all damage and injury losses and expenses whatsoever which may from time to time be incurred or suffered by reason or in consequence of the bursting or giving way of any of the reservoirs mains conduits or pipes by this Act authorised and such compensation shall be paid and satisfied out of the rates revenues or funds for the time being belonging to the Corporation and subsection (11) of this section shall apply to the work of making good paving or repairing the main road after such bursting or giving way under any main road :
- (16) Any dispute or question arising under the preceding subsections of this section shall be settled by an engineer to be agreed on between the county council and the Corporation or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

40. For the protection of the roads and bridges under the control of the county council of the administrative county of the parts of Lindsey Lincolnshire (in this section called "the county council") the following provisions shall have effect unless otherwise agreed on in writing between the county council and the Corporation (that is to say) :—

For protection of Lindsey County Council.

- (1) All mains conduits or lines of pipes or works to be laid in or along any main road shall so far as practicable be constructed and laid at the side thereof and where in the opinion of the engineer of the Corporation it shall be necessary to construct and lay any such mains conduits or lines of pipes or works under the metalled portion of the road the same shall unless the same be specially protected to the reasonable satisfaction of the surveyor of the county council (hereinafter

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referred to as "the county surveyor") be laid at a depth of not less than three feet below the surface thereof and all such mains conduits and pipes shall be constructed and laid in such positions in the road as the county surveyor shall by writing under his hand reasonably direct:

- (2) In constructing or laying any such conduit or line of pipes or work across any county or main road bridge or any arch or culvert connected therewith the same shall wherever practicable be carried over the stream crossed by such bridge by means of wrought iron rivetted tubing (or other suitable method to be agreed on between the parties) at the side of and if necessary attached to such bridge or arch or culvert and the gradient of the roadway over such bridge and of the approaches thereto shall not be altered without the consent in writing of the county council under the hand of the county surveyor:
- (3) All mains pipes conduits or works to be constructed or laid in along or across or in any way affecting any main road or any county or main road bridge or any approach thereto shall (subject as hereinafter provided in case of difference) be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the county surveyor and in accordance with the plans and sections and specifications to be submitted to and approved of by him in writing before the commencement of any such works and all such plans sections and specifications shall be delivered to the county surveyor not less than fourteen days before the Corporation commence to break or open any such main road or county or main road bridge or approach for the purpose of laying any main conduit or line of pipes Provided that if the county surveyor shall not within fourteen days after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof Provided further that if the county surveyor shall fail to attend and superintend or shall refuse or neglect to superintend the construction or laying of any such main conduit

or line of pipes at the time specified in that behalf by the Corporation the Corporation may execute the same without such superintendence : A.D. 1908.

- (4) The works and all necessary repairs thereto shall be so executed as not to stop or unreasonably interfere with or impede the traffic on any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible dispatch and during the laying of the mains every precaution shall be taken to avoid danger or injury to persons or cattle or stock using the road and in particular the Corporation shall cause danger lights to be placed at night at the end and by the side of the trenches which may be dug and temporarily left open in or across any road so that all such lights are lit and kept burning from one hour after sunset to one hour before sunrise whilst the said trenches remain open so as to effectually warn the traffic passing on the said road and a watchman shall also be employed by the Corporation on the road when necessary during the night.
- (5) The Corporation shall pay to the county council the reasonable costs of their surveyor in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised such costs in case of difference to be settled in manner hereinafter provided :
- (6) Notwithstanding anything in this Act contained if and as often as the county council require to alter the level of divert widen or improve any such main road or to remove alter widen or renew any such county or main road bridge or the approaches thereto and if the county council shall in any of such events find it necessary for effecting any of such purposes that any main conduit or pipe of the Corporation shall be temporarily altered or removed and shall give to the Corporation at least fourteen days' notice in writing under the hand of the county surveyor requiring the Corporation to temporarily remove or alter the position of any such main conduit or pipe the Corporation shall at their own expense and without being entitled to any compensation from the county council as and when so required

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by the county council forthwith remove or alter the position of such main conduit or pipe but only for so long as the county council may find it to be absolutely necessary for effecting any of such purposes and the Corporation shall be entitled at the like expense so soon as the purposes for which any such removal or alteration shall have taken place shall be accomplished to replace such main conduit or pipe such replacement to be carried out to the reasonable satisfaction of the county surveyor Provided that before requiring any such removal or alteration and during such diversion widening improvement removal alteration or renewal of any such main road or county or main road bridge or approaches as aforesaid the county council shall provide reasonable and sufficient facilities for temporarily carrying such mains or pipes along the main road or across the stream so as not to diminish or interrupt the continuous supply of water through any such main conduit or pipe Provided that all works carried out by the county council affecting any main conduit or pipe of the Corporation shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of the Corporation :

- (7) The county council shall not be liable for or in respect of any damage or injury done to any main conduit or line of pipes of the Corporation in or under the metalled portion of any road or street arising from the ordinary use by the council or by any district council of a steam or other roller not exceeding twelve tons in weight or from the passage of the traffic on such road or street :
- (8) The Corporation shall to the reasonable satisfaction of the county surveyor make good and thereafter for the space of twelve months keep in repair the portions of all roads broken up by the Corporation in the exercise of any of the powers by this Act conferred upon the Corporation :
- (9) If any difference arise between the Corporation and the county council touching this section or anything to be done omitted or paid thereunder or as to any direction of the county surveyor being reasonable such difference shall be referred to a civil engineer to be appointed in

case the parties cannot agree by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to every such reference : A.D. 1908.

- (10) The provisions of this section shall be in substitution for the provisions contained in sections 30 to 34 inclusive of the Waterworks Clauses Act 1847.

41. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily. Works below high-water mark not to be commenced without consent of Board of Trade.

42. The Corporation shall at the outer extremity of their works below high-water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct. Permanent lights on works.

If the Corporation fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

43. The Corporation shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention Lights on works during construction.

A.D. 1908. of danger to navigation as the Board of Trade from time to time require or approve.

If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of works by Board of Trade.

44. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

45. If a work constructed by the Corporation on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Provision against danger to navigation.

46. In case of injury to or destruction or decay of the pier or works or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Crown rights.

47. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of his Crown and under the management of the Commissioners of Woods or of the Board of

Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). A.D. 1908.

48. For the protection of the East Retford Rural District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed between the Corporation and the council have effect (that is to say):— For protection of East Retford Rural District Council.

