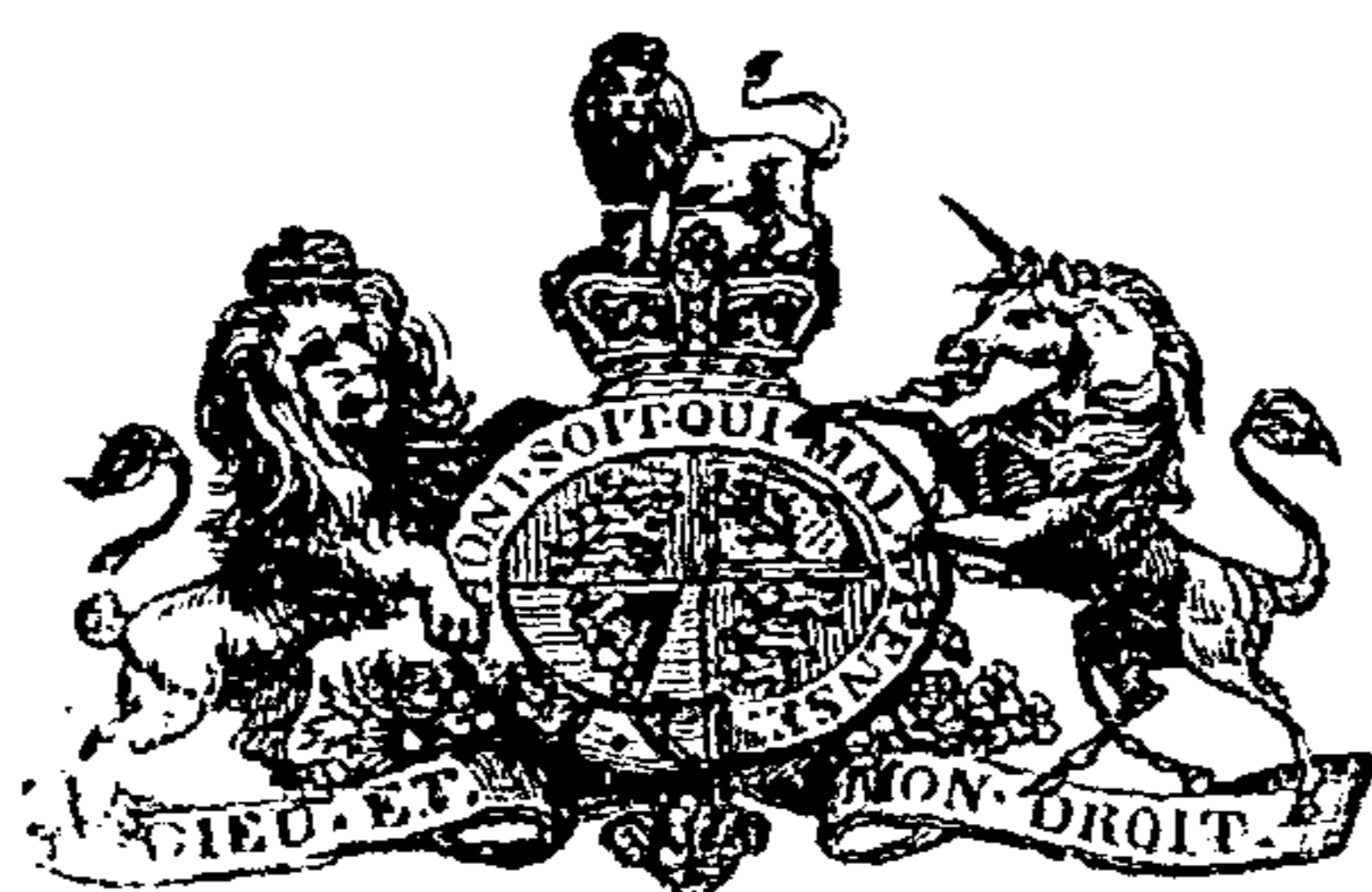


[53 & 54 Vict.]

*Stockton and Middlesbrough
Waterworks Act, 1890.*

[Ch. cxvii.]



CHAPTER cxvii.

An Act to amend the Acts relating to the supply of water by the Stockton and Middlesbrough Water Board and to confer further powers on the said Board and for other purposes. A.D. 1890.
[25th July 1890.]

WHEREAS under the provisions of the Acts and of the Provisional Orders confirmed by Parliament specified in the schedule to this Act annexed (in this Act referred to as "the Water Acts") the Stockton and Middlesbrough Water Board (in this Act referred to as "the Joint Board") are authorised to supply and do supply water within the boroughs of Stockton-on-Tees and Middlesbrough and the district of the Local Board for South Stockton and other places in the neighbourhood thereof by the said Acts specified in that behalf:

And whereas it is expedient that the periods limited for the completion of certain waterworks and works by the Stockton and Middlesbrough Corporations Waterworks Act 1876 (in this Act referred to as "the Act of 1876") authorised to be constructed by the Joint Board as the same were extended by the Stockton and Middlesbrough Corporations Waterworks Act 1884 (in this Act referred to as "the Act of 1884") and the Stockton and Middlesbrough Waterworks Act 1888 (in this Act referred to as "the Act of 1888") or by one of those Acts be further extended in manner herein-after appearing:

And whereas it is expedient that certain of the powers conferred upon the Joint Board by the Act of 1876 for the compulsory purchase of lands be revived and extended:

And whereas it is expedient that the Joint Board be empowered to make and maintain the waterworks and works herein-after described:

And whereas it is expedient that the provisions of the Water Acts with respect to the limitation of the quantity of water to be

A.D. 1890. taken from the River Tees at Broken Scar be amended in manner herein-after appearing :

And whereas it is expedient that the Water Acts be further amended in manner herein-after appearing :

And whereas it is expedient that the Corporations and the Local Board be not restricted from paying the interest on moneys borrowed in respect of the construction of works out of borrowed moneys until such works are in use or until the expiration of the periods fixed for their completion under the Water Acts and this Act whichever shall first happen :

And whereas it is expedient that provisions be made such as are in this Act contained for conferring further powers and authorities upon the Joint Board for the execution of works and the discharge of the duties and obligations imposed upon them by the Water Acts and this Act and for empowering the Corporations and the Local Board to borrow such sums as may from time to time be necessary to enable them to contribute towards the expenses from time to time incurred by the Joint Board in carrying the said purposes into effect :

