

**CHAPTER cciii.**

An Act to amend the Stockton and Middlesbrough Corporations Waterworks Act 1876 and to confer further powers upon the Corporations of the Boroughs of Stockton-on-Tees and Middlesbrough and the Stockton and Middlesbrough Water Board for the supply of Water to the said Boroughs and their neighbourhoods and for other purposes.

A.D. 1884.

[28th July 1884.]

WHEREAS in pursuance of the provisions of the Stockton and Middlesbrough Corporations Waterworks Act 1876 (hereinafter referred to as "the Act of 1876") the undertaking of the Stockton and Middlesbrough Waterworks Company for the supply of the borough of Stockton-on-Tees and the borough of Middlesbrough (hereinafter referred to as "the boroughs") and their neighbourhoods with water has been transferred to and is now vested in the Stockton and Middlesbrough Water Board constituted by the Act of 1876 (therein and hereinafter referred to as "the Joint Board") and by the same Act after such transfer as aforesaid the powers and authorities of the said company under the Stockton and Middlesbrough Waterworks Act 1858 and the Stockton and Middlesbrough Waterworks Act 1864 were subject as therein mentioned transferred to and vested in the Joint Board :

And whereas by a provisional order of the Local Government Board dated the thirtieth day of April one thousand eight hundred and seventy-nine and confirmed by the Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879 the Act of 1876 was so far as relates to the borough of Middlesbrough amended in certain respects :

And whereas by a provisional order of the Local Government Board dated the twenty-ninth day of April one thousand eight hundred and eighty and confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880 the Act

A.D. 1884. of 1876 was so far as relates to the boroughs amended in certain respects :

And whereas it is expedient that the Joint Board should be empowered to make and maintain the waterworks and works connected therewith herein-after described and that the construction of certain of the same and the purchase of the lands required for that purpose by the Joint Board previous to the passing of this Act should be confirmed as by this Act provided :

And whereas it is expedient that the time for the completion of the works herein-after described and authorised by the Act of 1876 should be extended and that the limits for the supply of water prescribed by the Act of 1876 should be enlarged and that for such purposes the recited Acts should be amended :

And whereas it is expedient that the provisions of the Stockton and Middlesbrough Waterworks Act 1864 with respect to the limitation of the quantity of water to be taken from the River Tees at Broken Scar should be amended as by this Act provided :

And whereas it is expedient that provisions should be made such as are in this Act contained for conferring further powers and authorities upon the Joint Board for the execution of works and the discharge of the duties and obligations imposed upon them by the recited Acts and for enabling the corporations of the boroughs to contribute towards the expenses from time to time incurred by the Joint Board in carrying the said purposes into effect and in contributing as by this Act provided towards the cost of the construction and maintenance of works for preventing or diminishing the pollution of the River Tees or any tributary thereof :

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 new waterworks by this Act authorised and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of 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 county of Durham and with the clerk of the peace for the north riding of the county of York and 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 and

Commons in this present Parliament assembled and by the authority of the same as follows :— A.D. 1884.

1. This Act may be cited as the Stockton and Middlesbrough Corporations Waterworks Act 1884. Short title.

2. The following enactments (as far as they are applicable to the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act viz. :— Incorporation of general enactments.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Commonable Rights Compensation Act 1882 and the Lands Clauses (Umpire) Act 1883.

The Waterworks Clauses Acts 1847 and 1863 except that section forty-four of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” were omitted therefrom and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner and 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.

3. In this Act the following terms and words have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :— Interpretation of terms.

The term “the Act of 1858” means the Stockton and Middlesbrough Waterworks Act 1858.

The term “the Act of 1864” means the Stockton and Middlesbrough Waterworks Act 1864.

The term “the Act of 1876” means the Stockton and Middlesbrough Corporations Waterworks Act 1876.

The term “the Order of 1879” means a provisional order of the Local Government Board dated the thirtieth day of April one thousand eight hundred and seventy-nine and confirmed by the Local Government Board’s Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879.

The term “the Order of 1880” means a provisional order of the Local Government Board dated the twenty-ninth day of April one thousand eight hundred and eighty and confirmed by the Local Government Board’s Provisional Orders Confirmation (Bethesda &c.) Act 1880.