(1) After the Corporation 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 council supply the council with such quantity or quantities of water in bulk as they shall require for the use of any contributory place or part of any contributory place within the district of the council and being at a distance not exceeding five miles from the aqueduct conduit or lines of pipes (Work No. 3) at a price not exceeding fivepence per one thousand gallons (exclusive of meter rent) and such water shall be delivered from the said aqueduct conduit or lines of pipes (Work No. 3) into aqueducts conduits or lines of pipes to be constructed or laid by and at the cost of the council to the reasonable satisfaction of the engineer of the Corporation :

(2) Such supplies of water shall be given at not more than six points upon the aqueduct conduit or lines of pipes (Work No. 3) to be reasonably required and notified in writing by the council under their common seal to the Corporation at the time of making the said request or within one month thereafter :

(3) Such supplies of water shall be delivered through a meter to be fixed at each of the said points in the said aqueduct conduit or lines of pipes (Work No. 3) such meter in each case to be provided and fixed and maintained by the Corporation at their own expense :

(4) Such supplies of water shall only be given by the Corporation at such times as the said aqueduct conduit or lines of pipes (Work No. 3) is charged with water

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at the said points respectively Provided that the said aqueduct conduit or lines of pipes shall be kept so charged except in cases of breakdown or other emergency :

- (5) The council shall pay to the Corporation a rental of three pounds ten shillings per annum in respect of each of the said meters :
- (6) The said meters shall be entirely under the control of the Corporation but the council shall have the right at all reasonable times to have access thereto for the purpose of inspecting and reading the same :
- (7) All questions as to the manner of making the necessary connections between the said aqueduct conduit or lines of pipes (Work No. 3) and the aqueducts conduits or lines of pipes of the council shall in case of disagreement be determined by an engineer to be appointed in manner hereinafter provided Provided that if so required by the Corporation all works for making the necessary connections with the said aqueduct conduit or lines of pipes (Work No. 3) may be done and executed by the Corporation who may recover the expense thereof from the council in any court of competent jurisdiction :
- (8) The accounts of the supply of water shall be made up quarterly on the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September and the twenty-fifth day of December and the sum due for the quarter's supply together with the meter rentals for the same period shall be paid by the council to the Corporation within one month from the delivery of each quarterly account :
- (9) In constructing and laying the aqueduct conduit or lines of pipes (Work No. 3) so far as the same affects the roads bridges and culverts vested in or under the control of the council the same shall be constructed and laid in or along any such road in such position in or at the side of the road as the council under the hand of their surveyor shall reasonably direct and shall not be constructed or laid in upon or across any such bridge or culvert but shall be carried over or under the stream drain or watercourse crossed by

such bridge or culvert at the side of and not affixed to such bridge or culvert : A.D. 1908:

- (10) All works to be constructed or laid in along or across or in any way affecting any such road bridge or culvert or any approach thereto shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the surveyor to the council and in accordance with plans sections and specifications to be submitted to and reasonably approved of by him in writing before the commencement of any such work. Provided that if the said surveyor shall not within one week after the same shall have been so submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof. All such works shall be so executed as not in any way to stop or unreasonably interfere with the traffic upon any such road or bridge or any approach thereto and all such works shall be proceeded with and be completed with all possible dispatch :
- (11) The aqueduct conduit or lines of pipes (Work No. 3) and all works in connection therewith where the same will pass over or affect any sewer of the council shall be constructed under the superintendence and to the reasonable satisfaction of the surveyor of the council in accordance with plans and sections to be submitted to and approved by him in writing which approval shall not be unreasonably withheld and all damage (if any) to the said sewers caused from subsidence of the ground due to the Corporation's works after the laying of the said aqueduct conduit or lines of pipes shall be made good by the council and the expenses so incurred shall be recoverable from the Corporation in any court of competent jurisdiction :
- (12) The Corporation shall pay to the council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised :
- (13) Notwithstanding anything in this Act contained it shall be lawful for the council at any time or times to

A.D. 1908.

divert widen or improve any such road and also to remove alter widen or renew any such bridge or culvert or the approaches thereto in alongside or near to which any of the said works are constructed or laid in the same manner as they might have diverted widened or improved removed altered or renewed any such road bridge or culvert or the approaches thereto if this Act had not been passed and such works had not been constructed or laid in over alongside or near to such road bridge or culvert respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion widening improvement removal alteration or renewal And in the event of any such road bridge or culvert or the approaches thereto in alongside or near to which such works are constructed or laid being diverted widened or improved removed altered or renewed as aforesaid the Corporation shall at their own expense as and when requested by the council remove or alter the position of their said works by which the same are carried alongside or near to any such road bridge or culvert or the approaches thereto as aforesaid and replace the same to the reasonable satisfaction of the said surveyor Provided that before and during such diversion widening improvement removal alteration or renewal of any such road bridge or culvert as aforesaid the council shall afford at the cost of the Corporation reasonable facilities for temporarily carrying the said works along the road or across the stream so as not to interrupt or diminish the continuous supply of water :

- (14) The council shall not be liable for or in respect of any damage or injury done to any main conduit or line of pipes of the Corporation in or under the metalled portion of any road arising from the ordinary use by the council of a steam or other roller or from the passage of the traffic on such road :
- (15) The Corporation shall if necessary provide proper and sufficient temporary dwellings for their workmen with all such sanitary arrangements as may be reasonably required and to the reasonable satisfaction of

the council and the reasonable costs and expenses of the council in regard to the sanitary inspection of such dwellings shall be borne and paid by the Corporation: A.D. 1908.

- (16) Notwithstanding anything in this Act contained if any difference arise between the Corporation and the council touching this section or anything to be done or not to be done thereunder such difference shall be referred to the arbitration of an engineer to be agreed upon as arbitrator or failing agreement to be appointed 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.

49. For the protection of the mayor aldermen and citizens of the city of Nottingham and county of the same city (in this section called "the Nottingham Corporation") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed between the Corporation and the Nottingham Corporation have effect (that is to say):— For protec-
tion of Not-
tingham Cor-
poration.

- (1) The Corporation shall not make any cuts channels adits headings or any other works whatsoever for the purpose of collecting impounding intercepting or appropriating water in or upon any lands situate to the south of the River Poulter:
- (2) The Corporation shall not at any time either directly or indirectly supply any water drawn from the well and works by this Act authorised except to consumers for use within the limits of supply of the Corporation authorised by the Act of 1846 the Act of 1871 and this Act and any companies or local authorities supplying water under statutory powers to which or to any person or persons to whom the Corporation are by this Act placed under an obligation to supply water in bulk:
- (3) The Corporation shall not oppose any application which the Nottingham Corporation may hereafter make for an Act or Order authorising them to sink any well or wells within the area of the Triassic sandstone

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formation in the counties of Nottingham and Lincoln at any place distant not less than three miles from the well by this Act authorised.