And whereas estimates have been prepared showing that for the purposes last aforesaid (being permanent works within the meaning of section 234 of the Public Health Act 1875) the Corporations and the Local Board will or may require to borrow the several sums of money next herein-after mentioned (that is to say) :—

In the case of the Corporation of Stockton one hundred and sixty-three thousand four hundred and fifty pounds ;

In the case of the Corporation of Middlesbrough one hundred and ninety-six thousand one hundred and forty pounds ;

In the case of the Local Board thirty-two thousand six hundred and ninety pounds ;

and it is expedient that such provisions be made in relation thereto as are herein-after contained :

And whereas it is expedient that the Corporations and the Local Board be empowered to borrow further moneys for the purpose of enabling them to defray the costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act :

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

And whereas plans and sections showing the lines situations and levels of the waterworks and works by this Act authorised and books of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required

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or which may be taken for the purposes of such waterworks and works or under the powers of this Act were duly deposited with the clerk of the peace for the county of Durham and the clerk of the peace for the north riding of the county of York respectively and are in this Act respectively referred to as the deposited plans sections and books of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the Stockton and Middlesbrough Waterworks Act 1890. Short title.

2. The Water Acts as each is amended and modified by any subsequent Act or Provisional Order confirmed by Parliament and by this Act shall be read and construed together with this Act. Construction of Act.

3. The following enactments (so far as they are applicable to the purposes of and are not varied by or inconsistent with this Act) are incorporated with and form part of this Act (that is to say) :— Incorporation of general enactments.

The Lands Clauses Acts :

The Waterworks Clauses Acts 1847 and 1863 except that section 44 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.

4.—(1) In this Act unless the context otherwise requires—

The expression "the Order of 1879" means the Provisional Order of the Local Government Board dated the thirtieth day of April 1879 and confirmed by the Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879 : Interpretation.

The expression "the Order of 1880" means the Provisional Order of the Local Government Board dated the twenty-ninth day of April 1880 and confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880 :

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The expression "the Local Board Act of 1884" means the South Stockton Local Board (Water) Act 1884:

The word "boroughs" means the borough of Stockton-on-Tees in the county of Durham and the borough of Middlesbrough in the county of York:

The expression "the Corporations" means the mayor aldermen and burgesses of the boroughs respectively:

The word "district" means the district of the Local Board for South Stockton:

The expression "the Local Board" means the local board for the district.

(2) Words and expressions to which meanings are assigned in enactments incorporated or to be read and construed together with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that—

The expression "waterworks undertaking" in the Act of 1876 the Orders of 1879 and 1880 the Acts of 1884 and 1888 and this Act shall be construed to include the waterworks and works by this Act authorised:

The expression "their waterworks undertaking" in the Act of 1888 and this Act in relation to the Corporations and the Local Board shall be construed to mean the waterworks undertaking of the Joint Board.

Amendment
of section 3
of the Act
of 1888—
Extension of
time for
completion
of certain
works.

5. Section 3 of the Act of 1888 shall be read and construed as though in lieu of the words—

"For the completion of the works in the said section described as 'Blackton reservoir' 'Lartington tank' 'Whorley reservoir' 'Conduit No. 2' 'Conduit No. 3' 'Conduit No. 4' 'Conduit No. 6' 'Conduit No. 7' the thirty-first day of December one thousand eight hundred and ninety-four";

the following words had been substituted in the said section (that is to say):—

"For the completion of the work in the said section described as 'Blackton reservoir' the thirty-first day of December one thousand eight hundred and ninety-six:

"For the completion of the works in the said section described as 'Lartington tank' 'Whorley reservoir' 'Conduit No. 2' 'Conduit No. 3' 'Conduit No. 4' 'Conduit No. 6' and 'Conduit No. 7' the thirty-first day of December one thousand eight hundred and ninety-four;

“ For the completion of the works in section 15 of the Act of 1884 described as ‘ Grassholm reservoir ’ and ‘ Conduit No.1 ’ the thirty-first day of December one thousand nine hundred and ten ”.

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6. Subject to the provisions of this Act the powers conferred upon the Joint Board by the Act of 1876 for entering upon purchasing taking and using such of the lands delineated on the plans and described in the book of reference deposited in respect of that Act as may be required for making the following waterworks and works by the Act of 1876 authorised (that is to say) “ Grassholm reservoir ” “ Whorley reservoir ” “ Conduit No. 1 ” “ Conduit No. 2 ” from a point forty-seven yards or thereabouts in a southerly direction from the south-east corner of Freewill House to Lartington tank by that Act authorised “ Conduit No. 4 ” from a point where the Ulnaby beck crosses the public road between High Coniscliffe and Darlington to Sadberge reservoir “ Conduit No. 5 ” from the junction of Ormesby Road with Colne Street to the junction of the New Road from North Ormesby to South Bank with Cargo Fleet Lane and “ Conduit No. 7 ” are by this Act revived.

Revival of powers of compulsorily purchasing lands.

7. Subject to the provisions of this Act the Joint Board may make and maintain in the lines and according to the levels shown on the deposited plans and sections the waterworks and works (being partly new waterworks and works and partly deviations alterations and extensions of the lines and levels of authorised waterworks and works) herein-after described in the north riding of the county of York and in the county of Durham (that is to say) :—

Power to make new works and deviations of authorised works.

- (1) A deviation (Deviation A) of the line and level of part of Conduit No. 2 authorised by the Act of 1876 wholly in the division of Baldersdale in the township of Cotherstone and parish of Romaldekirk in the north riding of the county of York consisting of one or more conduits aqueducts or lines of pipes commencing at the existing chamber intended to be used as part of the measuring gauge prescribed by the Acts of 1876 and 1888 on the south-eastern side of the inclined byewash channel or overflow from the Hury reservoir and at a point distant fifty-six yards or thereabouts from the footbridge at the lower end of the said byewash channel and terminating by a junction with the authorised line of Conduit No. 2 in a plantation in the occupation of Benjamin Smedley situate on the southern side of and adjoining the stream known as How

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beck at a point distant forty-seven yards or thereabouts in a southerly direction from the south-eastern corner of Freewill House:

