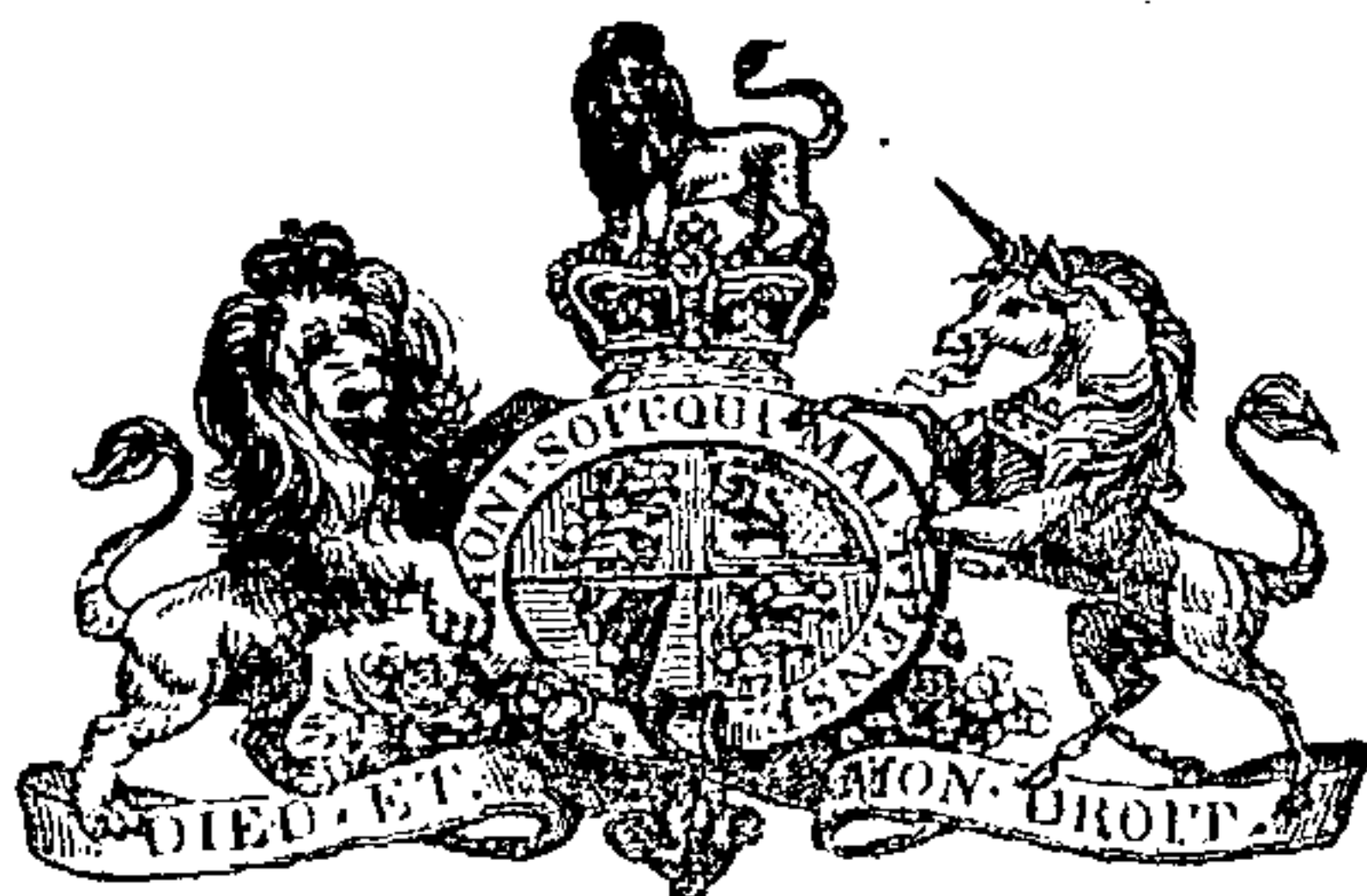


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CHAPTER ccxxx.

An Act for supplying with Water the boroughs of Stockton-
on-Tees and Middlesbrough, and other places adjoining or
near thereto ; and for other purposes. [11th August 1876.] A.D. 1876.

WHEREAS the borough of Stockton-on-Tees, in the county of Durham, and the borough of Middlesbrough, in the north riding of the county of York (in this Act called the boroughs), are municipal boroughs under the government of the mayor, aldermen, and burgesses of the respective boroughs (in this Act called the Corporations) :

And whereas the Company of Proprietors of the Stockton, Middlesbrough, and Yarm Waterworks (in this Act called the Company) were before and in the year one thousand eight hundred and fifty-one and now are supplying with water the boroughs and their neighbourhoods under the powers of the following Acts ; (videlicet,)

“The Stockton, Middlesbrough, and Yarm Waterworks Act, 1851 :”

“The Stockton, Middlesbrough, and Yarm Waterworks Act, 1854 :”

“The Stockton and Middlesbrough Waterworks Act, 1858 :”

And “The Stockton and Middlesbrough Waterworks Act, 1864 :”

And whereas the population of the towns of Stockton-on-Tees and Middlesbrough, and the suburbs thereof, and of the adjoining districts, has so greatly increased and is increasing that the prospective, commercial, and sanitary requirements cannot be supplied by the present appliances of the Company :

And whereas it would be of great advantage to the boroughs and their neighbourhoods if the undertaking of the Company were vested in the Corporations, and it is expedient that the Corporations be empowered to construct further works to improve the supply of water to the boroughs, and to borrow money, and apply their respective corporate funds for those purposes :

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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 county of Durham, and with the clerk of the peace for the north riding of the county of York, which are in this Act referred to as the deposited plans, sections, and book of reference :

And whereas an absolute majority of the whole number of the council of Stockton-on-Tees at a meeting held on the second day of December one thousand eight hundred and seventy-five, and an absolute majority of the whole number of the council of Middlesbrough at a meeting held on the second day of December one thousand eight hundred and seventy-five, after ten clear days notice by public advertisement of such meetings and of the purpose thereof in the "Stockton Herald," a local newspaper published or circulating in the borough of Stockton-on-Tees, and in the "Middlesbrough and Stockton Gazette," a local newspaper published or circulating in the borough of Middlesbrough, such notice being in addition to the ordinary notices required for summoning such meetings, resolved that the expenses in relation to promoting the Bill for this Act should be charged on the respective borough funds and borough rates :

And whereas such resolutions were published twice in the said "Stockton Herald" and "Middlesbrough and Stockton Gazette," and have 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 of Stockton-on-Tees at a further special meeting held in pursuance of a similar notice on the fourth day of February one thousand eight hundred and seventy-six, and by an absolute majority of the whole number of the council of Middlesbrough at a further special meeting held in pursuance of a similar notice on the eleventh day of January one thousand eight hundred and seventy-six, both meetings being held no less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the respective boroughs, by resolutions in accordance with the rules provided in "The Public Health Act, 1875," as to the passing of resolutions of owners and ratepayers, consented to the promotion of the Bill for this Act :

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And whereas estimates have been prepared by the Corporations showing that, in addition to the money required for the purchase of the works and undertaking of the Company, they may from time to time require to borrow for the purchase of land and for the execution of the various works by this Act authorised, being permanent works within the meaning of section two hundred and thirty-four of "The Public Health Act, 1875," a further sum of money amounting to seven hundred thousand pounds:

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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:

1. This Act may be cited as "The Stockton and Middlesbrough Corporations Waterworks Act, 1876." Short title.

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,) Provisions of general Acts herein named incorporated.
"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 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: Provided always, that those provisions shall not be deemed to include or apply to any lands from time to time belonging to or used or occupied by the North-eastern Railway Company other than reservoirs and works immediately connected therewith.

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

Interpretation of terms.

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“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 councils” shall mean the councils of the boroughs as defined in the Municipal Corporation Acts :

The term “Joint Board” shall mean the Joint Board by this Act constituted :

The term “the borough fund” means the borough funds of the respective boroughs :

The term “waterworks” shall mean and include the waterworks and works connected therewith which may be hereafter vested in the Joint Board under the powers of this Act, or authorised to be made or maintained by the Joint Board, and any improvement thereof which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects; and the term “waterworks undertaking” shall mean the waterworks undertaking of the Joint Board, and every part thereof respectively :

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

Annuity or annuities means any annuity or annuities created by the Corporations under the provisions of this Act :

Annuitants means any person, company, or corporation for the time being entitled to such an annuity :

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 court” shall be taken to include any court of competent jurisdiction.

Limits of
Act.

