



CHAPTER cxxix.

An Act for enabling the Mayor, Aldermen, and Burgesses of the borough of Doncaster to execute works for the improvement of the Water Supply of that borough and of the neighbourhood thereof ; and for other purposes. A.D. 1873.

[7th July 1873.]

WHEREAS the borough of Doncaster in the west riding of the county of York (in this Act called the borough) is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called the Corporation) :

And whereas the borough is now supplied with water derived from the river Don by works belonging to the Corporation, and it is expedient that the Corporation be empowered to construct further works, and to obtain a supply of water for the borough and its neighbourhood from other sources ; (that is to say,) the Conisborough, Hooton, and Ravenfield Brooks, and the Silverwood Stream, (all tributaries of the Don,) and to borrow money and apply their corporate funds for those purposes :

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

And whereas plans and sections describing the lines, situations, and levels of the intended works, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of those works or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the west riding of the county of York (which are in this Act referred to as the deposited plans, sections, and book of reference) :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

A.D. 1873. and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title. 1. This Act may be cited as *The Doncaster Corporation Waterworks Act, 1873.*

Provisions of general Acts herein named incorporated. 2. The following enactments, as far as they are applicable for the purposes of, and are not varied by or inconsistent with this Act, are hereby incorporated with and shall be part of this Act; (namely,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act called the Lands Clauses Acts):

The Waterworks Clauses Acts, 1847 and 1863, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit:

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof.

Interpretation of terms.

3. In this Act—

The term “the Municipal Corporation Acts” means the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, “to provide for the regulation “of Municipal Corporations in England and Wales,” and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England:

The term “the borough fund” means the borough fund of the borough:

The term “water rent” includes every sum of money payable to the Corporation in respect of a supply of water for any purpose:

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings; and in this Act and (for the purposes of this Act) in enactments incorporated with this Act the term “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term “superior courts” shall be taken to include any court of competent jurisdiction.

Limits of Act.

4. The limits of this Act shall be the borough and the rest of the parish of Doncaster, and the parishes, townships, and places of Conisborough, Warmsworth, and Balby with Hexthorpe in the neighbourhood of the borough, but until a sufficient supply of water

is obtained for the borough from the works authorised by this Act the Corporation shall not be bound to supply water beyond the borough, and the Corporation shall not at any time supply water beyond the borough so as to interfere with the proper supply of water for domestic purposes within the borough.

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5. This Act shall (subject to the express provisions of this Act) be executed by the Corporation acting by the council of the borough, and subject and according to the Municipal Corporation Acts and other laws for the time being in force affecting municipal corporations.

Act to be
executed by
Corporation.

6. Where under the authority of the Municipal Corporation Acts the council of the borough appoint out of their own body a committee for the execution of this Act, they may delegate to the committee such of the powers and duties of the Corporation under this Act as the council think fit for the purpose of carrying into effect any specific orders of the council, and the acts and proceedings of the committee within the limits of that delegation shall be deemed the acts and proceedings of the council, or the council may appoint any committee for the execution of this Act, so that the acts of the committee shall, if the council so order, but not otherwise, be submitted to the council for approval, and the quorum of any such committee as in this section provided for shall be such as the council direct, and the council may from time to time make such regulations as they think fit for the guidance of any such committee, and the council may from time to time remove any members of any such committee, and appoint in the stead of them, or of any of them, other members of the council.

Regulations
as to com-
mittee of
council.

7. Subject to the provisions of this Act, the Corporation may make and maintain, in and according to the lines and levels shown on the deposited plans and sections, the reservoirs, conduits, lines of pipes, and other works shown on the deposited plans, which comprise the following works; (that is to say,)

Power to
make works
and take
lands.