- (2) Lartington Filter Beds.—A series of filter beds in connexion with the Lartington tank or reservoir authorised by the Act of 1876 to be situate in the division of Cotherstone in the township of Cotherstone and parish of Romaldkirk in the north riding of the county of York on and near to the north-eastern side of the authorised line of Conduit No. 2 aforesaid commencing at a point distant five hundred yards or thereabouts in a north-westerly direction from the junction of Naby Lane with the public highway leading from Lartington to Cotherstone and terminating at a point distant one hundred and fifty-five yards or thereabouts in a north-westerly direction from the same junction to be situate in a parcel of land consisting of parts of three separate fields in the occupation of William Dent:
- (3) A deviation (Deviation B) of the line and level of a part of Conduit No. 3 authorised by the Act of 1876 wholly in the township of Lartington and parish of Romaldkirk in the north riding of the county of York consisting of one or more conduits aqueducts or lines of pipes commencing by a junction with the authorised line of Conduit No. 3 aforesaid in the public highway between Barnard Castle and Lartington at a point distant two hundred and forty yards or thereabouts in a southerly direction from the south-eastern angle of Lartington Hall and terminating by a junction with the said authorised line of Conduit No. 3 at a point in the public highway between Barnard Castle and Lartington distant forty-seven yards or thereabouts in a westerly direction from the north-western corner of Deepdale Mill:
- (4) A deviation (Deviation C) in the line and level of part of the said authorised Conduit No. 3 consisting of one or more lines of pipes to be situate wholly in the township of Barnard Castle in the parish of Barnard Castle Gainford (detached) in the county of Durham commencing by a junction with the said authorised line of Conduit No. 3 in the Station Road at a point distant seventy-four yards or thereabouts in a north-westerly direction from the junction of Station Road with Galgate and terminating by a junction with the said authorised line of Conduit No. 3 in the public highway between Barnard Castle and Winston at a point distant one hundred yards or thereabouts

in a north-easterly direction from the entrance to the Teesdale Union Workhouse in Galgate aforesaid :

- (5) A deviation (Deviation D) in the line and level of part of Conduit No. 5 authorised by the Act of 1876 consisting of one or more lines of pipes situate wholly in the county of Durham commencing in the township and parish of Long Newton by a junction with the said authorised line of Conduit No. 5 in the public highway in the village of Long Newton at the point where the said highway is crossed by the stream known as Long Newton Stell and terminating in the township and parish of Elton by a junction with the said authorised line of Conduit No. 5 at a point in the public highway leading from Long Newton to Elton at the junction of the said highway with the road leading to Whinney Hill which said deviation is intended to pass from through in or into the several parishes and townships following or some of them (that is to say) Long Newton and Elton in the county of Durham :
- (6) A deviation (Deviation E) in the line and level of part of the aforesaid authorised Conduit No. 5 situate wholly in the townships of East Hartburn and Stockton in the parish of Stockton-upon-Tees in the county of Durham consisting of one or more lines of pipes commencing by a junction with the said authorised Conduit No. 5 in the public highway between Elton and Stockton at the junction of the said highway with Greens Lane and terminating by a junction with the said authorised line of Conduit No. 5 in the said public highway at a point distant three hundred and thirty-six yards or thereabouts in a westerly direction from the centre of the bridge over the Hartlepool branch of the North-eastern Railway :
- (7) A deviation (Deviation F) in the line and level of part of the aforesaid authorised Conduit No. 5 situate wholly in the township and parish of Stockton-upon-Tees in the county of Durham consisting of one or more lines of pipes commencing by a junction with the said authorised line of Conduit No. 5 in Yarm Lane at a point distant three hundred and eighty-seven yards or thereabouts in a northerly direction from the centre of the bridge over the Hartburn curve of the North-eastern Railway and terminating by a junction with the said authorised Conduit No. 5 in Bridge Road at the junction of that road with Parliament Street :
- (8) A deviation (Deviation G) in the line and level of part of the aforesaid authorised Conduit No. 5 situate wholly in the township of Thornaby in the parish of Stainton in the north

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riding of the county of York commencing by a junction with the said authorised line of Conduit No. 5 in the Mandale Road at the junction of that road with New Street and terminating by a junction with the said authorised line of Conduit No. 5 in the said Mandale Road at the junction of the said road with Westbury Street :

- (9) A deviation (Deviation H) in the line and level of part of the said authorised Conduit No. 5 situate wholly in the north riding of the county of York commencing in the township of Linthorpe and parish of Middlesbrough by a junction with the said authorised line of Conduit No. 5 in Newport Road at the junction of that road with Parliament Road and terminating in the township and parish of Middlesbrough by a junction with the said authorised line of Conduit No. 5 in Ormesby Road at the junction of that road with Colne Street which said conduit is intended to pass from through in or into the several parishes and townships and other places following or some of them (that is to say) Middlesbrough West Acklam (detached) and Linthorpe :
- (10) A deviation (Deviation I) of the line and level of part of the aforesaid authorised Conduit No. 5 situate wholly in the north riding of the county of York commencing in the township and parish of Ormesby by a junction with the authorised line of Conduit No. 5 at the junction of Cargo Fleet Lane with the new road from North Ormesby to South Bank and terminating in the township and parish of Eston by a junction with the existing water main of the Joint Board at the southern end of the existing subway entrance to the Eston Grange railway station of the North-eastern Railway which said deviation is intended to pass from in through or into the several parishes townships and other places following or some of them (that is to say) Ormesby Normanby South Bank and Eston :
- (11) A deviation (Deviation J) in the line and level of part of Conduit No. 8 authorised by the Act of 1876 situate wholly in the township of Low Dinsdale and parish of Dinsdale in the county of Durham commencing by a junction with the aforesaid authorised Conduit No. 8 in the public road between Sadberge and Middleton-one-Row at a point distant two hundred and twelve yards or thereabouts in a southerly direction from the south-eastern corner of the Fighting Cocks Inn and terminating by a junction with the existing main of

the Joint Board on the northern side of and near to the existing Fighting Cocks reservoir at a point distant sixty yards or thereabouts in a westerly direction from the south-western angle of the Wesleyan Chapel at Fighting Cocks: A.D. 1890.