For protec-
tion of Cor-
poration of
Mansfield
&c.

50. The Corporation shall not oppose any application which the mayor aldermen and burgesses of the borough of Mansfield the urban district council of Mansfield Woodhouse the urban district council of Sutton-in-Ashfield the urban district council of Kirkby-in-Ashfield or the urban district council of Warsop or any one or more of those authorities may hereafter make to Parliament or the Local Government Board for power to sink any well or wells which shall be situate at a distance of not less than three miles from the well by this Act authorised.

For protec-
tion of Great
Northern
Railway
Company.

51. The following provisions for the protection of the Great Northern Railway Company (hereinafter in this section called "the Great Northern Company") shall unless otherwise agreed between the Great Northern Company and the Corporation in writing under their respective common seals apply and have effect :—

- (1) The expression "Great Northern property" where used in this section shall include any land railway siding work or convenience belonging or leased to the Great Northern Company :
- (2) The Corporation may purchase and take and if required so to do the Great Northern Company shall sell and grant according to their estate and interest in and subject to all easements rights and covenants affecting Great Northern property an easement or right of constructing and maintaining Work No. 3 under Great Northern property as the same is according to this Act to be constructed but save as aforesaid the Corporation shall not without the previous consent of the Great Northern Company in writing under their common seal purchase or take any Great Northern property :
- (3) The consideration to be paid for any easement or right to be acquired by the Corporation under the preceding subsection shall in case of dispute be determined in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement :

- (4)—(A) Work No. 3 where it will be constructed under the level crossing of the Great Northern Company at East Markham shall be constructed and at all times thereafter maintained so as to permanently support the railway or works of the Great Northern Company which may for the time being be over the same and the top of the outside of the pipes forming Work No. 3 shall be not less than five feet below the level of the bottom of the rails at the said level crossing ; A.D. 1908.
- (B) All mains and pipes laid by the Corporation under the powers of this Act over any tunnel of or over or under any bridge over or under any railway of the Great Northern Company shall be carried over or under the same in such a way as not to interfere with the structure of any such tunnel or bridge and every main and pipe other than those hereinbefore mentioned laid by the Corporation under the powers of this Act which shall cross any railway of the Great Northern Company shall if so required by the engineer of the Great Northern Company (hereinafter called "the engineer") in writing prior to the commencement of the work of laying any such last-mentioned main or pipe be carried under such railway in a culvert or culverts of sufficient dimensions to admit of such main or pipe being relaid or repaired without interference with the railway :
- (5) Work No. 3 and all other works of the Corporation which will be made over under or across or will otherwise affect any Great Northern property shall be constructed and maintained in accordance with the provisions of this section and with plans sections and specifications to be previously submitted to and reasonably approved by the engineer or in case of difference between him and the engineer of the Corporation by an engineer to be appointed as hereinafter provided and all such works shall be constructed and maintained in such manner and at such times as shall be submitted by the Corporation to and be reasonably approved by the engineer previously to the commencement of any such work of construction or repair and under his superintendence and to his reasonable satisfaction The Corporation shall give the engineer (except in cases of

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emergency) not less than three days' notice in writing before commencing to execute any works of construction or repair on or affecting Great Northern property and if the engineer or his representatives shall fail to attend at the time fixed for commencing to execute any such works the Corporation may execute the work specified in such notice without his superintendence :

- (6) The Corporation shall not in the execution maintenance or repair of Work No. 3 or any of their works remove or disturb any of the rails of any railway or work belonging to the Great Northern Company or obstruct hinder or interfere with the free uninterrupted and safe user of any Great Northern property or any traffic thereon and shall during the execution or repair of any of their works execute all such temporary works as the engineer may reasonably consider necessary for the purpose of avoiding risks to Great Northern property or interruption to the traffic thereon :
- (7) If by reason of the execution user or failure of any of the works of the Corporation or any act or omission of the Corporation or of their contractors or of any person in the employment of the Corporation or of their contractors or otherwise any Great Northern property shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do then the Great Northern Company may make good the same and the reasonable expenses thereof as certified by the engineer shall be repaid to the Great Northern Company by the Corporation on demand and the Corporation shall indemnify the Great Northern Company against all losses which the Great Northern Company may sustain and shall pay all costs charges and expenses which the Great Northern Company may be put to or incur by reason of the execution user or failure of any of the works of the Corporation or any act or omission of the Corporation or their contractors or any person in the employment of the Corporation or their contractors or otherwise :
- (8) The Corporation shall bear and on demand pay to the Great Northern Company the reasonable expenses of the employment by the Great Northern Company

during the execution or repair of Work No. 3 or of any work of the Corporation affecting any Great Northern property of a sufficient number of inspectors watchmen and signalmen to be appointed by the Great Northern Company for watching and signalling the same with reference to and during the execution or repair of any such work and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employment of the Corporation or of their contractors with reference thereto or otherwise and shall also bear and on demand pay the costs of the engineer in connection with the said works : A.D. 1908.

(9) In the event of the Great Northern Company raising or lowering the level of or widening their railway or making any other alteration or constructing any works which may render necessary or desirable any alteration in Work No. 3 or any other works of the Corporation the Great Northern Company may at the expense of the Corporation make all such alterations in the construction and position of such works of the Corporation as may be necessary or expedient and without making the Corporation any compensation therefor but in such case the Great Northern Company shall cause as little detriment and inconvenience to the Corporation as practicable and shall at the cost of the Corporation make such provision and works as the Corporation may reasonably require for preventing stoppage or diminution of the supply of water through the mains and pipes of the Corporation during the execution of any work in this subsection provided for and shall to the reasonable satisfaction of the engineer of the Corporation restore reconstruct or alter such works of the Corporation in as favourable and suitable a position and with as much speed as practicable and so as not to impede or diminish the supply of water through the mains and pipes of the Corporation :

(10) If and whenever the Corporation fail to maintain as aforesaid Work No. 3 or any other work of the Corporation which shall be constructed over under or across or shall otherwise affect any Great Northern property

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the Great Northern Company may make and do in and upon as well the lands of the Corporation as their own lands all such works and things as the Great Northern Company may reasonably think requisite in that behalf and the reasonable amount of such their expenditure shall be repaid to them by the Corporation :

- (11) If any difference shall arise between the Corporation and the Great Northern Company or their respective engineers under this section except under subsection (3) hereof the same shall be referred to and determined by a competent engineer to be appointed failing agreement by the Board of Trade on the application of either party after notice to the other and the provisions of the Arbitration Act 1889 shall apply to every such reference.