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The term "the Water Acts" means and includes the Act of 1858 the Act of 1864 the Act of 1876 the Order of 1879 and the Order of 1880.

"The new waterworks" means the waterworks and works connected therewith which are by this Act authorised to be made or maintained by the Joint Board and any alteration thereof which they may make under the powers of this Act and any lands buildings works estate right title property privileges and effects which may be acquired or held by the Joint Board under the provisions of this Act.

"Person" includes corporation.

And the several words and expressions to which meanings are assigned in enactments incorporated or to be construed together with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction: Provided that

The expression "waterworks undertaking" in the Act of 1876 the Order of 1879 and the Order of 1880 and in this Act shall be construed to include the new waterworks:

The expression "their waterworks undertaking" in the Act of 1876 and the Order of 1879 and the Order of 1880 and in this Act in relation to the corporations shall be construed to mean the waterworks undertaking of the Joint Board:

And that in this Act and (for the purposes of this Act) in enactments incorporated with this Act:

The expressions "court of competent jurisdiction" "superior courts" or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction; and

The expressions "The Lands Clauses Act" and "The Lands Clauses Act 1845" in the Commonable Rights Compensation Act 1882 shall be read and have effect as though the same had been by the last-mentioned Act respectively declared to mean the Lands Clauses Consolidation Act 1845.

Acts to be
read as one
Act.

4. The Act of 1876 as amended by the Order of 1879 and the Order of 1880 and this Act shall be read and construed together with this Act as one Act.

Power to
make new
works.

5. Subject to the provisions of this Act the Joint Board may make and maintain in and according to the lines and levels shown

on the deposited plans and sections the pumping station reservoir waterworks and conveniences following (that is to say):—

- (1) *Eston Pumping Station.*—A pumping station to be situate in the parish and township of *Eston* in or near the north-west corner of a certain field adjoining the east side of the *Normanby Road* and opposite the entrance gates of the gasworks of the *Normanby Gas Company*.
- (2) An aqueduct conduit or line of pipes No. 1 being a pumping main commencing at the end of the existing main of the *Joint Board* at the junction of *Middlesbrough Road* and *Normanby Road* in the township of *Normanby* and terminating at the *Eston Reservoir*.
- (3) *Eston Reservoir*—A service reservoir in the township of *Eston* to be situate at a distance of one thousand and sixty yards or thereabouts measured in a straight line in a south-easterly direction from the south-eastern corner of the “*Ship Inn*” at *Eston* and in one of certain fields called *Bank Fields* lying on the west side of and abutting on the north-east on the *bridle road* (running alongside the small stream called *Sheepbeck*) leading from *Eston* to *Normanby Moor* and abutting on the south-east on *Normanby Moor*.
- (4) An aqueduct conduit or line of pipes No. 2 commencing in the public road leading from *High Coniscliffe* to *Darlington* by a junction with the line of main in the Act of 1876 called *Conduit No. 4* authorised by subsection 11 of section 57 of the Act of 1876 at the point where the *Ulnaby Beck* crosses the last-mentioned public road near the village of *High Coniscliffe* and terminating at the southern point of termination of the line of main in the Act of 1876 called *Conduit No. 8* authorised by subsection 15 of section 57 of the Act of 1876 at the point where the said *Conduit No. 8* joins the existing service reservoir at *Fighting Cocks*.

Together with all such cuts channels adits catchwaters culverts tunnels drains sluices byewashes weirs gauges wells tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works or any or either of them or in connexion with their waterworks undertaking.

And subject to the provisions of this Act the *Joint Board* may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

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Power to
certain per-
sons to grant
easements
&c. by
agreement.

6. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Joint Board any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and 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.

Limits of
lateral and
vertical
deviation.

7. In making any of the works by this Act authorised and shown on the deposited plans the Joint Board may subject to the provisions of this Act 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 but they shall not in the exercise of the power of lateral deviation construct the embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections with reference to the corresponding embankment or wall.

Temporary
occupation
of lands.

8. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands incorporated with this Act shall apply only to the reservoir authorised by this Act and the works immediately connected therewith and for the purposes of this Act those provisions shall with respect to the said reservoir and works be read as if the reservoir and works were therein mentioned instead of the railway and the boundaries of the reservoir and works instead of the centre of the railway and the Joint Board instead of the company.

Powers for
compulsory
purchases
limited.