(12) Conduit No. 9 One or more conduits aqueducts or lines of pipes commencing in the said division of Cotherstone in the township of Cotherstone and parish of Romalldkirk in the north riding of the county of York at the eastern side of the said authorised Lartington tank which is intended to be situated at the north-eastern corner of the said intended Lartington filter beds at a point distant one hundred and fifty-five yards or thereabouts in a north-westerly direction from the junction of Naby Lane with the public highway leading from Barnard Castle to Cotherstone in a field in the occupation of William Dent and terminating in the parochial chapelry and township of Whorlton in the parish of Gainford (detached) in the county of Durham in the south side of the said intended and authorised Whorley reservoir in a field on the north side of and adjoining the public road leading from Barnard Castle to Winston known as West Hill and belonging or reputed to belong to John Harrison Stanton and in the occupation of John Hull which said Conduit No. 9 is intended to pass from in through or into the several parishes townships and other places following or some of them (that is to say) Romalldkirk Cotherstone Lartington in the north riding of the county of York and Marwood Barnard Castle Gainford (detached) Westwick Cleatlam Whorlton and Whorley Hill in the county of Durham :

(13) Conduit No. 10 One or more conduits aqueducts or lines of pipes commencing in the said parochial chapelry and township of Whorlton and parish of Gainford (detached) in the county of Durham in the south side of the said authorised Whorley reservoir and terminating by a junction with the Conduit No. 2 authorised by the Act of 1884 in the township of High Coniscliffe in the parish of Coniscliffe in the county of Durham in the public road between High Coniscliffe and Darlington at the point where the Ulnaby beck crosses the said public road near the village of High Coniscliffe which said Conduit No. 10 is intended to pass from in through or into the several parishes townships and other places following or some of them (that is to say) Gainford (detached) Whorley Hill Whorlton Winston Cleatlam Gainford Pierce Bridge Carlbury

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Ulnaby Coniscliffe and High Coniscliffe all in the county of Durham :

Together with all such cuts channels adits catchwaters culverts drains sluices bye-wastes weirs gauges wells tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connexion with the before-mentioned waterworks and works or any of them or in connexion with their waterworks undertaking and the Joint Board may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes respectively :

Provided always that the Joint Board shall not enter upon take or use any of the said lands belonging to the Forcett Railway Company otherwise than by agreement in writing with that company.

For protection of the Forcett Railway.

8. The Joint Board shall carry Conduit No. 10 by this Act authorised if and when constructed across the Forcett Railway by means of a lattice girder bridge and shall at all times maintain remove reconstruct and relay such bridge and conduit in the manner and upon and subject to the terms and conditions agreed upon between the Joint Board and the Forcett Railway Company in that behalf.

Power to certain persons to grant easements &c. by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Joint Board any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to exchange lands.

10. Subject to the provisions of the Lands Clauses Acts with respect to superfluous lands the Joint Board may from time to time exchange any lands acquired by them under the Water Acts or this Act and which they have power to sell for other lands which they are authorised or empowered to acquire under the Water Acts or this Act and may on every such exchange give or take money for equality of exchange All money so given or taken by the Joint Board shall be deemed to be purchase money paid or received on a purchase or sale by them of lands which they are authorised or empowered to acquire or sell under the Water Acts or this Act.

11. In making any of the waterworks or works by this Act authorised and shown on the deposited plans the Joint Board may subject to the provisions of this Act deviate from the lines thereof within the limits of deviation shown on the deposited plans and may deviate from the levels shown on the deposited sections to any extent not exceeding ten feet but not so as to raise above the surface of the ground any conduit aqueduct or line of pipes shown on the deposited sections as being below the ground nor to raise any conduit aqueduct or line of pipes shown on the said sections as above the surface of the ground to any greater height above the surface than is thereon shown except that in crossing any railway any conduit aqueduct or line of pipes may at the option of the owner or owners of such railway be carried under the railway in a culvert or over the railway by means of a bridge.

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Limits of lateral and vertical deviation.

12. The powers of the Joint Board for the compulsory purchase of lands for the purpose of making the waterworks and works by the Act of 1876 and this Act authorised respectively shall cease after the expiration of five years from the passing of this Act.

Powers for compulsory purchases limited.

13. If any waterwork or work except Deviations A B and C shown on the deposited plans and authorised by this Act is not completed within twenty years from the passing of this Act and if the Deviations A B and C authorised by this Act are not completed on or before the 31st day of December 1894 then on the expiration of those periods respectively the powers by this Act granted to the Joint Board for making the same works respectively or otherwise in relation thereto shall cease 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.

Time for completion of works authorised by this Act.

14. The Joint Board may for any of the purposes of the Water Acts and this Act or any of those Acts (in addition to the lands they are authorised to acquire under the powers of the Water Acts and the other powers of this Act) from time to time take by agreement any lands not exceeding in the whole twenty acres and any easement power or privilege therein thereunder thereover or thereupon (not being an easement or privilege of water) which shall be deemed necessary by the Joint Board but nothing in this Act shall exempt the Joint Board from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section And it shall be lawful for the Joint Board to hold any lands which they are

Power to take additional lands by agreement and power to hold lands needful to protect waterworks against nuisances.

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authorised to acquire or hold under this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Water Acts or this Act or the Lands Clauses Consolidation Act 1845 respectively Provided always that the Joint Board shall not erect or authorise or permit the erection on any of such lands while so held by them of any buildings other than buildings necessary for or connected with their waterworks undertaking.

Power to
sell surplus
lands.

15. The Joint Board may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell any part of the works lands and property constructed or acquired or held by them for any of the purposes of this Act and not required by the Joint Board for such purposes and the proceeds of any sale shall be applied in paying off moneys borrowed by the Corporations and the Local Board under the Water Acts and this Act or subject to the provisions of this Act in purchasing land and constructing and improving waterworks and for other purposes for which under the provisions of the Water Acts and this Act capital is properly applicable Provided that such proceeds shall not be so applied except to such extent and upon such terms as may be approved by the Local Government Board.

Reservation
of water
rights &c.
on sale.

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

Restriction
on taking
houses of
labouring
class.

17. The Joint Board shall not under the powers of this Act or under the powers (as revived by this Act) of the Act of 1876 without the consent of the Local Government Board take in any urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working

for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. A.D. 1890.