4. The limits of this Act for the supply of water shall comprise and include the Company's present limits, and the parishes, townships, and places, or parts of parishes, townships, and places set forth in the First Schedule to this Act annexed: Provided always, that the Joint Board herein-after constituted shall, when so required by the sanitary authority of any district beyond the boundaries of the boroughs of Stockton and Middlesbrough respectively, sell to such sanitary authority all mains, pipes, and fittings belonging to the Joint Board within that district, other than and except any

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mains, pipes, or fittings used for service beyond the limits of that district, at a price to be fixed, in default of agreement, by an arbitrator to be appointed for that purpose by the Local Government Board on the application of either party, and after such sale the Joint Board shall cease to supply water within such district; and for more clearly defining the limits of this Act the same are shown by a red colour upon a certain plan signed by the Right Honourable Lord Cottesloe, the Chairman of the Committee of the House of Lords, to whom the Bill for this Act was referred in its progress through Parliament, and lodged in the office of the Clerk of the Parliaments, a copy whereof shall, within one month after the passing of this Act, and before the exercise of any of the powers by this Act conferred, be deposited with the town clerk of the borough of Stockton-on-Tees, with the town clerk of the borough of Middlesbrough, and with each of the respective clerks of the peace for the county of Durham and for the north riding of the county of York; and the provisions of the Act, first Victoria, chapter 83, shall apply to such plans as though the same were plans required by the standing orders of Parliament to be deposited with such clerks of the peace.

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5. This Act shall, subject to the express provisions of this Act, be executed by a Joint Board consisting of twelve members, six to be chosen by each of the corporations out of members of their own council at the council meetings of the respective corporations held on the ninth day of November one thousand eight hundred and seventy-six, and such Joint Board so constituted shall be a body corporate under the name of the Stockton and Middlesbrough Water Board, herein-after called "the Joint Board," having a perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands or other property for the purposes of this Act.

Act to be executed by Joint Board to be chosen by the Corporations.

6. The Joint Board shall from time to time appoint fit and proper persons to be clerk and treasurer, and shall also appoint or employ such other officers, collectors, servants, or assistants as may be necessary and proper for the efficient execution of the Act, and may make regulations with respect to the duties and conduct of the officers and servants so appointed or employed.

Appoint-ment of officers.

7. The Joint Board, unless they shall appoint the secretary to the Company to the office of secretary, at a salary of not less than three hundred pounds per annum, shall pay nine hundred pounds as and for the loss of his office within three months after the transfer of the undertaking of the Company to them.

Compensa-tion to secre-tary of Com-pany.

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Retirement
of members
of Joint
Board.

8. Subject as herein-after mentioned, one third of the number of members elected by each corporation shall go out of office on the first day of November in each year.

Rotation of
members of
Joint Board.

9. The order in which the persons elected at the first election by each corporation shall go out of office shall be regulated by such corporation so that one third shall go out of office in each year.

Duration in
office of
members of
Joint Board.

10. No person elected shall in any case continuously remain in office (without re-election) for more than three years, and any member at any time ceasing to be a member of the council by which he has been elected shall cease to be a member of the Joint Board.

Election of
new mem-
bers of Joint
Board.

11. At the annual meeting of the councils in each year, two members shall be elected by each corporation in manner provided by this Act, and so many others as may be necessary to complete the full number of the members representing each corporation on the Joint Board.

Casual va-
cancies in
Joint Board.

12. Any casual vacancy occurring by death, resignation, disqualification, or failure duly to elect members of the Joint Board shall be filled up by the council of the corporation by whom such member had been originally elected, out of its own members, within six weeks of the vacancy so occurring, but the member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

Re-election of
members of
Joint Board.

13. Any member who has ceased to be a member shall be re-eligible (if qualified).

Meetings of
Joint Board.

14. Meetings of the Joint Board appointed by the councils shall be held, and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the Second Schedule to this Act.

Company to
sell their
undertaking
on requisition
of Cor-
porations.

15. The Corporations shall, within six months after the passing of this Act, by writing under their common seals addressed and sent to the secretary or delivered at the principal office of the Company, require the Company to sell, and the Company shall thereupon sell, to the Corporations all their undertaking, property, rights, powers, and privileges, as the same exist at the time of the delivery of such notice, for such consideration, either in perpetual annuities amounting to eighteen thousand six hundred and forty-seven pounds, the present maximum statutory dividend of the Company, or, at the option of the Company, for a sum in gross calculated at twenty-five years purchase of such sum; and, in addition to the sum in gross or in perpetual annuities to be paid to the Company, the Corporations shall take over and pay the statutory debt of the Company at the

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time of the transfer and vesting of the undertaking in the Joint Board, and all other the debts and liabilities bonâ fide incurred by or on behalf of the Company for the time being, and also shall pay to the Company a sum for compulsory sale and for the prospective value of the Company's undertaking; and if any difference shall arise in carrying into effect the provisions of this section the same shall be settled by arbitration, in accordance with the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

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16. The Corporations shall, on giving the consideration provided by the preceding section, have possession of the undertaking of the Company on and from the first day of January one thousand eight hundred and seventy-seven, or the first day of July, or the first day of January next succeeding the date of the award to be made by the arbitrator in pursuance of the fifteenth section of this Act.

Time of taking possession.

17. The sale of the Company's undertaking shall be carried into effect by a deed duly stamped and truly stating the consideration, which deed may be in the form set forth in the Third Schedule to this Act, or to the like effect, with such variations and additions as circumstances require, and on the execution of that deed by the Company, their undertaking and all causes of action, suit, or proceeding belonging to them shall, by virtue of that deed and of this Act, become and shall thenceforth be transferred to and vested in the Joint Board, subject and according to the provisions of this Act, and subject to all contracts, obligations, debts, and liabilities affecting the same, and thenceforth the Joint Board shall have and hold the undertaking, and may in the name of the Joint Board enforce the causes of action, suit, or proceeding aforesaid (which transfer and vesting is in this Act referred to as "the transfer").

Transfer of undertaking by deed.

18. From and after the transfer all the powers and authorities of the Company under the special Acts relating to the Company shall be by virtue of this Act transferred to and vested in the Joint Board, and those Acts shall be read and have effect as if the Joint Board had been therein named instead of the Company, subject nevertheless to all the provisions, conditions, and restrictions contained therein, and also subject and according to the following exceptions and provisions; (namely,)

Application of the Company's Acts to the Joint Board.

(1.) The provisions of "The Companies Clauses Consolidation Act, 1845," and of "The Companies Clauses Act, 1863," incorporated with the special Acts relating to the Company, shall not apply to the Joint Board:

(2.) None of the provisions of those special Acts in any manner relating to the share or loan capital of the Company,

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or to any limitation of the amount to be received by the Company or undertakers, or to the constitution, meetings, or directors of the Company, shall apply to the Joint Board.

Receipt of directors of Company for purchase money.

19. If the consideration money to be paid to the Company be a sum in gross, then the receipt in writing of three of the directors of the Company for the purchase money to be paid to them by the Corporations shall effectually discharge the Corporations from the sum which in such receipt shall be acknowledged to have been received, and from being concerned to see to the application thereof, and from being answerable or accountable for the loss, misapplication, or non-application thereof.

Division of purchase money.

20. If the consideration to be paid to the Company be in money, the purchase money to be paid by the Corporations for the transfer shall be paid by them into such bank as the directors for the time being of the Company shall appoint, and to the account of the Company, and shall be applied by such directors in manner following:

Firstly. In discharging in accordance with their several priorities all moneys due and owing by the Company on mortgage, bond, or other direct charge on the undertaking of the Company:

Secondly. In discharging all outstanding debts and liabilities of the Company which shall not have been so secured:

Thirdly. In making a fair rateable division of the residue thereof amongst the holders of the shares of the Company in proportion to their respective shares and interests in the undertaking of the Company.

Mortgage debt to continue first charge on undertaking.

21. If the consideration to be paid to the Company be in perpetual annuities, the mortgage debt of the Company at the time of the transfer, and the interest thereon, shall, after the transfer, continue to be a first charge on the waterworks undertaking of the Corporations, and shall further be a charge on the borough funds and borough rates of the Corporations, in equal moieties in priority to all charges made thereon, respectively subsequent to the passing of this Act.

Company's debts to be paid by Corporations.

22. If the consideration to be paid to the Company be in perpetual annuities, all debts, liabilities, and obligations of the Company (including the mortgage debt of the Company), and all rents, rates, charges, and sums of money, actions, suits, and proceedings, and causes of action, suit, or proceeding which, at the time of the transfer, are due or owing from or pending or existing against the Company shall be paid, discharged, settled, and satisfied by the Joint Board.

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23. If at the time of the transfer any action, suit, or proceeding, or any cause of action, suit, or proceeding, is pending or existing against the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act, but the same may be continued, prosecuted, and enforced against the Joint Board as and when it might have been continued, prosecuted, and enforced against the Company if this Act had not been passed, but not further or otherwise.

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Pending actions, &c. against the Company.

24. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made and subsisting at the time of the transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Joint Board, and may be enforced as fully and effectually as if instead of the Company the Joint Board had been a party thereto.

Contracts of Company to be binding on Joint Board.

25. If the consideration to be paid to the Company be perpetual annuities, then and in such case the Joint Board shall grant to the holders of all shares in the capital of the Company perpetual annuities of the amounts agreed on or awarded in respect of each share.

Grant of annuities to shareholders.