9. The powers of the joint board for the compulsory purchase of lands for the construction of the works authorised by this Act shall not be exercised after the expiration of three years from the passing of this Act.

Time for
completion
of works
authorised
by this Act.

10. The works shown on the deposited plans and authorised by this Act shall be completed within a period of six years from the passing of this Act and such period is herein-after referred to in relation to any of such works as "the prescribed time."

Power to
take addi-
tional lands
by agree-

11. In addition to the lands which the Joint Board are by the Act of 1876 authorised to acquire and by this Act to take by compulsion the Joint Board may from time to time for any of the

purposes of this Act purchase by agreement any lands which they may require for such purpose: Provided always that the Joint Board shall not at one time hold under the authority of this section any greater quantity of land than twenty acres: Provided that it shall be lawful for the Joint Board to hold any lands which they are authorised to acquire or hold under this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act and the Water Acts or the Lands Clauses Consolidation Act 1845 respectively: Provided always that the Joint Board shall not erect or authorise or permit the erection on any of such lands while so held by them of any buildings other than buildings necessary for or connected with their waterworks undertaking.

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ment and
power to
hold lands
needful to
protect
waterworks
against
nuisances.

12. The Joint Board may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell any part of the works lands and property constructed or acquired or held by them for any of the purposes of this Act and not required by the Joint Board for such purpose and they shall apply the proceeds of any sale in paying off moneys borrowed by the corporations under the Water Acts or in redeeming the annuities under the Act of 1876 or subject to the provisions of this Act in purchasing land and constructing and improving waterworks and for other purposes for which under the provisions of the Act of 1876 and this Act capital is properly applicable by them.

Power to
sell surplus
lands.

13. On the sale by the Joint Board of any lands acquired under the provisions 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 the use or flow of water exercise of noxious trades or discharge passage or deposit of manure sewage or other matter as they think fit.

Reservation
of water
rights &c. on
sale.

14. The construction by the Joint Board in the line and according to the levels and in and through the lands shown on the deposited plans and sections relating thereto of so much of the works authorised by this Act in connexion with the pumping station in the township of Eston the aqueduct conduit or line of pipes No. 1 in the townships of Eston and Normanby and the service reservoir in the

Confirma-
tion of con-
struction of
existing
works.

A.D. 1884. township of Eston herein-before respectively mentioned and described and the purchase or lease of lands for the purposes of the same are hereby authorised and confirmed and the Joint Board may maintain that portion of the said works as so constructed and they may hold and use for that purpose the said lands.

Extension of
time for
completion
of certain
works autho-
rised by Act
of 1876.

15. From and after the passing of this Act sections 67 and 68 of the Act of 1876 shall be and the same are hereby repealed and instead thereof the following provisions shall be in force and have effect (that is to say) :—

The times within which the several works in section 57 of the Act of 1876 and herein-after particularly described together with all works in connexion therewith by the said section authorised shall be respectively completed shall be the times herein-after prescribed and in this Act respectively referred to in relation to any of such works as “the prescribed time” (that is to say) :—

The following works (that is to say) :—

Sadberge Reservoir—A service reservoir in the Act of 1876 and in this Act called the “Sadberge Reservoir” situate in the township of Sadberge and parish of Haughton-le-Skerne in the county of Durham : and

One or more conduits aqueducts or lines of pipes in the Act of 1876 called “Conduit No. 5” from the Sadberge Reservoir to the Normanby Reservoir : and

One or more conduits aqueducts or lines of pipes in the Act of 1876 called “Conduit No. 8” from the Sadberge Reservoir to the existing service reservoir of the Joint Board in the county of Durham commencing in the south side of the said intended Sadberge Reservoir and terminating in the township of Low Dinsdale and parish of Dinsdale in the county of Durham :

shall be completed before the thirty-first day of December one thousand eight hundred and eighty-eight.

Hury Reservoir.—A compensation and supply reservoir in the Act of 1876 and in this Act called the “Hury Reservoir” situate in the townships of Hunderthwaite and Cotherstone and the division of Baldersdale in the parish of Romaldkirk in the North Riding of the county of York.