18. Sections 5 and 6 of the Act of 1888 shall be read and construed as though in lieu of the words in section 5 of that Act—
 “ From and after the passing of this Act and until the completion of the Hury reservoir or until the thirty-first day of December one thousand eight hundred and ninety-one whichever shall first happen such quantity of water as the Joint Board may (with due care to avoid waste) require for the supply of water under the Water Acts and this Act not exceeding sixty-six million gallons ” ;

Amendment
of section 5
of the Act
of 1888—
Temporary
increase of
the quantity
of water
which may
be taken
from the
River Tees.

the following words had been substituted in the said section (that is to say) :—

“ From and after the passing of this Act and until the completion of the Hury reservoir or until the thirty-first day of December one thousand eight hundred and ninety-one whichever shall first happen such quantity of water as the Joint Board may (with due care to avoid waste) require for the supply of water under the Water Acts and this Act not exceeding seventy million gallons ” .

19. And whereas the intakes of the waterworks of the Corporation of Darlington at Tees Cottage are situate in the River Tees below the intakes of the waterworks of the Joint Board at Broken Scar and it is expedient to provide against any interruption of or interference with the supply of water by the said Corporation to their district Be it enacted that the Joint Board shall within two months after the passing of this Act make and until the thirty-first day of December one thousand eight hundred and ninety-four maintain in good condition to the satisfaction of the said Corporation or their engineer and without obstruction a communication from the north-eastern corner of the northernmost storage tank at the pumping station of the Joint Board at Broken Scar to the northernmost subsiding tank at the pumping station of the said Corporation at Tees Cottage by means of a cast-iron pipe to be constructed in the manner and position and of the dimensions herein-after specified (that is to say) The said pipe shall have an internal diameter of not less than twelve inches and the level of the top of such pipe at its inlet in the said storage tank shall be not less than one foot below

For pro-
tection of
the Corpora-
tion of
Darlington.

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the level of the existing overflow sill (which shall not be lowered) of the said storage tank and such pipe shall have a uniform fall from such inlet to its outlet into the said subsiding tank and the invert of such pipe at its outlet shall be level with the top of the overflow pipe in such subsiding tank and the Joint Board shall insert in such pipe a proper valve to which the servants of the said Corporation authorised by them in that behalf shall have free access at all times and until the said thirty-first day of December one thousand eight hundred and ninety-four it shall be lawful for the Corporation by means of such pipe and valve at all times when necessary for keeping up the supply of their district to draw water from the said storage tank without let or hindrance and without charge therefor and the Joint Board shall keep the said storage tank filled with water to the level of the said overflow sill whenever and so long as the Corporation require to draw water therefrom for keeping up such supply.

Amendment
of section 64
of the Act
of 1876—
Fish
passes &c.

20. Whereas by section 64 of the Act of 1876 it was provided that the Joint Board should make and for ever maintain proper and sufficient fish passes for all manner of fish from and out of the Blackton and Hury reservoirs by that Act authorised to be made by the Joint Board respectively in such manner as was 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 that the provisions in the same Acts with respect to the supply of water to fish passes and penalties for default of such supply should apply to the fish passes by that section provided to be made And whereas the sites of the said reservoirs and the River Balder and its tributaries at and above such sites respectively are wholly within the manors of Hunderthwaite and Cotherstone whereof the Right Honourable Claude Earl of Strathmore and Kinghorn now is or claims to be lord And whereas under the said section the lord for the time being of the said manors respectively has and is entitled to all fish at any time found in or upon the said reservoirs respectively with the sole and perpetual right for himself his lessees sub-lessees and tenants and all others by their or any of their leave of sporting and fishing at all times and for ever in over and upon the said reservoirs respectively And whereas the Tees Salmon Fishery Board are under the Salmon and Freshwater Fisheries Acts 1861 to 1886 the conservators of the fish in the River Tees and the tributaries of that river which include the River Balder and its tributaries And whereas it is expedient that the Joint Board be relieved from every obligation to make and maintain any fish pass from or out of the said Hury and Blackton reservoirs or either of them And whereas the Joint Board have

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paid into the London and Westminster Bank Lothbury to the credit of Sir Henry George Calcraft K.C.B. the Permanent Secretary of the Board of Trade and the Right Honourable James Lowther the Chairman of the Board of Conservators of the Tees Fishery District the sum of one thousand two hundred and fifty pounds to be expended at such times and in such manner as the Board of Trade in their discretion may think fit for the permanent improvement of the salmon fisheries of the Tees Fishery District Therefore—

(1) Notwithstanding anything in the said section or in the Salmon and Freshwater Fisheries Acts 1861 to 1886 contained the Joint Board shall not be compelled to make or maintain any fish pass from or out of the Blackton and Hury reservoirs or either of them :

(2) The Joint Board shall at their own expense and to the satisfaction of the Earl of Strathmore and Kinghorn or other the lord or lords of the manor as aforesaid within two years from the completion of each of the said Blackton and Hury reservoirs stock such reservoirs with suitable Loch Leven trout sufficient in quantity having regard to the extent of water to be so stocked.

21. Notwithstanding anything in the Water Acts or this Act or in any Act wholly or partially incorporated with any of those Acts contained the Joint Board shall not be compelled to supply water for any watercloset or bath unless there shall be provided for use in connexion with such watercloset or bath a cistern of the following dimensions (that is to say) If there shall be a watercloset or water-closets but no bath supplied or to be supplied therefrom a cistern capable of holding fifty gallons or if there shall be a bath or baths supplied or to be supplied therefrom with or without a watercloset a cistern capable of holding two hundred gallons but nothing in this section shall be construed to relieve the Joint Board from their obligations under section 84 of the Act of 1876.

Cisterns to be provided in certain cases when high service.

22. The expenses by the Act of 1876 directed to be defrayed out of the common fund in that Act mentioned shall be deemed to extend to and include all expenses incurred by the Joint Board in the execution of this Act and not by this Act otherwise expressly provided for.

Expenses of Joint Board.

23. Subject as herein-after in this section enacted nothing in the Water Acts or this Act or in any Act wholly or partially incorporated with any of those Acts contained shall be construed as having been intended to have effect or shall have effect so as to

Payment of interest on money borrowed until completion of works.