26. The several persons who at the transfer appear in the books of the Company to be proprietors of shares in the capital of the Company, or their respective executors, administrators, or assigns, shall be considered to be shareholders thereof, and entitled to annuities.

Company's books evidence as to shareholders.

27. The annuities shall become due and payable half-yearly on the first day of July and the first day of January in every year, the first of such payments to become due and payable on the first day of July or the first day of January (as the case may be) next succeeding the date of the award, in case the purchase be in pursuance of arbitration, or in case the purchase be by agreement, on such day as shall be agreed on between the Company and the Corporations, but without prejudice to the right of the Company to declare any dividend which they would have been entitled to declare out of the profits of the undertaking made prior to the date on and from which the annuities shall begin to accrue, and the amount of such dividend shall be a liability of the Joint Board, and shall be paid by the Joint Board to the directors of the Company, to be by them distributed to the several persons entitled thereto.

Annuities to be payable half-yearly.

28. The annuities shall be charged on and issue out of the revenue arising from the waterworks undertaking of the Corporations, and

Security for annuities.

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Warrants to be issued to annuitants.

29. The annuities shall be called Stockton and Middlesbrough Corporations water annuities, and the Joint Board as herein-before constituted shall deliver to each annuitant, or send by post in a pre-paid letter addressed to the registered address of such annuitant, a warrant or order on the treasurer of the Joint Board for every payment to such annuitant.

Annuities to represent shares in Company.

30. The annuities shall in all respects, at law and in equity, be substituted for and represent the shares in the capital of the Company, and the several persons in whom the annuities vest shall hold them on and subject to the same trusts, powers, and liabilities as those on and to which their shares in the capital of the Company were held, and so as to give effect to and not to defeat any testamentary or other disposition.

Joint Board to issue certificates for annuities.

31. The Joint Board shall issue to every person in whom an annuity vests, or to his representatives, on demand and on delivery of his or their share certificate, or proof of its loss or destruction, a certificate of the annuity free of expense to the annuitant, and the certificate may be in the form given in the Fourth Schedule to this Act, or to the like effect, and by agreement one certificate may include any number of annuities.

Annuities may be divided.

32. Any annuity may, with the consent of the Joint Board, be divided, at the option of the annuitant, into two or more annuities of any amount not being less than one shilling, and all annuities, whether the same have been subdivided or not, may with the like consent be consolidated with other annuities as the annuitant may direct.

Transfer, &c. of annuities.

33. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the distribution of the capital of the Company into shares, and with respect to the transfer or transmission of shares, are hereby incorporated with this Act, and shall (except as expressly varied by this Act) apply to the Joint Board and the annuities and annuitants as if the Joint Board were the Company and the annuities were shares in the Company's undertaking and the annuitants were shareholders, but the form of transfer of an annuity may be according to the form given in the Fifth Schedule to this Act or to the like effect.

Recovery of arrears of annuities.

34. If within thirty days after an instalment of an annuity becomes payable it is not paid, the annuitant may, subject to the

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provisions of this Act, recover it against the Joint Board in any court of competent jurisdiction. A.D. 1876.

35. The annuitants, without prejudice to other remedies, may enforce payment of arrears of their annuities by the appointment of a receiver as if they were mortgagees of the Corporations and each annuity was interest on a mortgage of the Corporations, and for that purpose the provisions in that behalf applicable of "The Companies Clauses Consolidation Act, 1845," shall apply, mutatis mutandis, to the Corporations and the annuitants and to the receiver. Receiver of annuitants.

36. The Joint Board may at any time, if and when they think fit, redeem any annuity at a price to be agreed on between the Joint Board and the annuitant, and on any annuity being redeemed the same shall be extinguished. Power to redeem annuities.

37. If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind so found by inquisition, the receipt of the guardian or committee of his estate shall be a discharge to the Corporations or the Joint Board for the same. Receipts of guardians, &c.

38. When and so soon as the said purchase money shall have been appropriated and divided in manner herein-before directed, or the annuities shall have been allotted, the directors of the Company may exercise all powers necessary for winding up the affairs of the Company, and when and as soon as their affairs have been wound up and all their debts and liabilities paid and satisfied the Company shall be by virtue of this Act dissolved. Winding up and dissolution of Company.

39. All expenses incurred by the Joint Board in the execution of this Act shall be defrayed out of a common fund (herein-after called "the common fund") to be contributed by the respective boroughs in equal moieties. Common fund.

40. The Corporations may from time to time borrow at interest, on the security of their respective borough funds and borough rates and of the revenue of their waterworks undertaking, as follows; (that is to say,) Power to borrow.

For the purpose of acquiring the works and undertaking of the Company, such sum as shall be equal to the amounts to be paid by the Corporations under the provisions of clause 15 of this Act;

For the purpose of the purchase of land and the construction of the waterworks by this Act authorised, being permanent works within the meaning of the two hundred and thirty-fourth

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section of "The Public Health Act, 1875," such sum or sums of money as the Corporations from time to time think requisite, not exceeding the sum of seven hundred thousand pounds;

And 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, with interest, 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.

Form of mortgage.

41. Every mortgage made by the Corporations respectively under this Act shall be by deed, under their respective common seals, duly stamped and truly stating the consideration, and may be in the form given in the Sixth Schedule to this Act or to the like effect.

Coupons for interest on mortgages.

42. The Corporations may issue to holders of their mortgages under this Act coupons for interest thereon 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 Corporations (which authorisation shall be presumed until the contrary is shown), and on presentation of a coupon to the treasurer of the borough he shall pay to the presenter the amount of interest thereon expressed and thereby appearing to be then due and payable, and on audit of the treasurer's accounts a coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the treasurer shall not be bound, unless he sees fit, to make any payment of interest beyond the amount of the money of the Corporations then in his hands and applicable in that behalf.

Receiver for mortgages.

43. The mortgagees of the Corporations respectively may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing by the mortgagees by whom the application for a receiver is made shall not be less than one tenth of the amount which the Corporation making default has borrowed on mortgage.

Payment off of money borrowed by instalments or sinking fund.

44. The sections of the "Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the Commissioners, shall be applicable to the mortgages to be made by the Corporations under this Act: Provided that the Corporations shall pay off any

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money borrowed by them under this Act and the mortgage debt of the Company, either by equal annual instalments of principal or by means of a sinking fund appropriated and invested in any securities authorised by law for investment by trustees, and with the accumulation thereof (if any) from time to time applied for that purpose, as follows; (namely,)

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As regards any money borrowed before the expiration of three years from the passing of this Act and the mortgage debt of the Company within ninety years after the expiration of such three years; and

As regards any money borrowed after the expiration of such three years within ninety years after the same is borrowed.

45. The Corporations may at any time apply the whole or any part of the sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year, and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Application
of sinking
fund.

46. The Joint Board shall from and after the expiration of seven years from the passing of this Act, out of the revenues arising from their waterworks undertaking, or out of the common fund herein-before mentioned, make provision for the extinction of any annuities issued by them under this Act, either by equal annual instalments or by a sinking fund appropriated and invested in any securities authorised by law for investment by trustees, and with the accumulations thereof (if any) from time to time applied for that purpose, so as in either case to extinguish, or be in a position to extinguish, the whole of such annuities within seventy years from the passing of this Act, and if at the end of that time the annuities or any of them are not wholly extinguished, then the Joint Board shall, so long as they are liable to pay the same, apply in or towards that payment the annual income arising from the sinking fund provided under this section, and the amounts of the instalments and the amounts to be from time to time appropriated for any sinking fund shall be such as the Local Government Board shall, having regard to the provisions of this and the two preceding sections, approve.

Sinking fund
for annuities.

47. The Corporations may from time to time reborrow any amount borrowed by them under this Act and paid off otherwise than by instalments or by means of a sinking fund.

Power to re-
borrow.

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Power to
issue debentures, debenture stock, or annuities.

48. The Corporations, if they think fit, may borrow the moneys, which they are by this Act authorised to borrow under the powers and subject to the provisions of "The Local Loans Act, 1875," by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this Act authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the rates upon which the costs, charges, and expenses from time to time incurred by the Corporations in the execution of such purpose are made a charge by this Act, and such rate or fund shall be the local rate within the meaning and for the purposes of "The Local Loans Act, 1875." Every such loan shall be discharged within ninety years from the date thereof, and such discharge or any part thereof shall be effected by means of a sinking fund, if the respective corporations shall so think fit, and if the respective corporations at any time think fit to form any such sinking fund, all sums paid into the same shall, as soon as may be, be invested by the respective corporations in any manner in which trustees are by law for the time being authorised to invest trust moneys, or in any securities issued under this Act.

Protection of
lenders from
inquiry.

49. A person lending money to either of the corporations shall not be bound or entitled to inquire as to the observance by the borrowing corporation 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.

Priority of
existing
mortgages.

50. All mortgages granted by the corporations subsisting at the passing of this Act shall, during their continuance, have priority of charge on the security therein comprised over all mortgages, debenture stock, and annuities granted or issued under this Act.

Application
of revenue.