- (1.) A storage reservoir (reservoir No. 1) situate in the Silverwood Valley :
- (2.) Another storage reservoir (reservoir No. 2) situate on one of the tributary streams of the Hooton Brook :
- (3.) Another storage reservoir (reservoir No. 3) situate on another of the tributary streams of the Hooton Brook :
- (4.) Another conduit or line of pipes commencing at the north-east corner of reservoir No. 1, and terminating at the north-west corner of reservoir No. 2 :

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- (5.) Another conduit or line of pipes commencing at the north-east corner of reservoir No. 2, and terminating at the west corner of reservoir No. 3 :
- (6.) Another conduit or line of pipes commencing at the north-east corner of reservoir No. 3, and terminating by a junction with Conisborough Park Brook, 600 yards or thereabouts above the point at which the same forms a junction with the Clifton Brook :
- (7.) Another conduit or line of pipes commencing at the north end of reservoir No. 1, and communicating with the service reservoir next herein-after described, and terminating in the township of Doncaster, at a street called Hall Gate, near to Hall Cross House, by a junction with the existing line of water pipes :
- (8.) A service reservoir and filtering beds in connexion with the lastly-described line of pipes situate in the parish of Warmsworth, on the north side of the bridle road called Tenter Lane, and on the south side of the South Yorkshire Railway, and distant 450 yards or thereabouts from and south-west of the western end of Warmsworth Church :
- (9.) A sewer or intercepting drain commencing at the Pinfold in Micklebring, in the township of Braithwell, and passing easterly, parallel to the road leading from Greaves' Sike Lane to Micklebring Lane, and terminating in the same township at a point 80 yards or thereabouts north of that road in a field called Cobbler Close, in the occupation of William Hicks :

with all proper approaches, works, and conveniences connected therewith, and may enter on, take, and use such of the lands described in the deposited plans and book of reference as they require for those purposes, and may take, use, get, and appropriate for the purposes of their waterworks undertaking all springs, streams, and waters intercepted by any of those works, and all springs, streams, and waters found in, on, or under any of those lands, and may stop up or divert all roads, paths, and ways within the limits of deviation shown on the deposited plans as intended to be stopped up or diverted, and may appropriate for the purposes of this Act the sites of the roads, paths, and ways so stopped up.

Not to take
Jinkin Wood
or Spencer
Wood
streams.

Limits of
lateral and

8. Nothing in this Act contained shall empower the Corporation to take, impound, or use the waters of the Jinkin Wood and Spencer Wood streams, or of either of those streams.

9. In making any of the works shown on the deposited plans, the Corporation may deviate from the lines thereof within the

limits of deviation shown on the deposited plans, and may deviate from the levels shown on the deposited sections in the case of reservoirs to any extent not exceeding three feet, and in the case of other works to any extent not exceeding ten feet.

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vertical
deviation.

10. The provisions with respect to the temporary occupation of lands incorporated with this Act shall apply only to the reservoirs authorised by this Act and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if reservoirs and works were therein mentioned instead of a railway, and boundaries of reservoirs and works instead of the centre of a railway, and the Corporation instead of a company.

Temporary
occupation of
lands.

11. If any work shown on the deposited plans is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this section shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water at any time and from time to time as occasion requires, subject to the provisions of this Act.

Period for
completion
of works.

12. The Corporation shall, not less than eight weeks before they take under this Act in any parish fifteen houses or more occupied wholly or partly by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view on or within a reasonable distance from such houses, and they shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Houses of
labouring
classes.

13. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers for
compulsory
purchases
limited.

14. The Corporation may from time to time for purposes of this Act purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and the Corporation may hold the same, not exceeding in the whole at one time five acres.

Power to
take addi-
tional lands
by agree-
ment.

15. Persons empowered by the Lands' Clauses Acts or otherwise to sell and convey or release lands may, but as regards persons so empowered by the Lands Clauses Acts only subject to the provisions

Power to
agree for
easements.

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Reservation
of water
rights, &c.
on sale.

16. On the sale by the Corporation of any lands acquired for the purposes of this Act they may reserve to themselves all or any part of the water or water rights and other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may make also any such sale subject to such other reservations, special conditions, restrictions, and provisions with respect to use or flow of water, exercise of noxious trades, or discharge, passage, or deposit of manure, sewage, or other matter as they think fit.

Clause for
protection of
the Man-
chester,
Sheffield, and
Lincolnshire
Railway
Company.