For protection of Great Northern and Great Eastern Joint Committee.

52. The following provisions for the protection of the Great Northern and Great Eastern Joint Committee (hereinafter in this section called "the committee") shall unless otherwise agreed between the committee and the Corporation in writing under their respective common seals apply and have effect:--

- (1) The expression "the property of the committee" where used in this section shall include any land railway siding navigation canal work or convenience belonging or leased to the committee :
- (2) The Corporation may purchase and take and if required so to do the committee shall sell and grant according to their estate and interest in and subject to all easements rights and covenants affecting the property of the committee an easement or right of constructing and maintaining Work No. 3 under and across the property of the committee as the same is by this Act to be constructed but save as aforesaid the Corporation shall not without the previous consent of the committee in writing under their common seal purchase or take any of the property of the committee :
- (3) The consideration to be paid for any easement or right to be acquired by the Corporation under the preceding subsection shall in case of dispute be determined in manner provided by the Lands Clauses

Acts with respect to the purchase of lands otherwise than by agreement: A.D. 1908.

- (4)—(A) Work No. 3 where it will be constructed under the level crossing of the committee at Saxilby or within twenty yards on either side of the said level crossing shall be constructed and at all times thereafter maintained so as to permanently support the railway or works of the committee which may for the time being be over the same and the top of the outside of the pipes forming Work No. 3 shall be not less than five feet below the level of the bottom of the rails at the said level crossing;
- (B) Notwithstanding anything in this Act contained or shown on the deposited plans Work No. 3 shall be carried across the Foss Dyke Navigation at such point within the limits of deviation shown on the deposited plans as may be reasonably approved by the engineer of the committee (hereinafter called "the engineer") by means of an aqueduct. The said aqueduct shall have one span only of a width between its supports sufficient to clear the said navigation including the towing paths and to give in addition such a margin on each side of the said navigation as the engineer may reasonably require to enable sailing vessels to sail freely and conveniently under the said aqueduct. The said aqueduct shall have a clear headway throughout of not less than twelve feet three inches measured from the surface of the water in the said navigation to the underside of the pipes forming such aqueduct or in the event of there being a substructure supporting such pipes to the underside of such substructure and for the purposes of this provision the surface of such water shall be deemed to be fourteen feet nine inches above Ordnance datum;
- (c) All mains and pipes laid by the Corporation under the powers of this Act over any tunnel or over or under any bridge over or under any railway or navigation of the committee shall be carried over or under the same in such a way as not to interfere with the structure of any such tunnel or bridge and every main and pipe other than those hereinbefore

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mentioned laid by the Corporation under the powers of this Act which shall cross any railway or navigation of the committee shall if so required by the engineer in writing prior to the commencement of the work of laying any such last-mentioned main or pipe be carried under such railway in a culvert of sufficient dimensions to admit of such main or pipe being relaid or repaired without interference with such railway:

- (5) Work No. 3 and all other works of the Corporation which will be made over under or across or will otherwise affect any of the property of the committee shall be constructed and maintained in accordance with the provisions of this section and with plans sections and specifications to be previously submitted to and reasonably approved by the engineer or in case of difference between him and the engineer of the Corporation by an engineer to be appointed as hereinafter provided and all such works shall be constructed and maintained in such manner and at such times as shall be submitted by the Corporation to and be reasonably approved by the engineer previously to the commencement of any such work of construction or repair and under his superintendence and to his reasonable satisfaction The Corporation shall give the engineer (except in cases of emergency) not less than three days' notice in writing before commencing to execute any works of construction or repair on or affecting the property of the committee and if the engineer or his representatives shall fail to attend at the time fixed for commencing to execute any such works the Corporation may execute the work specified in such notice without his superintendence:
- (6) The Corporation shall not in the execution maintenance or repair of Work No. 3 or any of their works remove or disturb any of the rails of any railway or work belonging to the committee or obstruct hinder or interfere with the free uninterrupted and safe user of any of the property of the committee or any traffic thereon and shall during the execution or repair of any of their works execute all such temporary works

as the engineer may reasonably consider necessary for the purpose of avoiding risks to the property of the committee or interruption to the traffic thereon :

- (7) If by reason of the execution user or failure of any of the works of the Corporation or any act or omission of the Corporation or of their contractors or of any person in the employment of the Corporation or of their contractors or otherwise any of the property of the committee shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do then the committee may make good the same and the reasonable expenses thereof shall be repaid to the committee by the Corporation on demand and the Corporation shall indemnify the committee against all losses which the committee may sustain and shall pay all costs charges and expenses which the committee may be put to or incur by reason of the execution user or failure of any of the works of the Corporation or any act or omission of the Corporation or their contractors or any person in the employment of the Corporation or their contractors or otherwise :
- (8) The Corporation shall bear and on demand pay to the committee the reasonable expense of the employment by the committee during the execution or repair of Work No. 3 or of any work of the Corporation affecting any of the property of the committee of a sufficient number of inspectors watchmen and signalmen to be appointed by the committee for watching and signaling the same with reference to and during the execution or repair of any such work and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employment of the Corporation or of their contractors with reference thereto or otherwise and shall also bear and on demand pay the reasonable costs of the engineer in connection with the said works :
- (9) In the event of the committee raising or lowering the level of or widening their railway or navigation or

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making any other alteration or constructing any works which may render necessary or desirable any alteration in Work No. 3 or any other works of the Corporation the committee may at the expense of the Corporation make all such alterations in the construction and position of such works of the Corporation as may be necessary or expedient and without making the Corporation any compensation therefor but in such case the committee shall cause as little detriment and inconvenience to the Corporation as practicable and shall at the cost of the Corporation make such provision and works as the Corporation may reasonably require for preventing stoppage or diminution of the supply of water through the mains and pipes of the Corporation during the execution of any work in this subsection provided for and shall to the reasonable satisfaction of the engineer of the Corporation restore reconstruct or alter such works of the Corporation in as favourable and suitable a position and with as much speed as practicable and so as not to impede or diminish the supply of water through the mains and pipes of the Corporation :

- (10) If and whenever the Corporation fail to maintain as aforesaid Work No. 3 or any other work of the Corporation which shall be constructed over under or across or shall otherwise affect any of the property of the committee the committee may make and do in and upon as well the lands of the Corporation as their own lands all such works and things as the committee may reasonably think requisite in that behalf and the reasonable amount of such their expenditure shall be repaid to them by the Corporation :
- (11) If any difference shall arise between the Corporation and the committee or their respective engineers under this section except under subsection (3) hereof the same shall be referred to and determined by a competent engineer to be appointed failing agreement by the Board of Trade on the application of either party after notice to the other and the provisions of the Arbitration Act 1889 shall apply to every such reference.