51. The Joint Board shall keep accounts and shall apply all money from time to time received by them in respect of the waterworks undertaking, except borrowed money, as follows; (that is to say,)

First. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of water rents and rates, and of the borrowing of money under this Act:

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

Thirdly. In payment to the several mortgagees of the interest on the mortgage debts of the Company according to their several priorities:

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Fourthly. In payment of the annuities :

Fifthly. In providing for the Corporations the moneys required to pay the interest on moneys borrowed by them under this Act: Provided always, that if in any year either corporation should require a larger amount than the other corporation to pay the interest on the money borrowed by such corporation, the excess of such payment shall remain a debt due from the Corporation receiving such excess, and such corporation shall account for the same to the Joint Board upon the distribution of the profits herein-after provided for :

Sixthly. In providing the requisite instalments or sinking fund under this Act :

Seventhly. In providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in Stockton or Middlesbrough Corporations debenture stock, or other securities, and accumulating the same at compound interest until the fund so formed amounts to thirty thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Joint Board from their waterworks undertaking, or to meet any extraordinary claim or demand at any time arising against the Joint Board in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of thirty thousand pounds, and so from time to time as often as such reduction happens :

And any balance remaining in any one year shall be divided in the following proportions ; (that is to say,) one third of such balance shall be paid to each borough fund, and the remaining one third shall be devoted to the reduction of the price of water charged to consumers of water for domestic purposes.

52. The accounts of the receipts and expenditure of the Joint Board shall be audited and examined once in every year, as soon as may be after the twenty-fifth day of March, by the auditor of accounts relating to the relief of the poor for the union of Stockton-on-Tees, and within fourteen days after the completion of the said audit the auditor shall report on the accounts audited and examined, and shall deliver such report to the clerk of the Joint Board, and the Joint Board shall cause the same to be deposited in their office, and shall publish an abstract of such accounts in some one or more of the local newspapers circulating in the boroughs.

Audit of
accounts.

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Application
of money
borrowed.

Annual re-
turn to
Local Go-
vernment
Board with
respect to
sinking fund.

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

54. The treasurers of the respective corporations shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid off by instalments under this Act, transmit to the Local Government Board a return in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made and the amount paid off by instalment and the purposes to which any portion of the sinking fund or investment 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 any wilful default in making such return he shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board by that return or otherwise that the Joint Board have failed to set apart the sum required for the sinking fund, or to pay any instalment, or have applied any portion of the money set apart for the sinking fund to any purposes other than those authorised, the Local Government Board may, if they think fit, and after hearing the Joint Board, if desirous to be heard by order, direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund, and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Payment of
contributions
to Joint
Board.

55. For the purpose of obtaining payment from the Corporations of the sums to be from time to time contributed by them for the establishment and maintenance of the waterworks undertaking, the Joint Board shall issue their precept to each of the corporations stating the sum to be contributed by each corporation, and requiring each corporation within the time limited by the precept to pay the sums therein mentioned to the Joint Board or to such persons as the Joint Board may direct. Any sum mentioned in a precept addressed by the Joint Board to either of the corporations as aforesaid shall be a debt due from that corporation and may be recovered accordingly. If either of the corporations makes default in complying with the precept addressed to it, the Joint Board may, instead of instituting proceedings for the recovery of a debt, or in addition to such proceedings as to any part of a debt which

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may for the time being be unpaid, proceed in a summary manner, as in this Act hereafter mentioned, to raise within the district of the defaulting corporation such sum as may be sufficient to pay the sum due. A. D. 1876.

56. If either corporation neglects or refuses to pay any such sum as aforesaid for a period of fourteen days after demand, the Joint Board may by order under their common seal empower any person to levy by and out of the borough fund and borough rate of the defaulting corporation such sum (the amount to be specified in the order) as may, in the opinion of the Joint Board, be sufficient to defray the debt so due from the defaulting corporation and all expenses incurred in consequence of the nonpayment of such debt. Further provision for recovery of contributions to common fund.

Any person or persons so empowered shall have the same powers of levying the borough rate and requiring all officers of the defaulting corporation to pay over any moneys in their hands as the defaulting corporation would have in the case of expenses legally payable out of the borough fund or borough rate of such corporation, and the said person or persons, after repaying all sums of money so due in respect of the order, shall pay the surplus (if any), the amount to be ascertained by the Joint Board, to or to the order of the defaulting corporation.

57. Subject to the provisions of this Act the Joint Board may, after acquiring the undertaking of the Company, 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.) Grassholm Reservoir.—A compensation reservoir (hereinafter 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:

(2.) One or more conduits, aqueducts, or lines of pipes in a tunnel (in this Act called Conduit No. 1) from the River Lune to Rokehole Sike or Hill Gill:

(3.) Blackton Reservoir.—A compensation reservoir (hereinafter called the “Blackton Reservoir”), for the purpose of impounding, diverting, and appropriating the waters of the River Balder and its tributaries, to be situate in the townships of Hunderthwaite and Cotherstone and the division

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of Baldersdale, in the parish of Romalldkirk, in the north riding of the county of York :

- (4.) Hury Reservoir.—A supply reservoir (herein-after called the “Hury Reservoir”), for the purpose of impounding, diverting, and appropriating the waters of the River Balder and its tributaries, to be situate in the townships of Hunderthwaite and Cotherstone and the division of Baldersdale, in the parish of Romalldkirk, in the north riding of the county of York :
- (5.) Lartington Tank.—A tank or reservoir (herein-after called the “Lartington Tank”) to be situate in the division of Cotherstone, in the township of Cotherstone and parish of Romalldkirk, in the north riding of the county of York :
- (6.) Whorley Reservoir.—A reservoir (herein-after 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 :
- (7.) Sadberge Reservoir.—A service reservoir (herein-after called the “Sadberge Reservoir”) to be situate in the township of Sadberge and parish of Haughton-le-Skerne, in the county of Durham :
- (8.) Normanby Reservoir.—A service reservoir (herein-after called the “Normanby Reservoir”) to be situate wholly in the township of Normanby, in the parish of Eston, in the north riding of the county of York :
- (9.) One or more conduits, aqueducts, or lines of pipes (in this Act called “Conduit No. 2”) from the Hury Reservoir to the Lartington Tank :
- (10.) One or more conduits, aqueducts, or lines of pipes (in this Act called “Conduit No. 3”) from the Lartington Tank to the Whorley Reservoir :
- (11.) One or more conduits, aqueducts, or lines of pipes (in this Act called “Conduit No. 4”) from the Whorley Reservoir to the Sadberge Reservoir :
- (12.) One or more conduits, aqueducts, or lines of pipes (in this Act called “Conduit No. 5”) from the Sadberge Reservoir to the Normanby Reservoir :
- (13.) One or more conduits, aqueducts, or lines of pipes (in this Act called “Conduit No. 6”) from the Lartington Tank to the stream called and known as Scar Beck :
- (14.) One or more conduits, aqueducts, or lines of pipes (in this Act called “Conduit No. 7”) from the Whorley Reservoir to a stream called and known as Walker Hall Gill :

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(15.) One or more conduits, aqueducts, or lines of pipes (in this Act called "Conduit No. 8") from the Sadberge Reservoir to the existing service reservoir of the Company, 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, in the east side of the existing service reservoir of the Stockton and Middlesbrough Waterworks Company ;

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together with all necessary and proper embankments, dams, channels, basins, byewashes, weirs, culverts, cuts, bridges, road diversions, road approaches, and other roads and communications, sewers, drains, sluices, filtering beds, reservoirs, wells, weirs, engines, engine-houses, pumps, conduits, catch-waters, tanks, mains, pipes, and other apparatus for the effectual construction, maintenance, and use of the said intended works or incidental thereto for collecting, impounding, conveying, and distributing water into and within the parishes, townships, and places aforesaid or any of them, and may enter upon, purchase, 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, and may take, divert, and collect and impound, appropriate, and use for the purposes of this Act the water of the River Lune and the River Balder, and all other streams and waters shown or mentioned on the deposited plan as intended to be intercepted or otherwise taken by the proposed waterworks, and all waters found in, on, or under any of the lands taken by them for the purposes of the Grassholm, Blackton, Hury, Whorley, Sadberge, and Normanby Reservoirs and the Lartington Tank: Provided always, that the Joint Board, from the gathering ground herein authorised to be taken, shall not for purposes of supply take in any one day a larger quantity of water than thirteen thousand three hundred and fifty gallons a minute, and the reservoirs hereby authorised to be constructed shall not be enlarged or extended under any of the powers of this Act: Provided also, that, notwithstanding anything in this Act contained or shown on the deposited plans and sections, the Joint Board shall not draw off, appropriate, or use for consumption any water from the Grassholm Reservoir, but shall so construct the Tunnel or Conduit Number 1 so as not to be able to take and abstract water from the Grassholm Reservoir by means of such tunnel below the top-water level of that reservoir. In the event of any difference arising between the Corporation of Darlington, or the millowners, or other parties interested and the Joint Board as to the nature or

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Gauge of water taken for supply.