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control or prevent the payment out of moneys borrowed or to be borrowed for the purposes of the Water Acts and this Act or any of those Acts of interest on all moneys borrowed whether before or after the passing of this Act in respect of the construction of any works authorised by the Water Acts and this Act or any of those Acts during the construction of such works and up to the time of the bringing of such works into actual use for the purposes of water supply or until the expiration of the period which under the provisions of the Water Acts and this Act is limited for the completion of the said works respectively whichever shall first happen and such interest may be so paid by the Corporations and the Local Board accordingly Provided that for the purposes of this section such interest shall include interest on unpaid purchase-money for lands bought for the purposes of any such works And provided that after the passing of this Act notwithstanding anything in the Water Acts or this Act or in any Act wholly or partially incorporated with any of those Acts contained payment of interest out of moneys borrowed as aforesaid shall not be made in respect of moneys borrowed as aforesaid so far as such last-mentioned moneys shall exceed in the aggregate until the expiration of the year one thousand eight hundred and ninety-one the sum of three hundred and fifty thousand pounds or thereafter the sum of two hundred and fifty thousand pounds and provided that any moneys borrowed as aforesaid applied in payment of interest in respect of the year one thousand eight hundred and ninety-one on moneys borrowed as aforesaid so far as such last-mentioned moneys shall exceed the sum of two hundred and fifty thousand pounds shall be repaid before the expiration of the year one thousand eight hundred and ninety-four And provided that before applying any borrowed money in any year for the payment of any interest under this section the Corporations and the Local Board shall respectively set apart out of their shares of the net revenue of the waterworks undertaking during such year or out of their borough funds or borough rates or district fund and general district rate (as the case may be) sums for the payment of such interest equal to a rate of threepence in the pound on the rateable value of the respective boroughs and district and the sums so set apart shall be applied in discharge of the interest for such year and to no other purpose.

Application
of borrowed
moneys.

24. All moneys raised under the provisions of this Act shall be applied only to the purposes for which they are respectively authorised to be raised and to which capital is properly applicable.

Amendment
of section 40
of the Act

25. Section 40 of the Act of 1876 shall be amended so as to enable the Corporations to borrow on the security of their respective

borough funds and borough rates and of the revenue of their waterworks undertaking in addition to the sums which they are authorised to borrow under the said section 40 as amended by the Orders of 1879 and 1880 and the Acts of 1884 and 1888 such sum or sums of money as they may think requisite not exceeding in the aggregate the amounts following (that is to say) :—

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—
of 1876—
Borrowing
powers for
Corpora-
tions.

For the purpose of the purchase of land and the construction of the waterworks and works by the Water Acts and this Act or any of those Acts authorised such sums as they may think necessary not exceeding in the whole—

In the case of the Corporation of Stockton one hundred and sixty-three thousand four hundred and fifty pounds :

In the case of the Corporation of Middlesbrough one hundred and ninety-six thousand one hundred and forty pounds.

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

The Corporations may mortgage their respective borough funds and borough rates and the revenue of their waterworks undertaking as a security for the repayment of the money so borrowed accordingly.

Subject to the provisions of this Act the provisions of the Act of 1876 with respect to the borrowing of moneys by the Corporations in manner prescribed by the said Act or under the provisions of the Local Loans Act 1875 by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another the security for and paying off of the same and otherwise in relation thereto as the same are amended by Articles V. and VI. of the Order of 1880 shall extend and apply to the borrowing of the moneys by this section authorised to be borrowed and the security for the same and otherwise in relation thereto as though the authority to borrow the same had been conferred by section 40 of the Act of 1876 Provided always that any moneys borrowed or re-borrowed under the authority of this Act for the purpose of the purchase of land or the construction of the waterworks or works by the Water Acts and this Act or any of those Acts authorised shall be repaid within a period of not more than sixty years from the first borrowing of the same and any moneys borrowed or re-borrowed for the purpose of defraying any costs charges or expenses preliminary to or of or incidental to the preparing or applying for or the obtaining or passing of this Act shall be repaid within a period of not more than fifteen years from the first borrowing of the same.

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Extension
to this Act
of section 105
of the Act
of 1876—
Rating of
railways.

26. Section 105 of the Act of 1876 (as to rating of railways &c.) shall extend and apply to all rates which may be assessed and levied under the authority or for any of the purposes of this Act or to raise or pay any moneys which by or by virtue of this Act may be charged on the borough funds or borough rates of the boroughs as if such rates had been assessed and levied under the authority or for any of the purposes of the Act of 1876 or to raise or pay any moneys which by or by virtue of the Act of 1876 had been charged on such borough funds or borough rates.

Borrowing
powers for
Local Board.

27. The Local Board may borrow on the security of the revenue arising from their share of the waterworks undertaking acquired by them under the Local Board Act of 1884 and their district fund and general district rate in addition to the sums which they are authorised to borrow under section 8 of that Act and under the Act of 1888 such sum or sums of money as they may think requisite not exceeding in the aggregate the amounts following (that is to say) :—

For the purpose of the purchase of land and the construction of the waterworks and works by the Water Acts and this Act or any of those Acts authorised such sums as they may think necessary not exceeding in the whole thirty-two thousand six hundred and ninety pounds :

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

The Local Board may mortgage their revenue arising from the share of the waterworks undertaking acquired by them under the Local Board Act of 1884 and their district fund and general district rate as a security for the repayment of the money so borrowed subject to the provisions of this Act. The provisions of the Local Board Act of 1884 with respect to the borrowing of moneys by the Local Board in manner prescribed by the said Act the security for and paying off of the same and otherwise in relation thereto shall extend and apply to the borrowing of the moneys by this section authorised to be borrowed and the security for the same and otherwise in relation thereto as though the authority to borrow the same had been conferred by section 8 of the Local Board Act of 1884. Provided always that any money borrowed or re-borrowed for the purpose of defraying any costs charges or expenses preliminary to and of or incidental to the preparing or applying for or the obtaining or passing of this Act shall be repaid within

a period of not more than fifteen years from the first borrowing of the same. A.D. 1890.

28. Section 15 of the Act of 1888 shall be read and construed as though in lieu of the words "the Act of 1884" the words "the Local Board Act of 1884" had been substituted in the said section.

Amendment of section 15 of the Act of 1888—
Correction of description of an Act.

29. Notwithstanding anything in the Water Acts and this Act or in any of those Acts contained the Local Board shall not after the passing of this Act create or issue any irredeemable stock nor invest any sinking fund created under the Water Acts and this Act or any of those Acts in any statutory security of the Local Board.

Prohibition of irredeemable stock and of certain investments by Local Board.