17. And whereas the works to be constructed under the authority of this Act will diminish the flow of water into the river Dun, the navigation of which river now belongs to the Manchester, Sheffield, and Lincolnshire Railway Company, herein-after called the "Sheffield Company," as lessees thereof under the "South Yorkshire Railway and River Dun Company's Transfer Act, 1864:" Therefore, previously to the use by the Corporation of any of the waters which they are by this Act authorised to impound, take, and use, the Corporation shall, if the Sheffield Company so require, at the cost of the Corporation, compensate the said Sheffield Company in respect of the water which may by the execution of the works by this Act authorised be abstracted from the river Dun to the extent that the same would but for the operation of this Act have been or could have been taken and used for the purpose of the navigation of the said river, either by payment of a sum of money, or, at the option of the Sheffield Company, by causing to be discharged or conveyed into the said river Dun at some point above the locks at Conisborough such a quantity of water as shall be fixed and determined by an engineer to be mutually agreed upon between the Corporation on the one hand and the Sheffield Company on the other hand, or in case they cannot agree upon an engineer, then by such engineer as shall be appointed by the Board of Trade upon the application of either party after due notice to the other; and the engineer so agreed to be appointed or appointed by the Board of Trade, as the case may be, as aforesaid, shall have all the powers conferred upon him by and he shall be deemed to be appointed

under the provisions of the "Railway Companies Arbitration Act, A.D. 1873.
1859."

18. The Corporation shall, before taking any water flowing into the river Don above the mills situate on the said river at Conisborough, belonging to the trustees of the will of the late sixth Duke of Leeds, at the cost of the Corporation, compensate the said trustees in respect of the water which may, by the execution of the works by this Act authorised, be prevented from flowing into the said river to the extent that the same would but for the operation of this Act have gone into the said river, either by the payment of such a sum of money as shall be fixed and determined by an engineer to be appointed as herein-after mentioned, or, at the option of the Corporation, by causing to be discharged or conveyed into the said river above the said mills such a quantity of water, at such times, by such means, and subject to such regulations as shall be fixed and determined by an engineer to be mutually agreed upon between the Corporation on the one hand and the said trustees on the other hand, or in case they cannot agree upon an engineer, then by such engineer as shall be appointed by the Board of Trade upon the application of either party after due notice to the other; and the engineer so agreed to be appointed or appointed by the Board of Trade, as the case may be, shall have the same powers as if he had been appointed under the provisions of the "Railway Companies Arbitration Act, 1859."

For the protection of the trustees of the will of the sixth Duke of Leeds.

19. For the protection of the owner for the time being of Kilnhurst Forge, the Corporation shall, before taking for the purposes of their undertaking any water by this Act authorised to be taken, used, or appropriated, discharge out of the reservoirs by this Act authorised to be made either into the bed of the Silverwood Stream or the bed of the Hooton Brook, immediately below the same reservoirs, not less than thirty-five cubic feet of water every minute of the twenty-four hours of every day, and shall construct and maintain suitable measuring gauges within one hundred yards from the outlets of the said reservoirs over or through which the said quantity of water shall be discharged.

Compensation supply from reservoirs.

20. For the purpose of ascertaining the efficiency and state of repair of the said gauges, and of gauging the quantity of water from time to time passing over or through the same, the owners, lessees, and occupiers for the time being of the said Kilnhurst Forge, and the officers and servants of such owners, lessees, and occupiers respectively, shall at all times have access to the said gauges.

Access to gauges.

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Corporation
to repair
gauges after
notice.

21. If and whenever the said gauges or any of them are or is in a condition unfit for the purpose of gauging the said water to be so as aforesaid discharged into the said Silverwood Stream and Hooton Brook, the Corporation shall forthwith put the same into a proper state of repair and efficiency, and if the Corporation shall fail to do so within seven days after being so required by notice in writing given to the Corporation by or on behalf of any of such owners, lessees, or occupiers, the said owners, lessees, or occupiers, or any of them, may put the said gauges into a proper state of repair and condition, and may recover the expense thereof (with interest at the rate of ten per cent. per annum) from the time of expenditure until actual repayment, and full costs of suit, against the Corporation in any court of competent jurisdiction.