53. For the protection of the mayor aldermen and burgesses of the borough of East Retford (in this section called "the Retford Corporation") the following provisions shall notwithstanding anything in this Act contained apply and have effect unless otherwise agreed on in writing between the Retford Corporation and the Corporation (that is to say):—

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For protec-
tion of Ret-
ford Corpora-
tion.

- (1) After the Corporation have completed the well (Work No. 1) (hereinafter called "the Elkesley well") 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 Retford Corporation supply them with such quantity of water in bulk as they shall require at a price not exceeding five-pence per one thousand gallons (exclusive of meter rent) to be agreed between the Corporation and the Retford Corporation and such water shall be delivered from the aqueduct (Work No. 3) at the cross roads at Markham Moor into an aqueduct to be laid by and at the cost of the Retford Corporation to the reasonable satisfaction of the engineer of the Corporation Provided that such supply to the Retford Corporation shall not be given if and so long as such supply would interfere with a full supply of water for all purposes within the limits of supply authorised by the Act of 1845 the Act of 1871 and this Act or with the performance by the Corporation of their obligations under the agreement set forth in Schedule C. of this Act and the sections of this Act the marginal notes whereof respectively are "For protection of Duke of Portland" and "For protection of East Retford Rural District Council":
- (2) Such supply of water shall be delivered through a meter to be fixed at a point to be agreed on between the respective engineers of the Corporation and the Retford Corporation such meter to be provided and fixed and maintained by the Corporation at their own expense:
- (3) The Retford Corporation shall pay to the Corporation a rental equal to ten per centum per annum on the amount of the cost of the said meter and of fixing and enclosing the same:

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- (4) The said meter shall be entirely under the control of the Corporation but the Retford Corporation shall have the right at all reasonable times to have access thereto for the purpose of inspecting and reading the same :
- (5) All questions as to the manner of making the necessary connection between the said aqueduct (Work No. 3) and the aqueduct of the Retford Corporation shall in case of disagreement be determined by an engineer to be appointed in manner hereafter provided Provided that if so required by the Corporation all works for making the necessary connection with the said aqueduct (Work No. 3) may be done and executed by the Corporation who may recover the expenses thereof from the Retford Corporation in any court of competent jurisdiction :
- (6) The accounts of the supply of water shall be made up quarterly on the twenty-fifth day of March and the twenty-fourth day of June the twenty-ninth day of September and the twenty-fifth day of December and the sum due for the quarter's supply together with the meter rental for the same period shall be paid by the Retford Corporation to the Corporation within one month from the delivery of each quarterly account :
- (7) Any dispute or difference which may from time to time arise between the Corporation and the Retford Corporation under any of the provisions of this section shall be determined by an engineer to be appointed by the mayors of the city of Lincoln and the borough of East Retford or failing agreement between them by an engineer to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the Arbitration Act 1889 and any statutory modification thereof shall apply to any such arbitration.

PART III.

RATES AND RATING.

General district rate may be assessed as borough rate.

54.—(1) The Corporation may if they think fit in lieu of themselves making assessing and levying any general district rate order such rate to be made assessed and levied in the same

manner as a borough rate and may enforce the payment thereof from the overseers in the same manner as in the case of the borough rate and if any such order be made by the Corporation the general district rate shall be made assessed and levied by the overseers in the same manner and under the same provisions (including the provisions as to appeals) as in the case of the poor rate but subject to the exemptions (partial or otherwise) for the time being applicable to such general district rate in respect of any property in the borough and such rate may be assessed and levied either separately or together with the poor rate assessed and levied in respect of the hereditaments rateable to such rate. A.D. 1908.

(2) In the event of the Corporation making any order in pursuance of this section the overseers shall recover and enforce the poor rate in the same manner as the general district rate is recoverable and enforceable under the Public Health Act 1875 and the provisions of section 2 (In default of distress for non-payment of rates justices may issue warrant of commitment) of the Distress for Rates Act 1849 with respect to the recovery and enforcement of the poor rate shall cease to apply Provided that any provisions limiting the period within which proceedings must be commenced for the recovery of the general district rate in a court of summary jurisdiction shall not apply to the poor rate.

55.—(1) In the event of the Corporation making an order in pursuance of the section of this Act the marginal note whereof is "General district rate may be assessed as borough rate" the accounts of the overseers and collectors of poor and other rates relating to the general district rate shall be submitted to and be audited by the district auditor in the manner provided by section 37 (Rates made by overseers not now audited made subject to the audit of district auditor) of the Divided Parishes and Poor Law Amendment Act 1876 and that rate shall be deemed to be a rate within the meaning of that section. Audit of accounts.

(2) The expenses of the overseers in connection with the assessment levying and collection of the general district rate shall be paid out of the district fund.

(3) The overseers shall prepare and submit to the district auditor at every audit of their accounts a financial statement in duplicate in the form and containing the particulars from time to time prescribed by the Local Government Board in respect of the general district rate One of such duplicates shall have

A.D. 1908. — the stamp duty chargeable according to the scale contained in the District Auditors Act 1879 affixed thereon and calculated according to the total of the sums paid to the Corporation during the period to which the statement relates and the provisions of the District Auditors Act 1879 as to the duties of the auditor with reference to such duplicates shall apply as if the said duplicates were prepared and submitted under that Act.

(4) The Corporation shall repay to the said overseers the amount of any stamp duty which may be paid by them upon any financial statement pursuant to the provisions of this Act.

(5) The provisions of section 5 (Regulations as to audit) and section 6 (Stamp duties under Inland Revenue) of the District Auditors Act 1879 shall apply to the accounts of the overseers and collectors and to the stamp duty on such financial statements as aforesaid and any overseer who shall fail to comply with the provisions of this Act with respect to a financial statement shall be liable to the penalty provided in section 7 (Failure to submit financial statement) of the last-mentioned Act.

Collection of rates.

56.—(1) The Corporation may appoint and remove such officers as they deem necessary to assist the overseers of the parish of Lincoln in the discharge of their duties and fix the remuneration to be paid to such officers.

(2) All officers so appointed shall give such security for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Local Government Board shall report thereon annually to the Corporation. The securities shall be deposited with the council and not with the board of guardians.

Owner may be rated instead of occupier in certain cases.

57. On an order being made by the Corporation in pursuance of the section of this Act whereof the marginal note is "General district rate may be assessed as borough rate" the following provisions shall apply and have effect (that is to say):—

(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the poor borough and general district rates leviable within the city—

(A) Where the rateable value of the property does not exceed eight pounds; or

(b) Where the premises are let in separate apartments ; or A.D. 1908.