Blackton Reservoir.—A compensation reservoir in the Act of 1876 and in this Act called the “Blackton Reservoir” situate in the townships of Hunderthwaite and Cotherstone and the division of Baldersdale in

the parish of Romaldkirk in the North Riding of the county of York :

Lartington Tank.—A tank or reservoir in the Act of 1876 and in this Act called the “Lartington Tank” to be situate in the division of Cotherstone in the township of Cotherstone and parish of Romaldkirk in the North Riding of the county of York : and

Whorley Reservoir.—A reservoir in the Act of 1876 and in this Act called the “Whorley Reservoir” to be situate wholly in the parochial chapelry and township of Whorlton and parish of Gainford (detached) in the county of Durham :

One or more conduits aqueducts or lines of pipes in the Act of 1876 called “Conduit No. 2” from the Hury Reservoir to the Lartington Tank :

One or more conduits aqueducts or lines of pipes in the Act of 1876 called “Conduit No. 3” from the Lartington Tank to the Whorley Reservoir :

One or more conduits aqueducts or lines of pipes in the Act of 1876 called “Conduit No. 4” from the Whorley Reservoir to the Sadberge Reservoir :

One or more conduits aqueducts or lines of pipes in the Act of 1876 called “Conduit No. 6” from the Lartington Tank to the stream called and known as Scar Beck : and

One or more conduits aqueducts or lines of pipes in the Act of 1876 called “Conduit No. 7” from the Whorley Reservoir to a stream called and known as Walker Hall Gill :

shall be completed before the thirty-first day of December one thousand eight hundred and ninety.

Grassholm Reservoir.—A compensation reservoir in the Act of 1876 called the “Grassholm Reservoir” for the purpose of impounding diverting and appropriating the waters of the River Lune and its tributaries to be situate in the townships of Lune and Mickleton in the parish of Romaldkirk in the North Riding of the county of York :

One or more conduits aqueducts or lines of pipes in a tunnel in the Act of 1876 called “Conduit No. 1” from the River Lune to Rokehole Sike or Hill Gill :

shall be completed before the thirty-first day of December one thousand eight hundred and ninety-four.

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For protec-
tion of the
Corporation
of Darling-
ton.

16. For the protection of the Corporation of Darlington the following provisions shall have effect in addition to the provisions for their protection contained in section 63 of the Act of 1876 :

(a.) If by reason of the breaking up of any road or the laying of any pipe therein or any other act or omission of the Joint Board the county surveyor shall be unable to certify in accordance with the provisions of the Highways and Locomotives (Amendment) Act 1878 that any road in the borough of Darlington has been kept in such a state of repair as to entitle the Corporation of Darlington to the full amount of contribution from the rates of the county of Durham or to any Government grant towards the maintenance of such road and the county surveyor shall further certify that the withholding or lessening of such certificate is in consequence of the act or default of the Joint Board then the Joint Board shall pay to the Corporation of Darlington such sum or sums of money as the Corporation of Darlington would have been entitled to from the county rates or Government grant towards the maintenance of such road if such certificate had not been withheld or lessened by or in consequence of the acts or omissions of the Joint Board.

(b.) The provisions of section 63 of the Act of 1876 shall for the protection of the Corporation of Darlington extend and apply with respect to the construction and maintenance of the aqueduct conduit or line of pipes No. 2 by this Act authorised to be made and maintained by the Joint Board within the borough of Darlington as if the said aqueduct conduit or line of pipes had been authorised to be made and maintained by the Act of 1876.

Period for
completion
of works.

17. If any work authorised to be constructed by the Joint Board is not completed within the prescribed time then and on the expiration of that time the powers by this Act granted to the Joint Board 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 Joint Board 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.

Amendment
of section 9
of Act of
1864 as to
water autho-

18. From and after the passing of this Act section 9 of the Act of 1864 authorising the taking of water from the River Tees at or near Broken Scar for the purposes of the water supply under the Water Acts shall be read and construed as though the amount of

water so to be taken under the authority of the said section were regulated in manner following (that is to say):—

The quantity of water so to be taken under the authority of the said section 9 of the Act of 1864 from the River Tees in any one week reckoned from twelve o'clock at noon on one Saturday to twelve o'clock at noon on the following Saturday shall not exceed the following quantities (that is to say):—

From and after the passing of this Act and until the expiration of the prescribed time for the completion of the Hury and Blackton Reservoirs such quantity of water as the Joint Board may (with due care to avoid waste) require for the supply of water under the Water Acts and this Act not exceeding sixty-six million gallons:

And from and after such last-mentioned period the Joint Board shall not take in any such week more than sixty million gallons.