30. Sub-section v. of section 12 of the Local Board Act of 1884 is hereby repealed and notwithstanding anything in the Water Acts and this Act or any of those Acts contained whenever and so long as the amount standing to the credit of any sinking fund created under any of those Acts by the Local Board for the repayment of any outstanding loan shall be equal to the amount of the loan for the repayment of which it was set aside the Local Board may in lieu of investing the yearly income arising from such sinking fund apply the same in payment of the interest payable on such loan and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Amendment of section 12 of Local Board Act of 1884—
Sinking fund.

31. If any repayment mentioned in the sections of this Act whereof the marginal notes are "Amendment of section 40 of the Act of 1876—Borrowing powers for Corporations" and "Borrowing powers for Local Board" shall be made by means of a sinking fund the Corporations or the Local Board (as the case may be) shall in every year reckoned from the date of the borrowing of such money appropriate and set apart out of the funds rates and revenue on the security of which such money shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at three per centum per annum be sufficient to pay off the whole of the principal money borrowed on such security within the prescribed periods.

As to repayment of money borrowed by Corporations and Local Board under this Act.

32. Section 54 of the Act of 1876 and section 13 of the Local Board Act of 1884 are hereby repealed.

Annual return to Local

The accountants of the respective Corporations and the clerk of the Local Board shall respectively within twenty-one days after the expiration of each year during which any sum is required to be set apart by either of the Corporations or by the Local Board (as

Government Board with respect to sinking funds.

A.D. 1890. the case may be) for a sinking fund or to be paid off as an instalment under the Water Acts and this Act or any of those Acts transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested by such Corporation or by the Local Board (as the case may be) for the purpose of such sinking fund and the amount paid off by any such instalment during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such accountants or clerk (as the case may be) shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that either of the Corporations or the Local Board (as the case may be) have failed to set apart the sum required by the Water Acts and this Act or any of those Acts for the sinking fund or to pay any such instalment or have applied any portion of the moneys set apart by them for that fund or any interest thereof to any purposes other than those authorised by the Water Acts and this Act or any of those Acts the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested by such Corporation or by the Local Board (as the case may be) as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice. Provided nevertheless that nothing in this section contained shall prevent the Corporation of Middlesbrough from applying the whole or any part of the moneys set apart as a sinking fund for securing the discharge of moneys borrowed by the Middlesbrough Corporation under the Water Acts or this Act in or towards the discharge of borrowed moneys other than those for the discharge of which such sinking fund was set apart as provided by a Provisional Order of the Local Government Board dated the 19th day of May 1883 and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883.

33. The Corporations and the Local Board may from time to time borrow at interest on the security of their respective borough funds and borough rates district fund and general district rate and of the revenue of their waterworks undertaking any money necessary for repaying any principal money borrowed under the Water Acts and this Act or any of those Acts on the same becoming repayable or for paying off any of such principal money as they can re-borrow at a lower rate of interest and so from time to time Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf prescribed by the Act which authorised the original borrowing of the moneys so re-borrowed and that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan And provided that the power conferred by this section shall not apply to any moneys paid off by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other property or out of fines or premiums on leases.

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Power to
re-borrow.

34. The several purposes of this Act shall be deemed to be included in the words "the purposes of the Water Acts or this Act" in sections 13 and 15 respectively of the Act of 1888 contained.

Expenses of
borrowing.

35. For the purpose of obtaining payment from the Corporations and the Local Board of the sums to be from time to time contributed by them for the purposes of this Act the Joint Board shall from time to time issue their precept to each of the Corporations and the Local Board stating the sum to be paid by them respectively in respect of such contribution and requiring each Corporation and the Local Board within the time limited by the precept to pay the sums therein mentioned to the Joint Board or to such person as the Joint Board may direct and the provisions of the Water Acts with respect to precepts and the sums mentioned therein and the recovery of the same and for enforcing the payment of moneys in pursuance thereof and for levying and collecting the same and otherwise in relation thereto shall extend to precepts under the authority of this section and to sums mentioned therein as though the same were precepts issued and sums payable under the Act of 1876 After the passing of this Act the Joint Board shall show by each precept issued under the authority of the Water Acts and this Act or any of those Acts how much of the sum in such precept stated to be payable is in respect of capital and revenue charges respectively.

Precepts for
payment of
moneys by
Corporations
and Local
Board.

36. All mains and pipes laid by the Joint Board under the powers of this Act which shall cross any railway of the North-eastern Railway Company shall be carried under the same in a culvert or culverts of sufficient dimensions to admit of such mains

As to
execution
of works
affecting
North-

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eastern
Railway
Company.

and pipes being relaid or repaired without interference with the railway the top of any such 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 railways of the said company 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 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 said 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 said company and in accordance with plans drawings and specifications previously submitted to and approved by him and shall pay and make good to the said company all loss costs charges damages and expenses whatsoever which the said 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 company and in case of any difference between the engineer of the Joint Board and the engineer of the said 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 company without their consent in writing first had and obtained Provided also that notwithstanding anything in this section contained the Joint Board may by and in accordance with any agreement or agreements at any time and from time to time entered into by them with the said company carry all or any of the said mains and pipes over any railway of the said company by means of any bridge or bridges.

37. 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 and 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 of the said company save only as far as may be necessary for the purpose of constructing and maintaining the said works in accordance with the provisions of this Act.

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Restrictions
on taking
lands of
North-
eastern
Railway
Company.

38. For the protection of the County Councils of Durham and of the north riding of the county of York of the Corporation of Darlington and of the highway boards for the districts of Stockton and Hartlepool of Darlington of Greta Bridge and of Barnard Castle all of which bodies are in this section included in the expression "highway authority" the following provisions shall have effect (that is to say) :—

For pro-
tection of
highway
authorities.