(c) Where the rents are collected weekly ;

Provided that where the rateable value of the property does not exceed eight pounds the owner so rated shall be entitled to a deduction of seventeen and a half per centum from the amount of the rates when paid by him if he shall pay the same within three months after the rate shall have been demanded :

(2) When the Corporation exercise the option under this section of causing the owner to be rated instead of the occupier they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner accordingly and the provisions of this section shall apply within the city in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 and in section 211 of the Public Health Act 1875 :

(3) Unless and until the Corporation exercise the option given to them by this section the provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 as amended by the Local Government Act 1904 shall remain in operation and shall extend and apply to the general district rate (in substitution for the said provisions of section 211 of the Public Health Act 1875) in like manner as they apply to the poor rate.

58. Notwithstanding anything contained in this Act as regards all rates to be laid or levied for the purposes of this Act the occupiers of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to such rates in respect of the same in the proportion of one-fourth part only of the net annual value thereof Provided that the provisions of this section shall not apply to any charges for water supplied by the Corporation for domestic or other purposes.

Railways to be rated at one-fourth only of net annual value thereof.

A.D. 1908.

PART IV.

REGISTRATION OF ELECTORS.

Registration
of electors.

59. For the purposes of the Registration of Electors Acts 1843 and 1891 it shall be sufficient to publish the list of parliamentary voters citizens and parochial electors of each ward within the city at the time and in the manner provided by those Acts as if each such ward were a separate parish.

PART V.

BORROWING POWERS.

Amending
Article IV.
of Order of
1906.

60. Article IV. of the Order of 1906 shall be read and have effect as if the sum of seventy thousand pounds was inserted therein in lieu of the sum of two hundred thousand pounds.

Power to
borrow.

61. The Corporation may from time to time in addition to any moneys they are now authorised to borrow borrow at interest and for the following purposes such moneys as they may from time to time think requisite for those respective purposes not exceeding the following sums each of such sums or such part thereof respectively as may from time to time be borrowed to be repaid from time to time within the periods from which the same or any part thereof shall have been borrowed set opposite to the same respectively in this section (that is to say):—

(1) For the purchase of lands and construction of works by this Act authorised—one hundred and ninety-three thousand pounds—fifty years;

(2) For the costs of this Act—such sum as is necessary for the purpose—five years from the passing of this Act;

and with the consent of the Local Government Board such further sums as the Corporation may require for any of the purposes of this Act and any moneys borrowed with the sanction of the Local Government Board shall be repaid within such period not exceeding sixty years as such Board may respectively allow.

Sinking fund
for moneys
borrowed
under this
Act.

62.—(1) Subject to the provisions of Part II. of the Act of 1888 and of the Order of 1907 the Corporation shall repay any moneys borrowed by virtue of the powers of borrowing conferred by this Act (other than moneys borrowed under the provisions of the Local Loans Act 1875) by equal annual instal-

ments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them. A.D. 1908.

(2) Subject to the provisions of the section of this Act the marginal note whereof is "Provisions as to increase and reduction of payments to sinking fund" if the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(3) Every sum paid to a sinking fund under this section and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(4) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(5) The Corporation may at any time apply the whole or any part of any sinking fund established under this section in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part of a sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

A.D. 1908.

(6)—(A) If and so often as the income of an accumulating sinking fund under this section is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Corporation :

(B) If and so often as the income of an accumulating sinking fund under this section is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

Provisions as
to increase
and reduction
of payments
to sinking
fund.

63.—(1) If it appears to the Corporation at any time that the amount in any sinking fund established under this Act with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(2) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3) If the amount in any sinking fund established under this Act with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as that Board shall approve.

(4) If the amount in any sinking fund established under this Act at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the

opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct. A.D. 1908.

(5) Any surplus of any sinking fund established under this Act remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

64. For the purpose of raising money by virtue of the powers of this Act the provisions of the Local Loans Act 1875 shall be available to the Corporation and for the purposes aforesaid notwithstanding anything contained in the Local Loans Act 1875 the prescribed period shall be the prescribed periods fixed by this Act for the repayment of moneys borrowed or to be borrowed thereunder Provided that in respect of moneys raised as aforesaid the provisions contained in the sections of this Act whereof the marginal notes respectively are "Sinking fund for moneys borrowed under this Act" "Provisions as to increase and reduction of payments to sinking fund" and "Annual return to Local Government Board" shall apply in lieu of those contained in sections 15 and 16 of the Local Loans Act 1875. Local Loans Act 1875 to be available.

65. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Certain regulations of Public Health Act as to borrowing not to apply.

66. The Corporation shall except as hereinafter provided have power to reborrow for the purpose of paying off any moneys borrowed or reborrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve Power to re-borrow.

A.D. 1908. months from the reborrowing and which at the time of the repayment it was intended to reborrow :

Provided that the Corporation shall not have power to reborrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose :

Provided also that any moneys reborrowed shall be deemed to form the same loan as the moneys for the repayment of which the reborrowing has been made and shall be repaid within the prescribed period.

Mode of raising money.

67. The Corporation may raise all or any moneys which they are authorised to borrow or reborrow under this Act either by the creation and issue of Lincoln Corporation redeemable stock or by mortgage of the revenue of their waterworks undertaking and of all or any of the rates and revenues of the Corporation from whatever source derived or partly by one and partly by the other of such means.

Sections 236 237 and 238 of Public Health Act to be available.

68. The following sections of the Public Health Act 1875 shall apply to all moneys borrowed or reborrowed on mortgage under this Act other than moneys borrowed under the Local Loans Act 1875 (that is to say) :—

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ; and

Section 238 (Transfer of mortgages).

Application of borrowed moneys.

69. All moneys from time to time borrowed by virtue of this Act shall be applied by the Corporation only for the purposes for which the same are respectively authorised to be borrowed and to which capital is properly applicable excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation with the approval of the Local Government Board determine.

Appointment of receiver.

70.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees

collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole. A.D. 1908.

(2) The application for the appointment of a receiver shall be made to the High Court.

71.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any moneys raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court. Annual re-
turn to Local
Government
Board.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has

A.D. 1908. been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Audit of accounts.

72. The accounts of receipts and expenditure of the Corporation under this Act 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 under the Municipal Corporations Act 1882.

Protection of lender from inquiry.

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

Saving of charges.

74. Nothing in this Act shall prejudicially affect any charge on any of the rates or revenues of the Corporation by way of mortgage or otherwise existing at the date of the passing of this Act and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed.

Corporation not to regard trusts.

75. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time 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 and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Inquiries by Local Government Board.

76.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon

them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. A.D. 1908.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

PART VI.

CONSOLIDATION OF LOANS.

77.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto. Scheme for fixing equated periods.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modification and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act. Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto.

A.D. 1908.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Issue of
different
classes of
stock.

78.—(1) Notwithstanding anything contained in the Act of 1888 or the Order of 1907 the Corporation may exercise any statutory borrowing power for the time being vested in them by the creation and issue of such new classes of Lincoln Corporation redeemable stock (so that not exceeding two classes shall be in existence at one and the same time) as the Corporation may deem fit at such price respectively and bearing such dividend respectively not exceeding three pounds and ten shillings per centum per annum as the Corporation may by the resolution for the issue of each such class determine Provided that the Corporation shall not under the provisions of this section issue more than one class of stock bearing the same rate of dividend.

(2) Each class of stock created under this section shall bear a distinguishing name or number to be given by the resolution creating it and shall be created on and subject to such terms and conditions as that all stock in the class shall bear one and the same rate of dividend and shall become redeemable as hereinafter provided at the expiration of the same period from the first creation of the stock of that class.

(3) After the expiration of such a period from the creation of each class of stock as the Corporation shall by the resolution creating the same declare all stock comprised therein shall be redeemable at par at the option of the Corporation and within such a period (not exceeding sixty years) from the first creation of each class of stock as the Corporation shall by such resolution declare the whole of the stock comprised therein shall be redeemed or purchased and extinguished.

(4) All stock created and issued under this section shall be charged in the same manner as and rank *pari passu* with stock issued under the Act of 1888 and shall otherwise be subject to the provisions of that Act except so far as the same are altered by this Act.

(5) A separate loans fund to bear the name given to it by the resolution creating each class of stock shall be established and formed in respect of each class which may be created and issued by the Corporation by virtue of this section and all the

[8 EDW. 7.] *Lincoln Corporation (Water, &c.)* [Ch. xxxiii.]
Act, 1908.

provisions of the Act of 1888 and the Order of 1907 in regard to the Consolidated Loans Fund shall mutatis mutandis apply to the loans fund so to be established and formed. A.D. 1908.

PART VII.

REPEAL OF STATUTORY PROVISIONS.

79. Sections 53 54 61 63 68 69 81 82 83 and 84 of the Act of 1846 and sections 34 35 36 37 38 39 40 41 42 44 50 and 63 of the Act of 1871 are hereby repealed as from the first day of April one thousand nine hundred and nine. Repeal of sections of Acts of 1846 and 1871.

PART VIII.

COSTS OF ACT.

80. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the district fund and general district rate but ultimately if the Corporation so determine out of moneys borrowed or to be borrowed under the provisions of this Act. Costs of Act.

A.D. 1908. The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

LIST OF ACTS AND ORDERS RELATING TO THE CITY AND THE
WATER UNDERTAKING OF THE CITY.

- Lincoln Waterworks Act 1846.
Baths and Washhouses Acts 1846 and 1847 and the Acts altering
amending or affecting the same.
Lincoln Waterworks Act 1856.
Lincoln Corporation (Canwick Common) Act 1868.
Lincoln City Commons Act 1870.
Lincoln Water Act 1871.
Artizans and Labourers Dwellings Improvement Act 1875 and the Acts
amending or affecting the same.
Public Health Acts 1875 to 1907.
Local Government Board's Provisional Orders Confirmation (Aberavon
&c.) Act 1880 (Lincoln Order).
Municipal Corporations Act 1882.
Lincoln Corporation Gas Purchase Act 1885.
Lincoln Corporation Act 1888.
Lincoln Corporation (Tramways &c.) Act 1900.
Local Government Board's Provisional Orders Confirmation (No. 11)
Act 1906 (Lincoln Order).
Local Government Board's Provisional Orders Confirmation (No. 2)
Act 1907 (Lincoln Order).

SCHEDULE B.

RATES FOR SUPPLY OF WATER FOR DOMESTIC PURPOSES.

Within the city boundaries fifteen per centum upon the annual
rateable value of the premises supplied.

Beyond the city boundaries twenty per centum upon the annual
rateable value of the premises supplied but not exceeding five per
centum above the rate for the time being charged within the city
boundaries.

SCHEDULE C.

A.D. 1908.

THIS INDENTURE made the twelfth day of February one thousand nine hundred and eight between the MOST NOBLE HENRY PELHAM ARCHIBALD DOUGLAS DUKE OF NEWCASTLE (hereinafter called "the Duke") of the one part and the MAYOR ALDERMEN AND CITIZENS OF THE CITY OF LINCOLN (hereinafter called "the Corporation") of the other part.

WHEREAS the Duke is seized of the hereditaments described in the schedule hereto (hereinafter called "the water area") for an estate in fee simple in possession subject to and with the benefit of an indenture (hereinafter called "the Wigan lease") dated the thirtieth day of October one thousand eight hundred and ninety-six and made between the Duke of the one part and the Wigan Coal and Iron Company Limited (hereinafter called "the Wigan Company") of the other part being a lease of the mines and mineral substances of the Duke within and under the water area and other hereditaments to the Wigan Company for the term of ninety-nine years from the twenty-fifth day of March one thousand eight hundred and ninety-six at the rents and royalties and subject to the covenants by the Wigan Company and the conditions therein contained and whereby among other privileges a right was demised to the Wigan Company to enter upon occupy and use parts of the surface of the hereditaments therein mentioned (including the water area):

And whereas the Corporation are promoting a Bill during the present session of Parliament entitled "A Bill to confer further powers upon the Corporation of the city of Lincoln with respect to their water undertaking and to authorise the Corporation to construct additional waterworks and to extend their limits for the supply of water to consolidate the loans and sinking funds of the Corporation and to borrow money and for other purposes" for obtaining (among other things) powers to construct a well pumping station aqueducts and an approach road in the parish of Elkesley and to take or acquire certain lands underground springs water easements and rights and to make certain subsidiary works:

Now this indenture witnesseth that the parties hereto hereby mutually agree and contract the one with the other of them as follows:—

1. The Duke shall after the said Bill is passed (so far as he lawfully can and not further or otherwise) grant and demise to the Corporation full right to take collect use impound and appropriate for the purpose of the water undertaking of the Corporation to be

A.D. 1908. — sanctioned by the said Bill and by means of works authorised by the said Bill all such underground springs and waters as may be found under the water area defined in the schedule hereto To hold the same to the Corporation (subject to all rights of the Wigan Company under the Wigan lease) for the term of one thousand years from the date of the commencement of the said Bill yielding and paying therefor the yearly rent of seven hundred and fifty pounds free from all deductions except in respect of income tax and to be paid by equal quarterly payments on the usual quarter days the first payment or proportionate payment to be made on the first quarter day which occurs after the water shall be pumped into the main aqueduct or line of pipes authorised by the said Bill.