Penalty in
case the
Corporation
fail to supply
the stipu-
lated quan-
tity of
water.

22. If and whenever the Corporation fail to discharge the quantity of water which by this Act they are required to discharge over or through the said gauges, they shall for every day during any part of which they shall so fail forfeit and pay to the occupier for the time being of the said Kilnhurst Forge the sum of five pounds, and shall in addition make compensation for any loss, damage, or injury sustained by such occupier in respect of which the said sum of five pounds per day will be an insufficient compensation, which sums and compensation, with full costs, may be recovered by such occupier in like manner as penalties may be recovered under the provisions of the "Lands Clauses Consolidation Act, 1845," applicable to the recovery of forfeitures, penalties, and costs.

Gauges to
be certified.

23. The said gauges shall be made and maintained to the satisfaction of an engineer to be from time to time appointed by the owner for the time being of the said Kilnhurst Forge, and when and so soon as the said gauges are properly and sufficiently made and in good working order, or after being out of repair are, on notice given as provided for by this Act, properly and sufficiently repaired, such engineer shall certify the same accordingly, and every such certificate under his hand shall be filed with the clerk of the peace for the west riding of the county of York, who shall receive and retain the same, and on the delivery of every certificate to the said clerk of the peace there shall be paid to him by the Corporation five shillings, and every certificate shall be open during office hours for inspection by all persons interested gratis.

Corporation
may take
water if
default made
in certifying
gauges.

24. If the said engineer shall without good cause fail to certify as required by this Act the said gauges after being required by the Corporation so to do, the Corporation may take all water which

they would have been entitled to take had the said gauges been so certified; nevertheless, the Corporation shall be liable in damages to the owners, lessees, and occupiers for the time being of the said Kilnhurst Forge for any excess of authority in so taking or appropriating the said water, such damages to be recovered against the Corporation in any court of competent jurisdiction.

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25. All the charges with respect to the said gauges of the owner for the time being of the said Kilnhurst Forge, and the engineer for the time being to be appointed as aforesaid, shall be paid by the Corporation, provided that the Corporation shall not be bound to pay in that behalf on an average more than twenty pounds per annum.

Costs of inspection, &c. to be paid by the Corporation.

26. The Corporation shall not during any day abstract from their reservoirs for the purposes of their undertaking a greater quantity of water than seven hundred and fifty thousand gallons, and for the purposes of measuring such last-mentioned quantity of water the Corporation shall cause to be constructed and fixed upon the conduits or main pipes by means of which the water shall flow from and out of their said reservoirs, and not more than two hundred yards therefrom respectively, proper meters, to be fixed to the satisfaction of such engineer as aforesaid, and the said meters shall for ever be maintained in a proper state of repair by and at the expense of the Corporation and to the satisfaction of the said engineer.

Limiting quantity to be taken daily out of reservoirs.

27. The quantity of water to be discharged over the said gauges into the said Silverwood Stream or Hooton Brook shall be deemed to be full compensation to the owner of the said Kilnhurst Forge for or in respect of the water authorised to be abstracted under the powers of this Act.

Water supply to be compensation to owner of Kilnhurst Forge.

28. Save as by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or affect the estate, rights, powers, or privileges of the owner for the time being of the said Kilnhurst Forge, but all such rights, powers, and privileges shall continue and may be held, exercised, and enjoyed as if this Act had not been passed.

Saving right of owner of Kilnhurst Forge.

29. The water supplied by the Corporation need not be constantly laid on under pressure, and the Corporation shall not be bound to keep any of their pipes at all times charged with water, or at any time to lay on the supply of water at any elevation at which the water cannot be supplied by gravitation from the service reservoir from which the supply is taken.

Provision as to constant supply and elevation.

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Power to
supply for
other than
domestic
purposes.Regulations
for pre-
venting
waste, &c.
of water.

30. The Corporation may, if they think fit, in any case refuse to supply water for other than domestic purposes, except by measure, and they may supply water to any person for any purpose other than domestic purposes at such water rents and on such terms and conditions as they and he agree on.

31. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, the following provisions shall have effect; (namely,)

- (1.) The Corporation may from time to time make such regulations (subject to the approval of the Local Government Board) as they think necessary for the objects aforesaid to be observed by persons supplied with water :
- (2.) The Corporation may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of pipes, valves, cocks, cisterns, soil-pans, waterclosets, and other apparatus or receptacles for conveying, delivering, and receiving water, and may interdict any arrangement and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water :
- (3.) The Corporation shall not be bound under any agreement or otherwise to supply or to continue to supply water to any person unless the regulations for the time being in force are duly observed by him :
- (4.) In case of the failure of any person to observe any regulation for the time being in force, the Corporation may, if they think fit, after twenty-four hours notice in writing, enter, and by or under the direction of their authorised officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the power of entry given by section 15 of the Waterworks Clauses Act, 1863, and the provisions of that section relative thereto shall extend and apply to entry for the purpose of such repair, replacement, or alteration, and the expense of every such repair, replacement, or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered from him as water rent is recoverable :
- (5.) A printed copy of regulations purporting to have been made as aforesaid by the Corporation, and to be certified by the town clerk as a true copy, and to be sealed with the seal of the Corporation, shall be evidence of regulations under this section,

and it shall not be necessary to produce the original or to prove the making or approval thereof or any signature or seal.

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32. The Corporation may, if requested by and at the cost of any person supplied or about to be supplied by them with water, furnish to him, and from time to time repair or alter, any such pipes, valves, water meters, cocks, cisterns, baths, soil-pans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and the expense thereof may be recovered by the Corporation as water rent is recoverable, and the Corporation may provide all materials and do all work necessary or proper for the purposes of this section.

Power for Corporation to supply materials, &c.

33. A notice to the Corporation for the discontinuance of the supply of water shall not be of any effect unless it is in writing and left in the office of the town clerk of the borough.

Notice of discontinuance.

34. Where the Corporation are authorised to cut off or remove any pipe or work, or turn off any supply of water, their officers and workmen, after giving twenty-four hours notice to the occupier, or if there is none to the owner, may enter into the building or land supplied, between the hours of nine in the forenoon and four in the afternoon, or with the authority in writing of a justice at any other time, and may therein do all acts necessary or proper for cutting off or removing or turning off such pipe or work, or supply (as the case may be), and may remove and carry away any meter, pipe, instrument, or apparatus the property of the Corporation, making compensation to the owner for any damage sustained by him; and if any person obstructs or attempts to obstruct, or incites any person to obstruct any officer or workman of the Corporation in the exercise of any power conferred by this section, he shall for every such offence be liable to a penalty not exceeding five pounds.

Power to enter for purpose of cutting off supply, &c.

35. The Corporation may demand and take for a supply of water for domestic purposes within the borough such water rents as they think fit, not exceeding those specified in the schedule to this Act (which schedule and the regulations therein contained shall be deemed part of this Act), and for a supply of water beyond the borough one fourth more than the water rents for the time being taken within the borough.

Scale of water rents.

36. If any person fails to pay any water rent, meter rent, damages, costs, expenses, or other sum due to or recoverable by the Corporation under this Act, they may recover the same by proceedings in any court of competent jurisdiction, or the same may

Recovery of sums due by action or distress.

A.D. 1873. be levied by distress (the defaulter being first duly summoned), and any justice may issue his warrant accordingly, and the remedies of the Corporation under this section shall be in addition to their other remedies.

Power to borrow on mortgage.

37. The Corporation may, with the sanction of the Local Government Board, from time to time, in addition to any money which they are authorised to borrow independently of this section, borrow at interest from time to time on the credit of their receipts from water rents and other receipts under this Act, and of the borough fund, any money required by them for the purposes of the works authorised by this Act and the other purposes of this Act, not exceeding in the whole eighty-five thousand pounds, and may mortgage their receipts from water rents and other receipts under this Act and the borough fund to secure the repayment thereof with interest accordingly.

Payment off of mortgages by instalments or sinking fund.