58. The Joint Board shall cause to be constructed and shall maintain in an efficient state of repair a proper and sufficient gauge for the purpose of measuring and ascertaining the quantity of four thousand six hundred and fifty gallons per minute which may be delivered into Conduit No. 2 for purposes of supply prior to the completion of the Grassholm Reservoir, and they shall, after the completion of the Grassholm Reservoir and the discharge of the compensation water therefrom, cause the above-mentioned gauge to be replaced by another gauge (to be maintained in an efficient state of repair) for the purpose of measuring and ascertaining the said quantity of thirteen thousand three hundred and fifty gallons per minute, and the Corporation of Darlington, the Tees Conservancy Board, the Tees Salmon Fishery Board, and the respective occupiers of mills and works herein-after mentioned, and their officers and servants duly authorised, shall at all reasonable times have the right of access to and inspection of the said gauges for ascertaining the state of repair and efficiency thereof, and of gauging and ascertaining the quantity of water passing over or through the same respectively.

In the event of any difference arising between the said parties respectively as to the nature of or mode of constructing the said gauges or the maintenance thereof, such difference shall be settled by the President of the Institution of Civil Engineers for the time being, or by some competent person to be appointed by him, whose decision shall be final and binding on all parties.

Works affecting the North-eastern Railway Company to be done under the inspection of their engineer.

59. Any mains or pipes which shall cross the authorised Castle Eden and Stockton Branch of the North-eastern Railway Company shall be carried under the embankment of that branch, and all mains and pipes which under the powers of this Act shall be carried under that or any other railway of the said railway company shall be carried under the same in a culvert of sufficient dimensions to admit of the main or pipe being relaid or repaired without interference with the railway, the top of the culvert in no case being nearer the bottom of the rails of the railway than two feet, and in laying down, making, executing, and subsequently maintaining and repairing any mains, pipes, culverts, or other works upon, along, across, over, or under or by the side of any of the

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North-eastern railways, and wheresoever elsewhere the same or any of them shall interfere with or be upon, across, over, or under the works or property of the said railway company, the Joint Board shall lay down, make, execute, and subsequently maintain and repair the same, and from time to time alter the situation or position thereof respectively, when necessary and required so to do by the railway company, with all excavations and works necessary for those purposes, or any of them, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the railway company, and in accordance with plans, drawings, and specifications previously submitted to and approved by him, and shall pay and make good to the railway company all loss, costs, charges, damages, and expenses whatsoever which that company shall sustain, pay, expend, or be put to by, in, about, or in consequence of the laying down, making, and execution of the said mains, pipes, culverts, and other works, or of the subsequent maintenance and repair thereof, and of any injury caused by the works of the Joint Board or the use thereof, or by the bursting of any pipe or reservoir or otherwise howsoever to the said railway, or the works or traffic thereof, or other the property of the said railway company, and in case of any difference between the engineer of the Joint Board and the engineer of the said railway company concerning such plans, drawings, or specifications, or as to any other of the matters aforesaid, the same shall be determined by arbitration in manner prescribed by the sections of the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, and for such purposes those sections shall be incorporated with and form part of this Act: Provided always, that nothing in this Act contained shall enable the Joint Board in any way to interfere with any station, station-house, engine-shed, warehouse, shop, or other building, or with any water-pipe, well, or other works of the said railway company without their consent in writing first had and obtained.

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60. The Joint Board shall not, without the consent in writing of the North-eastern Railway Company, purchase or take any lands or property of that Company delineated on the deposited plans, but they may purchase and take such right, easement, or privilege in, over, under, or upon any such lands as shall be necessary for the purpose of laying and constructing, and of maintaining, renewing, and keeping in good repair, order, and condition, the pipes, culverts, and other works by this Act authorised for the purpose of conveying water, and the Joint Board shall not either temporarily or permanently, enter upon, use, or interfere with any railway or property

Not to take lands of the North-eastern Railway Company.

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A.D. 1876. of the said railway company, save only so far as may be necessary for the purpose of constructing and maintaining the said works in accordance with the provisions of this Act.

Saving
rights of
North-east-
ern Railway
Company.

61. Except as in this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estate, rights, privileges, and authorities of or belonging to the North-eastern Railway Company.

For the pro-
tection of the
Tees Con-
servancy
Commis-
sioners.

62. For the protection of the Tees Conservancy Commissioners (in this section referred to as the Commissioners) and of the navigation of the River Tees, the following provisions shall have effect; (that is to say,)

Every waterpipe to be laid by virtue of this Act under the River Tees shall be laid or maintained at a depth below the bed of the river of not less than four feet;

In laying down, repairing, renewing, restoring, inspecting, and examining any such waterpipe, the navigation of the River Tees shall not be interrupted or obstructed to any greater extent than is absolutely necessary; all works to be done within the limits of the jurisdiction of the Commissioners shall be made and done under the superintendence and to the satisfaction of the engineer for the time being of the Commissioners;

If the Commissioners shall at any time be desirous of widening, deepening, or otherwise altering the bed of the River Tees at or near to the place where any such pipe shall be laid, and of such their desire shall give notice in writing under the hand of their engineers for the time being, or of their chief clerk or secretary to the Joint Board, or leave the same for them at their principal or last known office, or if the bed or channel of the said river shall by dredging, scouring, or otherwise become deepened, so that the pipes shall be within three feet of the bed thereof, then and in either or any of such cases the Joint Board shall and will, within three calendar months after such notice shall have been given, remove the said pipes, or such of them as shall be specified in such notice, and relay the same at or near the same place or places at a depth of not less than three feet below the level to which the Commissioners shall have widened, lowered, or deepened, or determined to widen, lower, or deepen the bed of the said river, or to which the same shall have become widened, lowered, or deepened by dredging, scouring, or otherwise;

Notwithstanding anything in this Act contained the Commissioners may from time to time dredge, widen, lower, deepen, or otherwise improve and alter the bed of such river, and do all

such work in, over, or upon the said bed of the said river as they might have done had this Act not been passed, doing as little damage as may be to the pipes and the other works of the Joint Board ;

If the Joint Board make default in executing any works to be done by them under or in accordance with the provisions of this section the Commissioners may execute the same :

The Commissioners shall not be liable to make compensation for any damage which may be sustained by the Joint Board in or by reason of the execution of any works by the Commissioners, unless such damage shall have been wilfully and maliciously done ;

All the costs, charges, and expenses incurred by the Commissioners and their officers in relation to the laying, repairing, renewing, altering, and examining the pipes by this Act authorised to be laid, and to the execution by the Joint Board of any of the powers of this Act, and of any works or repairs rendered necessary by the acts or default of the Joint Board, their contractors, officers, workmen, or servants, together with the expenses of such superintendence as is by this section provided, shall be borne and paid by the Joint Board to the Commissioners within twenty-one days after demand thereof, in writing, or in case of dispute after the same shall have been settled by arbitration, and if not so paid may be recovered by the Commissioners from the Joint Board with full costs of suit in any court of competent jurisdiction ;

If any difference arise between the Commissioners and the Joint Board in relation to anything to be done or not to be done, or any injury or damage sustained, or any money to be paid under this section or in relation to the exercise by the Joint Board of any of the powers of this Act, such difference shall be determined by an arbitrator to be agreed on between the parties, or if not agreed on to be appointed on the application of either party by the clerk of the peace for the county of Durham.

63. For the protection of the Corporation of Darlington and of the highway boards for the districts of Stockton and Hartlepool, of Darlington, of Barnard Castle, and of Greta Bridge, and of the trustees of the Stockton and Middlesbrough turnpike road, all of which bodies are in this section included in the expression "road authority," the following provisions shall have effect ; (that is to say,)

For the protection of highway boards, &c.