2. The said grant shall be executed in duplicate and the Corporation shall thereby covenant to pay the said yearly rent and shall duly charge the same on the rates of the Corporation to the reasonable satisfaction of the Duke.

3. Such grant shall contain a proviso that if the supply of water obtained at the well proposed to be sunk in the field or enclosure referred to for this purpose in the said Bill and any substituted site or sites shall cease or diminish in quantity or quality so as not to be worth pumping then the said rent shall cease from the time the Corporation discontinue their pumping and the term created by the said grant shall cease.

4. The counterpart of the Wigan lease having been produced to the Corporation who have been furnished with a copy thereof they shall be deemed to have notice of all the contents of the said lease and shall take subject to all the rights of the Wigan Company thereunder.

5. The said grant shall contain a covenant by the Corporation to keep the Duke or other the owners for the time being of the reversion expectant on the term granted by the Wigan lease indemnified at all times thereafter from all claims and demands whatsoever by the Wigan Company or the persons deriving title under them on account of any act or thing done by the Corporation by virtue of the said grant or the powers conferred by the said Bill.

6. The said grant shall contain an exception or reservation restricting the right of the Corporation to use any water acquired thereunder for the purpose only of supplying the district or area within which they are at the date hereof or will at the date of the commencement of the said Bill be authorised to supply to the intent that if such district or area shall thereafter be extended the Corporation shall not be entitled to use the water aforesaid either directly or indirectly for the purposes of the additional district or area without the consent in writing of the Duke or other the owner for the time being of the Clumber estate it being the intention to confine the benefits of the

water supply from the proposed well to the district now supplied by the Corporation and those sought to be supplied by the proposed Bill. A.D. 1908.

7. The said grant shall contain a reservation and a declaration by the Corporation acknowledging that the Duke or other the owner for the time being of the Clumber estate has the same rights and powers to use deal with or dispose of any water or water rights outside the water area as if the said grant had never been made.

8. If the Corporation shall within five years from the date of the commencement of the said Bill decide to erect their pumping station or other works within the water area and under the said Bill the Corporation shall have acquired compulsory powers to purchase the site for the said works then and in such case the Duke will sell his interest in any such specific site within the water area to which the compulsory powers apply at the rate of sixty pounds per acre.

9. The said grant shall contain covenants by the Corporation or other provisions for giving effect to the following obligations:—

- (i) To supply water in bulk to any place on the Duke's estate within five miles from any pumping station aqueduct or other works of the Corporation for a charge not exceeding six pence per thousand gallons:
- (ii) To supply water for domestic purposes at the mansion house of Clumber and the buildings and grounds used in connection therewith to the extent of ten thousand gallons per diem free of cost:
- (iii) To supply water for all purposes in connection with the protection of the said mansion house and other buildings aforesaid from fire free of cost:

Provided always that in every such case all necessary connecting mains and pipes shall be laid by and at the cost of the Duke or other the owner for the time being of the Clumber estate to the reasonable satisfaction of the Corporation and shall subsequently be maintained by the Corporation at the Corporation's own expense.

10. The said grant shall also contain—

- (i) The usual qualified covenant for quiet enjoyment by the Duke:
- (ii) A provision for requiring disputes to be submitted to arbitration under the Arbitration Act 1889:
- (iii) A proviso enabling the Duke or the persons deriving title under him to re-enter if the rent is in arrear for thirty days or on breach of any covenant by or obligation imposed on the Corporation:
- (iv) A provision that in the exercise of their powers (whether statutory or otherwise) the Corporation shall do as little

A.D. 1908.

damage as possible to the lands of the Duke or to the amenity of the mansion house or to any buildings drains timber trees underwood or crops and that the Corporation shall make compensation for any damage done and so that in case of disputes as to damage the matter shall be settled by arbitration :

- (v) A covenant by the Duke to keep the Corporation indemnified against a yearly jointure rentcharge of three thousand pounds payable to the Dowager Duchess of Newcastle during the residue of her life and charged on other estates of great value and the Corporation shall not take any objection on account of the existence of the said rentcharge or require the said Dowager Duchess to join in the said grant.

11. In case any dispute shall arise as to the form of the said grant or as to any provision to be contained therein the matter in dispute shall be submitted to such conveyancing counsel (not being the counsel actually employed by either party) willing to act as may be nominated for the purpose by the President for the time being of the Law Society.

12. The Corporation shall use their best endeavours to have this agreement scheduled to the said Bill and thereby confirmed.

13. The Corporation will in any event pay the costs charges and expenses of and incidental to—

- (a) The preparation and execution in duplicate of these presents :
- (b) The preparation and execution of the said intended grant and the duplicate thereof :
- (c) Any proceedings acts matters and negotiations whatsoever already taken by the Duke in connection with the said Bill including the costs charges and expenses of solicitors parliamentary agents estate agents and engineers incurred by the Duke in relation to the said Bill or any matters and things done in connection therewith :
- (d) Any proceedings which may hereafter be taken by the Duke in connection with the said Bill The amount of any such costs charges and expenses in case of difference to be settled by such person as may be appointed by the President for the time being of the Incorporated Law Society.

In witness whereof the Duke has hereunto set his hand and seal and the Corporation have caused their corporate seal to be hereunto affixed the day and year first above written.

The SCHEDULE to which the foregoing Indenture refers. A.D. 1908.

PARTICULARS OF "THE WATER AREA."

All that piece of land situated in the parishes of Elkesley Bothamsall Haughton Worksop Babworth Gamston and West Drayton in the county of Nottingham containing in the whole seven thousand four hundred acres or thereabouts and more particularly delineated on the plan hereto annexed and thereon coloured yellow and forming a circle or circular plot with a radius of two miles or thereabouts around the point at which the Corporation now propose to sink a well.

Signed sealed and delivered by the
above-named Henry Pelham Archibald Douglas Duke of Newcastle
in the presence of

} NEWCASTLE. (L.S.)

HARRY M. CROOKENDEN
Lincoln's Inn London
Solicitor.

At a meeting of the council of the mayor aldermen and citizens of the city of Lincoln held on the twelfth day of February one thousand nine hundred and eight the common corporate seal of the said mayor aldermen and citizens was hereto affixed by order of the said council and in the presence of

} (L.S.)

JOHN MILLS Mayor.
W. T. PAGE jr. Deputy Town Clerk.

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