38. The Corporation shall pay off any money borrowed by them on mortgage under this Act either by means of a sinking fund appropriated for that purpose, and with the accumulations thereof (if any) from time to time applied for that purpose, or by annual or other instalments, as follows; (that is to say,) as regards any money borrowed before the expiration of seven years from the passing of this Act, within thirty years after the expiration of those seven years, and as regards any money borrowed after the expiration of those seven years, within thirty years after the same is borrowed: Provided that the annual accounts of the Corporation shall show with respect to any sinking fund set apart under this section—

- (1.) The amounts invested during the preceding year, and on what security;
- (2.) The total amount invested;
- (3.) And the purposes for which any portion of the fund has been applied.

Application of Public Health Act as to borrowing.

39. Sections one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven (except as far as it refers to Schedule B.), one hundred and twelve, and one hundred and fourteen of the Public Health Act, 1848, shall, subject to the provisions of this Act, apply to all borrowing by the Corporation under this Act as if the Corporation were in those sections mentioned instead of a local board of health.

Coupons for interest on mortgages.

40. The Corporation may issue to holders of their mortgages coupons for interest in such form as they think fit, so as every coupon do refer to the mortgage to which it relates, and do specify

the amount and time of payment of one half year's interest, to fall due on the principal money secured by the mortgage, and be authenticated by the signatures of two persons thereunto expressly authorised by the Corporation (which authorisation shall be presumed); and on presentation to the treasurer of the borough of a coupon, he shall pay to the person presenting it the amount of interest therein expressed and thereby appearing to be then due and payable, but he shall not be bound, unless he sees fit, to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf, and on the audit of his accounts the coupon shall be accepted as a sufficient warrant and receipt for the payment by him of the amount for which it was issued.

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

Protection of
lenders from
inquiry.

42. All money borrowed under this Act shall be applied for purposes of this Act only.

Application
of money
borrowed

43. If the Corporation at any time pay off any money borrowed under this Act otherwise than by annual or other instalments, or by means of a sinking fund, they may reborrow the same, and so from time to time, but the period for which such money is reborrowed shall be limited to the residue of the period for which the money paid off was originally borrowed.

Power to re-
borrow.

44. The receipts of the Corporation from water rents and their other receipts under this Act (except money borrowed) shall be carried to a separate account, to be called the water account, and all money from time to time standing to that account shall be applied in the manner and the order following and not otherwise; (that is to say,)

Water
account and
application
of receipts.

(1.) In paying the costs, charges, and expenses of and incidental to the maintenance and management of the waterworks undertaking of the Corporation;

(2.) In paying the interest accruing on and providing the sinking fund, or annual or other instalments of principal in respect of money borrowed under this Act:

And any surplus remaining shall be carried to and form part of the borough fund; and all expenses of the Corporation in the execution of this Act shall be deemed expenses necessarily incurred by them

A.D. 1873. in carrying into effect the provisions of the Municipal Corporation Acts.

Contents of
summons,
&c.

45. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Costs of
distress.

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

Judges, &c.
not dis-
qualified.

47. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any water rent, meter rent, or other charge payable to the Corporation.

Contracts for
water, &c.
not to disable
members of
Corporation.

48. Any person entering into any contract with the Corporation for a supply of water to him, or for any work to be done for or meter or apparatus to be furnished to him for purposes of such supply, shall not thereby be disabled from being, continuing, or acting as mayor, alderman, or councillor of the borough, or as an officer or servant of the Corporation, or incur any penalty by reason of such contract, or of his being, continuing, or acting as such councillor, officer, or servant, but any mayor, alderman, or councillor of the borough concerned by himself or any partner in any such contract shall not take part in any vote, proceeding, or discussion relative thereto at any meeting of the council.

Application
of penalties.

49. Penalties recovered by the Corporation under this Act shall belong to the Corporation, and shall be paid to the treasurer of the borough, and shall be carried to the credit of the water account.

Penalties not
cumulative.

50. Penalties imposed on the Corporation for one and the same offence by several Acts of Parliament shall not be cumulative, and for that purpose this Act and every Act incorporated wholly or in part herewith shall be deemed several Acts.

Form and
service, &c.
of notices by
Corporation.