The word "road" in this section shall include any public carriage and bridle road, and any public footway under the control and jurisdiction of the road authority :

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The Joint Board before they commence to break up any road shall give to the clerk to the road authority notice in writing of their intention so to do, and such notice shall be accompanied by a plan whereon shall be shown the proposed situation of the line of pipes to be laid in or across such road :

The road authority or their surveyor may make such alteration in the proposed situation of the said line of pipes, or any part thereof, in such road as shall in their or his judgment be expedient to secure the least possible interference with the traffic of such road :

The Joint Board shall not commence to lay the said line of pipes until the said plan shall have been approved in writing by the road authority or their surveyor: Provided that if such plan be not disapproved within one month after it shall have been deposited it shall be deemed to have been approved. The Joint Board shall lay the said line of pipes in accordance with the said plan so approved, and under the superintendence and to the reasonable satisfaction of the surveyor to the road authority :

The road authority may make such regulations as to the part or parts of the said road to be broken up and as to the fencing, watching, and lighting of the same as they may deem requisite to ensure the safety and convenience of the traffic passing along and persons using the said road, and the Joint Board shall observe such regulations, and if the Joint Board fail to observe any such regulations they shall, in addition to any other liability they may thereby incur, be liable to a penalty not exceeding five pounds a day for every day or part of a day during which they so fail to observe the same, such penalty to be paid to the road authority whose regulations the Joint Board shall fail so to observe :

The Joint Board shall not wholly stop up or permanently stop up or interfere with any road :

The parts of the said road so broken up shall be reinstated and made good under the superintendence and to the satisfaction of the surveyor of the road authority, and shall be maintained in good order for the space of two years after they shall have been so reinstated and made good :

If by reason of the breaking up of any road or the laying of any pipe therein or across the same any damage be done to the same or any part thereof by reason of any extra traffic thereon, or otherwise in the execution of the work, or any injury be caused to any person or cattle, or to any vehicle or the contents

thereof, or to any person using such vehicle, the Joint Board shall make good such damage, and shall compensate the road authority for any such damage, and the owner of such cattle or vehicle and such person for such injury, and shall indemnify the road authority from all damages, loss, costs, and expenses in respect of such damage or injury :

Nothing in this Act contained shall interfere with the right of the road authority to alter the level of, deviate, or improve in any manner they think fit any road in or across which any pipe of the Joint Board shall be laid, and the Joint Board shall forthwith, on receiving notice in writing under the hand of the clerk to the road authority so to do, alter the position of the said pipes in such manner and to the extent prescribed by such notice :

All works to be executed by the Joint Board, or by the road authority in default of the Joint Board, shall be executed in all things at the expense and risk of the Joint Board :

All expenses incurred by the road authority by reason of the execution of any of the powers of this Act, or of any works or repairs rendered necessary by the acts or default of the Joint Board, their contractors, officers, servants, or workmen, together with the cost of such superintendence as aforesaid, and all moneys to be paid by the Joint Board to the road authority shall be paid by the Joint Board to the road authority within twenty-one days after demand thereof in writing, or in case of dispute after the same shall have been settled by arbitration, and if not so paid such expenses and moneys may be recovered by the road authority from the Joint Board, with full costs of suit, in any court of competent jurisdiction :

If any difference arise between the Joint Board and the road authority in relation to anything to be done or not to be done, or any expenses or moneys to be paid under this section, such difference shall be determined by an arbitrator to be agreed on between the parties in difference, or if not agreed upon to be appointed on the application of either of them by the clerk of the peace for the county of Durham.

64. Whereas John Bowes is or claims to be tenant for life in possession of the greater portions of the land which will be required for the Grassholm Reservoir, and of a considerable portion of the land which will be required for the Blackton and Hury Reservoirs, and he also is or claims to be lord of the manors of Hunderthwaite, Lune, Mickleton, and Cotherstone: Now, be it enacted, that from and after the respective times at which the said reservoirs respec-

For protec-
tion of John
Bowes,
Esquire.

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tively shall be completed, the said John Bowes or other the lord for the time being of the said manors respectively shall by virtue of this Act have and be entitled to all game, rabbits, wild fowl, and fish which shall at any time hereafter be found in or upon the same reservoirs and the lands adjoining thereto respectively which may be acquired by the Joint Board, together with the sole and perpetual right for him the said John Bowes, or other the lords as aforesaid, and their respective lessees, sub-lessees, and tenants, and all others by their or any of their leave of sporting, fowling, and fishing at all times and for ever hereafter in, over, and upon the said three reservoirs respectively and the said land adjoining the same to the exclusion of the said Joint Board and of all other persons, together with free and uninterrupted right of access at all times to and over the said reservoirs and land adjoining the same for the exercise of such right of sporting, fishing, and fowling, doing no wilful damage, and making good any damage done to the said reservoirs, and land, or the fences thereof, thereby; but the right of sporting, fishing, and fowling hereby conferred shall not be deemed to authorise any act which is forbidden by section sixty-one of "The Waterworks Clauses Act, 1847," or which otherwise shall tend to foul or contaminate the water in the said reservoirs. The Joint Board shall make and for ever maintain proper and sufficient fish-passes for all manner of fish from and out of each of the said three reservoirs in such manner as is provided by "The Salmon Fishery Acts, 1861 to 1873," or otherwise by the Salmon Fishery Acts for the time being in force, in regard to the description of fish in such Acts mentioned, and the provisions in the same Acts with respect to the supply of water to fish-passes, and penalties for default of such supply, shall apply to the fish-passes by this clause provided to be made.

A right of way at least ten feet wide shall be provided and for ever maintained round the margin of the water in the Grassholm, Blackton, and Hury Reservoirs, and within the outside fences of such reservoirs, so as to afford at all times convenient access to the said water.

Limits of lateral and vertical deviation.

65. In making any of the works 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 construct the embankment

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of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections. A.D. 1876.

66. 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 Joint Board instead of a company. Temporary occupation of lands.

67. The Joint Board shall, within six months after the vesting in them of the undertaking of the Company, commence all the works shown on the deposited plans and enumerated in section fifty-seven of this Act, excepting those enumerated in sub-sections one and two of that section, and shall complete the same within six years after their commencement, and shall complete the works enumerated in sub-sections one and two of the said section fifty-seven within ten years from the passing of this Act. Specified works to be completed within six years.

68. If any work shown on the deposited plans is not completed within ten years from the passing of this Act, then on the expiration of that period 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. Period for completion of works.

69. The Joint Board 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.

70. The powers of the Joint Board for compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act. Powers for compulsory purchases limited.

71. The Joint Board may from time to time, for purposes of this Act, purchase by agreement any lands in addition to lands by agreement. Power to take additional lands by agreement.

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A.D. 1876. which they are authorised to take by compulsion, and the Joint Board may hold the same, not exceeding in the whole at one time fifty acres.

Power to agree for easements.

72. 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 of those Acts and of this Act, grant to the Joint Board and the Joint Board may take and hold any easement, term, right, or privilege not being of water required for the purposes of this Act in, over, or affecting lands, at a yearly rent or otherwise, and the provisions of the Lands Clauses Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such lands, grants, easements, terms, rights, and privileges as aforesaid.

Power to hold lands needful to protect waterworks against nuisances, &c.

73. It shall be lawful for the Joint Board to hold any lands hereafter to be vested in them 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 recited Waterworks 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.

Reservation of water rights, &c. on sale.

74. On the sale by the Joint Board 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.

Compensation for water taken from River Lune.

75. As compensation for the waters of the River Lune to be taken, impounded, and appropriated under the powers of this Act, and before the Joint Board shall be entitled to take the same or any part thereof for the supply of their district, the Joint Board shall cause to flow from and out of the Grassholm Reservoir or the works immediately connected therewith into the River Lune a quantity of water not being less than four thousand three hundred and fifty gallons per minute, on the days and during the hours herein-after mentioned.

76. As compensation for the waters of the River Balder to be taken, impounded, and appropriated under the powers of this Act, and before the Joint Board shall be entitled to take the same or any part thereof for the supply of their district, the Joint Board shall cause to flow from and out of the Blackton or Hury Reservoirs, or one of them, or the works immediately connected therewith, into the River Balder a quantity of water not being less than two thousand three hundred and twenty-five gallons per minute, on the days and during the hours herein-after mentioned. Until the Grassholm Reservoir and the works immediately connected therewith shall be completed, if the Joint Board shall take in any one day from the gathering ground of the River Balder for the supply of their district a larger quantity of water than four thousand six hundred and fifty gallons a minute they shall, in addition to the quantity of two thousand three hundred and twenty-five gallons per minute as is herein provided, cause to flow from the aforesaid reservoirs as compensation to the River Balder a quantity equivalent to one half of the additional quantity taken for supply.

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Compensation for water taken from River Balder.

77. The several quantities of compensation water of four thousand three hundred and fifty gallons and two thousand three hundred and twenty-five gallons mentioned respectively in the last two preceding sections shall be respectively discharged in a regular, equal, constant, and continuous supply during the whole twenty-four hours of every day in the year: Provided always, that the times and proportions in which such quantities of water shall be discharged into the several rivers from the reservoirs as aforesaid shall or may from time to time be regulated by the Corporation of Darlington, the Tees Conservancy Commissioners, the Tees Salmon Fishery Board, and the majority of the occupiers of the several mills and works now erected or hereafter to be erected, and who may be interested in such supply of water in each case respectively, so as such gross daily quantity of water in each case be not thereby increased or diminished.

Compensation water to be discharged continuously.

78. For the purpose of measuring the quantity of water to be so supplied by the Joint Board into the River Lune they shall cause to be erected at some point on that river below the Grassholm Reservoir, and not more than two hundred yards therefrom, a sufficient gauge to be made to the satisfaction of the engineer for the time being of the Corporation of Darlington, the Tees Conservancy Board, the Tees Salmon Fishery Board, and the said occupiers, and the said gauge shall for ever hereafter be maintained in a proper state of repair by and at the expense of the Joint Board,

Gauge to be constructed on River Lune.

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A.D. 1876. and to the satisfaction of the engineer for the time being of the said parties.

Gauge to be constructed on River Balder.