- (1) In this section the word "road" includes any public carriage and bridle road and any public footway under the control and jurisdiction of the highway authority :
- (2) The Joint Board before they commence to break up any road shall give to the clerk to the highway authority not less than one month's notice in writing of their intention so to do and such notice shall be accompanied by a plan showing the proposed situation of the line of pipes to be laid in or across such road :
- (3) The highway authority or their surveyor may make such alterations 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 :
- (4) 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 highway authority or their surveyor Provided that if such plan be not disapproved in like manner 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 of the highway authority :

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- (5) The highway 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 highway authority whose regulations the Joint Board shall fail so to observe :
- (6) The Joint Board shall not wholly stop up or permanently stop up or interfere with any road :
- (7) 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 highway authority and shall be maintained in good order for the space of two years after they shall have been so reinstated and made good :
- (8) 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 highway authority for any such damage and the owner of such cattle or vehicle and such person for such injury and shall indemnify the highway authority from all damages loss costs and expenses in respect of such damage or injury :
- (9) Nothing in this Act contained shall interfere with the right of the highway 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 highway authority so to do alter the position of the said pipe in such manner and to the extent prescribed by such notice :
- (10) All works to be executed by the Joint Board or by the highway authority in default of the Joint Board shall be executed in all things at the expense and risk of the Joint Board :

(11) All expenses incurred by the highway authority by reason of the execution of any of the powers of this Act or of any works or repairs rendered necessary by the act 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 highway authority shall be paid by the Joint Board to the highway 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 highway authority from the Joint Board with full costs of suit in any court of competent jurisdiction :

(12) If any difference arise between the Joint Board and the highway 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 President for the time being of the Institution of Civil Engineers in London :

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

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For pro-
tection of
county
councils.

39. For the protection of the county councils of Durham and of the north riding of the county of York both of which bodies are in this section included in the expression "county council" the following provisions shall have effect (that is to say):—

- (1) Before opening breaking up or in any way interfering with the roadways on or the approaches to or the masonry of any bridge repairable by or at the expense of the county council the Joint Board shall give to the clerk of the county council not less than one month's notice in writing of their intention so to do and such notice shall be accompanied by a plan showing the proposed situation of the line of pipes to be laid in connexion with the roadway on or the approaches to such bridge. The county council or their surveyor may make such alterations in the proposed situation of the said line of pipes or any part thereof as shall in their or his judgment be expedient to secure the stability of such bridge and the least possible interference with the traffic over the same :
- (2) 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 county council or their surveyor. Provided that if such plan be not disapproved in like manner 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 :
- (3) Before actually commencing the work the Joint Board shall give not less than forty-eight hours' notice in writing of their intention so to do stating the day and hour of the intended commencement of such work to the surveyor of the county council so that he or his assistant may superintend such work and the reasonable expense of such superintendence shall be paid by the Joint Board :
- (4) No aqueduct conduit or line of pipes shall be laid so as in any way prejudicially to interfere with or affect the masonry of any bridge repairable by the county council or the roadways over or the approaches to such bridge and if it be necessary for the purpose of laying any aqueduct conduit or line of pipes over or across any such bridge to raise or alter the level of the roadway over the same then and in every such case the foot-paths parapets retaining walls drains and other works connected with the bridge shall be raised restored and reinstated by and at the cost of the Joint Board to the satisfaction of the surveyor of the county council in such manner as he shall direct :

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(5) If at any time any damage shall be occasioned to any bridge or roadway repairable by or at the expense of the county council or to any of the fences walls buttresses retaining walls supports culverts drains or footpaths thereof by the construction of any of the works of the Joint Board or by the repairing thereof either directly or indirectly the Joint Board shall at their own expense repair and make good any such damage under the superintendence and to the satisfaction of the surveyor of the county council and the reasonable cost of such superintendence shall be paid by the Joint Board :

(6) The Joint Board shall at their own expense provide to the satisfaction of the surveyor of the county council proper accommodation for any traffic by reason of the construction of the works of the Joint Board or by reason of any damage occasioned by such construction prevented or interfered with in using any bridge or roadway repairable by or at the expense of the county council If within forty-eight hours after notice in writing in that behalf to the Joint Board under the hand of the surveyor of the county council the Joint Board have not commenced to repair and make good any such damage or to provide any such accommodation as aforesaid or if having commenced the same they do not diligently proceed therewith so as to complete the same with all reasonable despatch such surveyor may at the cost of the Joint Board execute and do all such works and things as may be reasonably necessary to repair and make good such damage or to provide such accommodation :

(7) Sub-sections (5) to (12) of the section of this Act whereof the marginal note is " For protection of highway authorities " shall apply as if re-enacted (*mutatis mutandis*) in this section :

(8) Nothing in this Act shall take away alter or prejudicially affect the powers or liabilities of the county council with respect to main roads under the provisions of the Highways and Locomotives (Amendment) Act 1878 or any Act amending the same.

40. Nothing contained herein or done under this Act shall be deemed or construed to alter or affect any duties and obligations imposed on the Joint Board by the Water Acts in relation to the construction and maintenance of the gauges recording instruments and other apparatus which they are required to provide for measuring any waters which by the said Acts they are authorised to take for the purposes of supply or are required to discharge into the Rivers Lune and Balder or either of them :

Obligations
of Joint
Board in
respect to
gauges &c.
continued.

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And the Corporation of Darlington the Tees Conservancy Board and the Tees Salmon Fishery Board shall have and continue to have and may exercise all such or the like rights of access to and other rights powers and privileges in relation to all gauges recording instruments and appliances constructed or provided by the Joint Board for that purpose as are granted to such Corporation and Boards in that behalf by the recited Acts or any of them.

Saving for
agreement
with
Normanby
Local Board.

41. Nothing in this Act contained shall prejudice or affect an agreement dated the 22nd day of October one thousand eight hundred and eighty-one and made between the Stockton and Middlesbrough Water Board of the one part and the Local Board for the district of Normanby of the other part or the rights of either of the parties thereto.

Expenses
of Act.

42. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or House of Commons shall in the first instance be paid by the Joint Board out of the common fund as defined by the Act of 1876 and shall be repaid thereto by the Corporations and the Local Board in the proportions in which they are respectively interested in the water undertaking out of moneys to be borrowed by them under this Act.

[53 & 54 VICT.]

*Stockton and Middlesbrough
Waterworks Act, 1890.*

[Ch. cxvii.]

The SCHEDULE referred to in the foregoing Act.

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The Stockton and Middlesbrough Waterworks Act 1858.

The Stockton and Middlesbrough Waterworks Act 1864.

The Stockton and Middlesbrough Corporations Waterworks Act 1876.

A Provisional Order of the Local Government Board dated the 30th day of April 1879 and confirmed by the Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879.

A Provisional Order of the Local Government Board dated the 29th day of April 1880 and confirmed by the Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880.

The South Stockton Local Board (Water) Act 1884.

The Stockton and Middlesbrough Corporations Waterworks Act 1884.

The Stockton and Middlesbrough Waterworks Act 1888.

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