19. The Joint Board shall at least once in every month make a report of the quantities of water taken in each such week at Broken Scar by the Joint Board from the River Tees and of the respective quantities of water delivered daily by the Joint Board into the rivers Lune and Balder and also of the quantity of water taken daily by them under the powers of the Act of 1876 and this Act for the supply of their district and shall forthwith publish the same in some newspaper circulating within the borough of Darlington and also deliver a copy to the borough surveyor of Darlington for the time being and likewise a copy to any engineer to be from time to time appointed for the purposes of this and any subsequent sections of this Act by riparian owners on the River Tees below the Joint Board's intake at Broken Scar possessing frontages to the said river having an aggregate length of not less than half a mile in the whole (herein-after referred to as "the riparian owners") and if the Joint Board at any time make default in publishing or delivering any such report as hereby required they shall for every such offence be liable to a penalty not exceeding forty shillings which may be sued for and recovered by the said borough surveyor or the said engineer (as the case may be) with full costs of suit in any court of competent jurisdiction. The Joint Board shall allow the said borough surveyor and the said engineer respectively at all reasonable hours full and free access to their pumping station works gauges recording instruments and other apparatus for the purpose of inspecting and verifying the same and of ascertaining the several quantities of water from time to time delivered or taken as aforesaid and of verifying such reports and the Joint Board shall

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—
rised to be
taken from
River Tees.

For inspec-
tion of the
works of
Joint Board.

A.D. 1884. provide and maintain all necessary and proper gauges automatic recording instruments and other apparatus and facilities for the purposes aforesaid. If any difference shall at any time arise between the Joint Board on the one hand and the said borough surveyor and the said engineer or either of them on the other hand as to the nature sufficiency accuracy of measurement or registration mode of employment or state of repair of any of the said recording instruments and other apparatus or as to the facilities to be provided for the purposes aforesaid or otherwise as to the meaning or intention of the provisions of this section or the due compliance by the Joint Board therewith the same shall be determined by a competent engineer to be appointed by the president for the time being of the Institution of Civil Engineers in London on the application of any or either of the parties and the costs of any such reference shall be paid as directed by the referee.

Penalty for
taking excess
of water
from River
Tees at
Broken Scar.

20. If and whenever the Joint Board shall take in any one week reckoned as aforesaid from the River Tees at Broken Scar any quantity of water not exceeding one million gallons beyond the quantity herein-before limited they shall for every such week in which they shall exceed such limited quantity forfeit and pay to any person interested in the River Tees who shall sue for the same the sum of fifty pounds and not less and if in any such week they shall exceed the said limited quantity by more than one million gallons they shall then forfeit and pay as aforesaid the sum of fifty pounds and not less in respect of each one million gallons so taken in excess. And any such person who shall demand any sum so forfeited within three months after the publication of any report of the Joint Board showing any such excess may sue for and recover the amount of such forfeit as and by way of liquidated damages together with full costs of suit in any court of competent jurisdiction :

Provided always that in no case shall more than one such forfeit be recoverable in respect of the excess of water taken in any one week.

For the purposes of this section a person interested in the River Tees shall be deemed to be—

- (a) The Corporation of Darlington.
- (b) The Tees Salmon Fishery Board.
- (c) The riparian owners or any of them.

Saving
rights of
Darlington
Corporation,
&c.

21. Save as by this Act specifically provided nothing herein contained shall be held to take away diminish prejudice or affect the property rights powers or privileges of the Corporation of Darlington the Tees Conservancy Board or the Tees Salmon Fishery

Board but all such rights powers and privileges shall and may continue to be held and exercised by them respectively in the same manner as they could or might have been if this Act had not been passed.

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22. From and after the passing of this Act the Joint Board may at any time require any person before or after being supplied with water for other than domestic purposes to give such security for the due payment of all moneys from time to time payable by such person for or in connexion with such supply as the Joint Board may consider sufficient.

Security for
water sup-
plied by
meter.