79. For the purpose of measuring the quantity of water to be so supplied by the Joint Board into the River Balder they shall cause to be erected at some point on that river below the Hury Reservoir, and not more than two hundred yards therefrom, a sufficient gauge to be made to the satisfaction of the engineer for the time being of the Corporation of Darlington, the Tees Conservancy Board, the Tees Salmon Fishery Board, and the said occupiers, and the said gauge shall for ever hereafter be maintained in a proper state of repair by and at the expense of the Joint Board and to the satisfaction of the engineer for the time being of the said parties.

Millowners and their officers may inspect gauge.

80. The Corporation of Darlington, the Tees Conservancy Board, the Salmon Fishery Board, and the respective occupiers and their officers and servants duly authorised, shall at all reasonable times have the right of access to the said gauge for the purpose of ascertaining the state of repair and efficiency thereof; and of gauging and ascertaining the quantity of water from time to time passing over or through the same respectively.

Millowners may repair gauge and meter if Joint Board fail to do so.

81. If at any time either of the said gauges should be in an unfit state of repair or condition for the purposes for which it is intended, the same shall be forthwith put into a proper state of repair and condition by and at the expense of the Joint Board, or if they fail so to do within seven days after notice given to them by or on behalf of the Corporation of Darlington, the Tees Conservancy Board, the Tees Fishery Board, or the occupiers, or any of them interested in the supply of water to pass over or through the same, requiring the Joint Board to repair or renew the same, it shall be lawful for the occupiers or any of them to cause such work to be done and performed in connexion with the said gauges as shall be necessary for renewing or for placing them in a proper state and condition, and to recover the expense of such works, with full costs of suit, against the said Joint Board in any court of competent jurisdiction.

Penalty in case of default.

82. If at any time the Joint Board fails to supply or cause to flow over or through the said gauges or either of them the quantity of water which they are required to supply or cause to flow over the same under the provisions of this Act, they shall for each and every day during which they shall fail so to afford such supply forfeit and pay to the Corporation of Darlington, and to the occupier for the time being of each and every mill or other work entitled to such supply under this Act who shall sue for the same in any court

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of competent jurisdiction within one month after such failure shall have occurred and prove damage, the sum of five pounds. A.D. 1876.

83. 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, the Tees Salmon Fishery Board, or any of the said occupiers, 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.

Saving rights of millowners.

84. The water to be supplied by the Joint Board shall be laid on under such pressure as shall give a constant supply for domestic purposes: Provided always, that the water to be supplied by the Joint Board need not be constantly laid on under pressure until the expiration of five years after the passing of this Act, unless the works authorised by this Act shall have been completed before the expiration of the said period of five years.

Constant supply.

85. The Joint Board may supply any person with water for other than domestic purposes for such remuneration, and upon such terms and conditions as shall be agreed upon between the Joint Board and the persons desirous of having such supply of water: Provided always, that, notwithstanding anything in this Act contained to the contrary, but subject and without prejudice to a full domestic supply, the Joint Board shall from and after the transfer be compelled to supply water for trade and railway purposes, and the charge for the same to any person whose total consumption shall not be less than five million gallons per quarter-year shall be at a rate not exceeding threepence per thousand gallons, subject always, as regards the supply of water under this section for other than railway purposes, to the provisions of the Stockton and Middlesbrough Waterworks Act, 1858, and the Stockton and Middlesbrough Waterworks Act, 1864, in that behalf.

Water for other than domestic purposes.

86. The Joint Board may, if they think fit, in any case refuse to supply water for other than domestic purposes except by measure.

Power to refuse supply for other than domestic purposes except by measure.

87. If any local authority of any district within the limits of this Act shall, after the Corporations have acquired the undertaking of the Company, at any time within ten years after the passing of this Act, give six months notice in writing to the Joint Board that they require to be supplied by the Joint Board with water in bulk for domestic use, and all other purposes within their respective districts, then and in that case the powers of the Joint Board to

Provision for supply in bulk to local authorities.

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supply water within such district giving such notice shall, on the expiration of such period of six months, cease and determine, and the Joint Board shall from and after that period supply such district with such quantity of water as may be required, not exceeding twenty-five gallons per head per day of the estimated population of such district for the time being; but the Joint Board shall not be bound to supply a quantity per head of the population of such district exceeding the quantity per head for the time being supplied by the Joint Board to the inhabitants of the boroughs. The price per one thousand gallons to be paid by such district to the Joint Board shall be such as shall be agreed on, or in default of agreement as shall be determined by arbitration under the provisions of "The Public Health Act, 1875." The price per one thousand gallons to be determined as aforesaid shall include the use of all the then existing mains and pipes employed by the Joint Board in the distribution of water within such district, and the Joint Board shall from time to time, at the request of such local authority, lay down such other and additional mains and pipes as any such district may require, and the said district shall pay an annual sum equal to six pounds per centum per annum on the net outlay thereby from time to time incurred, and on all such other outlay of the Joint Board (either within or beyond the said district) as may be necessary for the supply of water in bulk, or otherwise rendered necessary for carrying into effect such separate supply to such local authority, and such local authority shall not discontinue the taking of water under this section without repaying to the Joint Board the loss (if any) sustained by the Joint Board by reason of such outlay as aforesaid: Provided that the quality of the water supplied for domestic use shall be equal to that of the water for the time being supplied by the Joint Board within the boroughs for the same purpose; and all matters of difference arising under this section shall be referred to arbitration as herein-before provided.

Regulations
for prevent-
ing waste,
&c. of water.

88. For preventing waste, misuse, undue consumption, or contamination of the water of the Joint Board when such water is to be supplied under constant pressure, the following provisions shall have effect; (namely,)

- (1.) The Joint Board 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 Joint Board may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrange-

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ment, alteration, and repair of pipes, valves, cocks, cisterns, soil-pans, waterclosets, and other apparatus or receptacles for conveying, delivering, receiving, and measuring 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, erroneous measurement or contamination of water :

- (3.) The Joint Board 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 Joint Board 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 fifteen 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 Joint Board 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 Joint Board, and to be certified by the clerk to the Joint Board as a true copy, and to be sealed with the seal of the Joint Board, shall be *primâ facie* evidence of regulations under this section.

89. The Joint Board 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 Joint Board as water-rent is recoverable, and the Joint Board may provide all materials and do all work necessary or proper for the purposes of this section.

Power for
Joint Board
to supply
materials,
&c.

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Notice of
discon-
tinuance.

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

90. A notice to the Joint Board 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 clerk of the Joint Board.

91. Where the Joint Board is 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 Joint Board, 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 Joint Board in the exercise of any power conferred by this section he shall for every such offence be liable to a penalty of not exceeding five pounds.

Scale of
water-rents.

92. The Joint Board may demand and take for a supply of water for domestic purposes within the boroughs such water-rents as they think fit, not exceeding those which the Company are authorised to charge, and for a supply of water for those purposes beyond the boroughs one fourth more than the water-rents for the time being taken within the boroughs.

Recovery of
sums due by
action or
distress.

93. If any person fails to pay any water-rent, meter-rent, damages, costs, expenses, or other sum due to or recoverable by the Joint Board under this Act, they may recover the same by proceedings in any court of competent jurisdiction, or the same may be levied by distress (the defaulter being first duly summoned), and any justice may issue his warrant accordingly, and the remedies of the Joint Board under this section shall be in addition to their other remedies.

Power to
sell surplus
lands.

94. The Joint Board may from time to time sell any part of the works, lands, and property transferred to them by the Company or afterwards acquired by them and not required by the Joint Board, and they shall apply the proceeds of any sale in paying off money borrowed by them, or in redeeming annuities, or, subject to the provisions of this Act, in purchasing land, and constructing and improving waterworks, and for other purposes for which capital is properly applicable.

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95. 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. Contents of summons, &c.

96. 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. Costs of distress.

97. 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 Joint Board. Judges, &c. not disqualified.

98. Any person entering into any contract with the Joint Board 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 respective boroughs, or as an officer or servant of either 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 respective boroughs 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 Joint Board or of the respective councils of which he is a member. Contracts for water, &c. not to disable members of Corporations.

99. Penalties recovered by the Joint Board under this Act shall belong to the Joint Board, and shall be paid to the treasurer of the Joint Board, and shall be carried to the credit of the common fund. Application of penalties.

100. Penalties imposed on the Joint Board 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. Penalties not cumulative.

101. Any instrument (including a notice, order, or requisition, consent, demand, or other document) made, given, delivered, or served under this Act by the Corporations, or either of the Corporations, or by the Joint Board 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 of either borough, or, as the case may be, when relating to the Joint Board by the clerk of the Joint Board. Form and service, &c. of notices by Corporations or Joint Board.

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Board being affixed thereto in print or writing, or by a stamp on behalf of the respective Corporations or of the Joint Board, 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 occupier 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.

Saving for
general Acts.

102. Nothing in this Act shall exempt the Corporations, or either of them, or the Joint Board 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
action, &c.

103. Nothing in this Act shall exempt the Corporations, or either of them, or the Joint Board from any indictment, suit, action, or other proceeding at law or in equity in respect of any nuisance caused by them or either of them.

Saving
rights of
the Crown.