51. Any instrument (including a notice, order, requisition, consent, demand, or other document) made, given, delivered, or served under this Act by the Corporation may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the town clerk being affixed thereto in print or writing, or by a stamp on behalf of the Corporation, and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property, to

address it to such owner or occupier by his description as owner or occupier, as the case may be, of the property, such property being therein named or generally described, without further name or description of the owner or occupier, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several houses or buildings concerned), and any such instrument may be served on any owner, occupier, or other person either personally, or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which it is given or served, or if the building is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix it, or a copy thereof, on some conspicuous part of the building.

A.D. 1873.

52. The Corporation may from time to time agree with the sanitary authority for any district comprised wholly or in part within the limits of this Act for the supply by the Corporation to the authority of water in bulk or otherwise, for public, sanitary, private, or other purposes.

Powers for
agreements
with sanitary
authorities.

53. Nothing in this Act shall exempt the Corporation from the provisions of any general Act passed or to be passed for the improvement of the sanitary condition of towns or the abatement of nuisances.

Saving for
general Acts.

54. Nothing in this Act shall exempt the Corporation from any indictment, suit, action, or other proceeding at law or in equity in respect of any nuisance caused by them.

Saving for
action, &c.

55. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall in the first instance be paid by the Corporation out of the borough fund of the borough, and shall ultimately be defrayed out of money borrowed under this Act.

Expenses of
Act.

56. The costs, charges, and expenses of the owners and ratepayers of the borough of Doncaster properly incurred in opposing in the House of Lords section 55 of this Act shall be paid by the Corporation out of the borough fund of the borough.

Ratepayers
expenses to
be paid out
of borough
fund.

A.D. 1873.

The SCHEDULE to which this Act refers.

SCALE OF WATER RENTS AND REGULATIONS.

Where the annual rackrent or value of the premises supplied with water does not exceed twenty pounds, a rate per centum per annum not exceeding seven pounds and ten shillings :

Where it exceeds twenty pounds and does not exceed forty pounds, a rate per centum per annum not exceeding seven pounds :

Where it exceeds forty pounds and does not exceed sixty pounds, a rate per centum per annum not exceeding six pounds and ten shillings :

Where it exceeds sixty pounds and does not exceed eighty pounds, a rate per centum per annum not exceeding six pounds :

Where it exceeds eighty pounds and does not exceed one hundred pounds, a rate per centum per annum not exceeding five pounds and ten shillings :

Where it exceeds one hundred pounds, a rate per centum per annum not exceeding five pounds.

REGULATION.

The Corporation shall not be compellable to afford a supply of water for domestic purposes to any owner or occupier for any less sum than eight shillings and sixpence in any one year for every dwelling-house or part of a dwelling-house.

In addition to the rates computed as above specified, for a second watercloset, and for any private bath respectively, in any private dwelling-house or part of such dwelling-house or appurtenant thereto, the following rates ; (that is to say,)

Where the annual rackrent or value does not exceed ten pounds, the sum of five shillings per annum respectively :

Where it exceeds ten pounds but does not exceed twenty pounds, the sum of six shillings per annum respectively :

Where it exceeds twenty pounds but does not exceed forty pounds, the sum of eight shillings per annum respectively :

Where it exceeds forty pounds but does not exceed eighty pounds, the sum of ten shillings per annum respectively :

Where it exceeds eighty pounds, the sum of twelve shillings per annum respectively :

And for every additional watercloset beyond the second, and for every additional bath beyond the first, the sum of five shillings per annum respectively.

[36 & 37 VICT.]

*The Doncaster Corporation
Waterworks Act, 1873.*

[Ch. cxxix.]

A.D. 1873.

REGULATIONS.

1. The Corporation shall not be compellable to supply with water any watercloset or private bath, or the apparatus or pipes connected therewith, unless the same are so constructed and used as to prevent the waste, misuse, or undue consumption of the water of the Corporation, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Corporation, or into any pipes connected or communicating therewith, nor any private bath so constructed as to contain when filled for use more than fifty gallons of water.

2. The rate per centum per annum aforesaid shall in each case be calculated on the annual rackrent or value.

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