23. Section four of the Act of 1876 with respect to the limits of the said Act for the supply of water and the sale to the sanitary authority of any district beyond the boundaries of the boroughs of Stockton and Middlesbrough respectively shall from and after the passing of this Act be deemed to extend and apply to and to include and shall extend and apply to and include all such parts of the respective townships of Eston and Normanby both in the parish of Eston as immediately before the passing of this Act are not comprised within the limits of the Act of 1876 for the supply of water and as are coloured red on a plan signed by the Right Honourable Alexander Hugh Bruce Baron Balfour the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred and which is deposited in the office of the Joint Board.

Extension
of limits of
Act of 1876.

24. The expenses by the Act of 1876 directed to be defrayed out of the common fund in that Act mentioned to be contributed by the boroughs in equal moieties shall be deemed to extend to and include all expenses incurred by the Joint Board in the execution of this Act and not by this Act otherwise expressly provided for and also all costs charges and expenses of the Joint Board in relation to the preparing and applying for and the obtaining and passing of this Act.

Expenses of
Joint Board.

25. If at any time after the passing of this Act any local authority as defined by the Public Health Act 1875 shall construct and maintain any works with the view of preventing or diminishing the pollution of any part of the River Tees which lies above the point of intake in the said river of the Joint Board or any tributary of such part of the River Tees the Joint Board may if they think fit from time to time contribute towards the expense of such construction and maintenance respectively such annual or other sum as they may think fit.

Power for
the Joint
Board to
contribute to
expenses of
preventing
or diminish-
ing pollution
of River
Tees, &c.

Every such annual or other sum shall be deemed to be payable as part of the cost of the construction or maintenance of the water-

A.D. 1884. works undertaking of the Joint Board and shall be paid by the Joint Board accordingly.

All expenses from time to time incurred by the Joint Board under the authority of this section on account of any contribution towards works or other purposes for which capital may be applied shall previously be authorised by the Local Government Board.

Extension of borrowing powers of corporations under section 40 of Act of 1876.

26. Section forty of the Act of 1876 shall be amended so as to enable the corporations to borrow on the security of their respective borough funds and borough rates and of the revenue of their waterworks undertaking such moneys as they may think requisite for the purposes of this Act in addition to the purposes for which they are authorised to borrow moneys under the said section forty as amended by the Orders of 1879 and 1880 to an amount which shall not exceed in the aggregate the amounts following (that is to say) :—

For the purpose of the purchase of land and the construction of the waterworks by this Act authorised one hundred and thirty thousand pounds :

For the purpose of any contribution by the Joint Board authorised by the Local Government Board under the authority of this Act towards the payment of any expenses for works or other purposes for which capital may be applied for preventing or diminishing the pollution of the River Tees or any tributary thereof the amounts authorised or any part of the same ; and

For the purpose of defraying the costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act such sum as may be required.

The corporations may mortgage their respective borough funds and borough rates and the revenue of their waterworks undertaking as a security for the repayment of the money so borrowed accordingly but so that each corporation shall only borrow and mortgage their own borough fund and borough rate respectively to the extent of one moiety of the sums so borrowed on mortgage :

The provisions of the Act of 1876 with respect to the borrowing of moneys by the corporations in manner prescribed by the said Act or under the provisions of the Local Loans Act 1875 by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another the security for and paying off of the same and otherwise in relation thereto as the same are amended by Article V. of the Order of 1880 shall extend and apply to the borrowing of the moneys by this section authorised to be borrowed and the security for the same and otherwise in relation thereto as

though the authority to borrow the same had been conferred by section forty of the Act of 1876: Provided always that any moneys borrowed or re-borrowed for the purposes of defraying the costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be repaid within a period of not more than twenty years from the first borrowing of the same.

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27. For the purpose of obtaining payment from the corporations of the sums to be from time to time contributed by them for the purposes of this Act the Joint Board shall from time to time issue their precept to each of the corporations stating the sum to be paid by each corporation in respect of such contribution and requiring each corporation within the time limited by the precept to pay the sums therein mentioned to the Joint Board or to such person as the Joint Board may direct and the provisions of the Act of 1876 with respect to precepts and the sums mentioned therein and the recovery of the same and for enforcing the payment of moneys in pursuance thereof and for levying and collecting the same and otherwise in relation thereto shall extend to precepts under the authority of this section and to sums mentioned therein as though the same were precepts issued and sums payable under the Act of 1876.