104. Nothing contained in this Act shall authorise the Joint Board or either of the said Corporations to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter

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any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. A.D. 1876.

105. As regards any 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, the occupier of any land used as a public railway or dock shall be assessed to the same in respect of such land in the proportion of one fourth part only of the net annual value thereof; and as regards any rates which may be increased under the authority of this Act, or for any of the purposes of this Act, or to raise or pay any moneys as aforesaid, and towards which such occupier shall have been assessed at more than one fourth of the net annual value of such land, the Corporations respectively shall from time to time, so often as the same shall happen, repay or allow to such occupier a drawback on the assessment of such occupier to any such rate equal to three fourths of the sum paid by such occupier in respect of the increase to such rate, and the amount of such drawback may be recovered by action at law or may be deducted out of the next or any other rate to which such occupier may be liable. As to rating of railways, &c.

106. 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 Joint Board out of the common fund herein-before mentioned, and such costs shall include the costs incurred by the Corporations in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons. Expenses of Act.

A.D. 1876.

SCHEDULES.

THE FIRST SCHEDULE.

Names of the parishes, townships, and places to which or parts of which the Corporations limits of supply are by this Act made to extend:

Cotherstone, Romaldkirk, Lartington, Low Startforth, High Startforth, Startforth, Rokeby, Wycliffe, Gilling, Ovington, Cliffe, Manfield, Cleasby, Yarm, South Stockton, Thornaby, Mandale, Stainton, Maltby, Acklam, West Acklam, Linthorpe, Marton, Newport, Middlesbrough, North Ormesby, Ormesby, Cargo Fleet, Eston Junction, South Bank, Normanby, Wilton, Lackenby, Lazenby, Kirkleatham, Warrenby, Coatham, East Coatham, West Coatham, Eston, in the north riding of the county of York; and Barnard Castle, Marwood, Westwick, Stainton, Streatlam and Stainton, Staindrop, Cleatlam, Whorlton, Little Newsham, Winston, Headlam, Langton, Gainford, Gainford (detached), Ingleton, Piercebridge, Carlbury, Ulnaby, Coniscliffe, High Coniscliffe, Low Coniscliffe, Killerby, Summerhouse, Denton, Hurworth, Neasham, Barmpton, Great Burdon, Sadberge, Morton Palms, Fighting Cocks, Dinsdale, Low Dinsdale, Oak Tree, Middleton-one-Row, Middleton Saint George, Eggescliffe, Aislaby, Urlay Nook, Long Newton, Bishopton, Redmarshall, Whitton, Grindon, Wynyard, Carlton, Elton, Preston-upon-Tees, East Hartburn, Stockton, Stockton-upon-Tees, Norton, Billingham, Wolveston, Newton Bewley, Coopen Bewley, Cowpen, Haverton Hill, Port Clarence, in the county of Durham, and which limits of supply are shown by a red colour upon the plan referred to in the foregoing Act, and signed by the Right Honourable Lord Cottesloe.

THE SECOND SCHEDULE.

The Joint Board appointed by the councils may meet and adjourn as it thinks proper.

The quorum of the Joint Board shall consist of five members.

The Joint Board shall at its first meeting after the ninth day of November in each year appoint a chairman of its meetings for that year.

If the chairman elected is not present at the time appointed for holding any meeting the members present shall choose one of their number to be chairman of such meeting.

Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question.

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In case of an equal division of votes the chairman shall have a second or casting vote, except in the case of the election of chairman before mentioned, on which occasion the chairman shall only vote in case of an equality of votes. A.D. 1876.

The proceedings of the Joint Board shall not be invalidated by reason of any vacancy or vacancies amongst its members or any defect in the mode of appointment of such Joint Board or of any member thereof.

Any minute made of proceedings at a meeting and copies of any orders made or resolutions passed at a meeting purporting to be signed by the chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the chairman of the next ensuing meeting, shall be received as evidence in all legal proceedings, and until the contrary is proved every meeting where minutes of the proceedings have been so made shall be deemed to have been duly convened and held, and all the proceedings thereat to have been duly had.

THE THIRD SCHEDULE.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY
TO CORPORATIONS.

In pursuance of and subject to the provisions of "The Stockton and Middlesbrough Corporations Waterworks Act, 1876," and in consideration of the Stockton and Middlesbrough Waterworks Company do hereby convey and assign their undertaking unto the "Stockton and Middlesbrough Water Board," To hold the same unto them, their successors and assigns, and the "Stockton and Middlesbrough Water Board" do hereby accept the same accordingly.

In witness whereof the parties hereto have hereto set their respective common seals this day of one thousand eight hundred and

THE FOURTH SCHEDULE.

FORM OF CERTIFICATE OF ANNUITY.

Stockton and Middlesbrough Corporations Water Annuities.

Annuity No. £

By virtue of "The Stockton and Middlesbrough Corporations Waterworks Act, 1876," the Stockton and Middlesbrough Water Board (herein-after called the Joint Board) do hereby certify that of
is under and subject to the provisions of that Act entitled to a perpetual annuity of charged on and issuing out of the waterworks undertaking of the Joint Board, and on and out of the borough funds and borough rates for the time being of the boroughs of Stockton and Middlesbrough, which annuity is payable to the said his executors, administrators, or assigns, clear of all deductions (except for income

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A.D. 1876. tax) at [*here insert the names of the banks or the bankers for the time being of the Joint Board*] by equal half-yearly payments on the first day of January and the first day of July in each year.

Given under the common seal of the Stockton and Middlesbrough Water Board this day of one thousand eight hundred and
Entered

L.S.

Clerk to Stockton and Middlesbrough Water Board.

THE FIFTH SCHEDULE.

FORM OF TRANSFER OF ANNUITY.

I of in consideration of the sum of £ paid
to me by of do hereby transfer to (herein-
after called the transferee) the annuity or annuities of numbered
 created under the Stockton and Middlesbrough Corporations
Waterworks Act, 1876, and all my right and interest therein and thereto, to
hold unto the transferee, his executors, administrators, and assigns, subject to
the several conditions on which I held the same at the time of the execution
hereof, and I the transferee do hereby agree to take the same annuity [*or*
annuities, *as the case may be*] subject to the same conditions.

As witness our hands and seals this day of

L.S.

THE SIXTH SCHEDULE.

MORTGAGE OF RATES.

The Stockton and Middlesbrough Corporations Waterworks Act, 1876.

Mortgage No. £

By virtue of the above-mentioned Act, and subject to the provisions thereof relating to priorities of charges, the mayor, aldermen, and burgesses of the borough of Stockton (or Middlesbrough, as the case may be) in consideration of pounds paid to them by of grant to him, his executors, administrators, and assigns, the borough funds and borough rates of the borough, to hold until the said sum be repaid to him or them, with interest, at the yearly rate of in the hundred by equal half-yearly payments on the day of and the day of in every year from the date hereof, the principal to be repaid on the

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day of _____ at the option of either party, and all payments to be made at _____ A.D. 1876.
the office of the treasurer of the borough of Stockton.

Given under the seal of the mayor, aldermen, and burgesses this
day of _____ eighteen hundred and _____

THE SEVENTH SCHEDULE.

FORM OF CERTIFICATE OF DEBENTURE STOCK.

Stockton (or Middlesbrough) Corporation Waterworks Debenture Stock [or
Stockton and Middlesbrough Water Board Debenture Stock].

Certificate No. . . . Amount £ . . .
Register No. . . .

This is to certify that _____ of _____ is registered in the books
of the mayor, aldermen, and burgesses of the borough of Stockton (or
Middlesbrough) as the proprietor of _____ pounds sterling Stockton (or
Middlesbrough) Corporation Waterworks Debenture Stock, created by virtue
of "The Stockton and Middlesbrough Corporations Waterworks Act, 1876,
bearing interest at the rate of £ _____ per centum per annum, payable
half-yearly on the first day of July and the first day of January in each year,
the first payment to be made on the _____ day of _____ next.

Given under the common seal of the mayor, aldermen, and burgesses of the
borough of _____ in the county of _____ this _____ day
of _____ (or of the Joint Board as the case may be).

Entered _____ A.D. 18 _____

L.S.

Borough Treasurer (or Treasurer of Joint Board).
Accountant.

NOTE.—This stock certificate must be deposited with the deed of transfer,
whether for the whole or any portion thereof, before a new certificate can
be issued in exchange. All certificates will bear the common seal of the
Corporation or of the Joint Board.

THE EIGHTH SCHEDULE.

FORM OF TRANSFER OF DEBENTURE STOCK.

I _____ of _____ in consideration of _____ pounds paid to me
by _____ of _____ do hereby transfer to _____ (herein-after
called the transferee) the sum of _____ pounds Stockton (or Middlesbrough)
Corporation Waterworks Debenture Stock, with all interest due thereon, to hold
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 D. 1876. unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I the transferee do hereby agree to take the same debenture stock subject to the same conditions.

As witness our hands and seals this day of in the
year of our Lord one thousand eight hundred and

I.S.

I.S.

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