Precepts for
payment of
moneys by
corporations.

28. Sections 59 to 61 both inclusive and section 105 of the Act of 1876 shall extend and apply to all works affecting the North-eastern Railway Company executed by the Joint Board under the powers of this Act and to all rates which may be assessed and levied under the authority or for any of the purposes of this Act or to raise or pay any moneys which by or by virtue of this Act may be charged on the borough funds or borough rates of the respective boroughs as if such works had been authorised to be executed and such rates had been assessed and levied under the authority or for any of the purposes of the Act of 1876 or to raise or pay any moneys which by or by virtue of the Act of 1876 had been charged on such borough funds or borough rates.

Extending
to this Act
certain pro-
visions of
Act of 1876
for protec-
tion of North-
eastern
Railway
Company.

29. For the protection of the justices of the peace for the county of Durham and the bridges of the said county the following provisions shall have effect that is to say:—

For protec-
tion of
justices of
Durham.

(a.) Before opening breaking up or in any way interfering with the roadways on or the approaches to or the masonry of any county bridge the Joint Board shall give not less than forty-eight hours' notice in writing of their intention so to do stating the day and hour of the intended commencement of such work to the engineer and architect for the time being of the county

A.D. 1884.

of Durham so that he or his assistant may superintend such work and the reasonable expense of such superintendence shall be paid by the promoters.

- (b.) No aqueduct conduit or line of pipes shall be laid so as in any way prejudicially to interfere with or affect the masonry of any county bridge or the roadways over or the approaches to such bridge and if it be necessary for the purpose of laying any aqueduct conduit or line of pipes over or across any county bridge to raise or alter the level of the roadway over the same then and in every such case the footpaths parapets retaining walls drains and other works connected with the bridge shall be raised restored and reinstated by and at the cost of the Joint Board to the satisfaction of the county engineer and architect and in such manner as he shall direct.
- (c.) If at any time any damage shall be occasioned to any bridge or roadway repairable by the justices of the peace for the county of Durham or to any of the fences walls buttresses retaining walls supports culverts drains or footpaths thereof by the construction of any of the works of the Joint Board or by the repairing thereof either directly or indirectly the Joint Board shall at their own expense repair and make good any such damage under the superintendence and to the satisfaction of the county engineer and architect and the reasonable cost of such superintendence shall be paid by the Joint Board : Provided that if within forty-eight hours after notice in writing in that behalf to the Joint Board under the hand of the county engineer and architect the Joint Board have not commenced to repair and make good such damage or if having commenced the same they do not diligently proceed therewith so as to complete the same with all reasonable despatch the engineer and architect may at the cost of the promoters execute and do all such works and things as may be reasonably necessary to repair and make good such damage.
- (d.) Nothing in this Act shall take away alter or prejudicially affect the powers or liabilities of the county authorities with respect to main roads under the provisions of the Highways and Locomotives (Amendment) Act 1878 or any Act amending the same.

For protec-
tion of
Darlington
District
Highway
Board.

30. For the protection of the Darlington District Highway Board the following provision shall have effect in addition to the provisions for their protection contained in section 63 of the Act of 1876 :—

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If by reason of the breaking up of any road or the laying of any pipe therein or any other act or omission of the Joint Board the county surveyor shall be unable to certify in accordance with the provisions of the Highways and Locomotives (Amendment) Act 1878 that any road in the highway district has been kept in such a state of repair as to entitle the said highway board to the full amount of contribution from the rates of the county or to any Government grant towards the maintenance of such road and the county surveyor shall further certify that the withholding or lessening of such certificate is in consequence of the act or default of the Joint Board then the Joint Board shall pay to the highway board such sum or sums of money as the highway board would have been entitled to from the county rate or Government grant towards the maintenance of such road if such certificate had not been withheld or lessened by or in consequence of the acts or omissions of the Joint Board.

31. Except as by this Act expressly provided nothing shall be deemed or construed to alter or affect the nature of the obligations and duties imposed on the Joint Board by the Act of 1876 in relation to obtaining such improved supply of water as is contemplated by the said last-mentioned Act.

General
saving.

32. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall in the first instance be paid by the Joint Board out of the common fund and shall be repaid thereto by the corporations in equal moieties out of the moneys by this Act authorised to be borrowed for such purpose.

Expenses of
Act.

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