



CHAPTER ccx.

An Act to empower the mayor aldermen and burgesses of the borough of Tynemouth in the county of Northumberland to supply water to the borough of Tynemouth and adjacent places to acquire the undertaking of the Company of Proprietors of the North Shields Waterworks and for other purposes. A.D. 1897.
[6th August 1897.]

WHEREAS the borough of Tynemouth in the county of Northumberland is a municipal borough under the management and local government of the mayor aldermen and burgesses of the said borough (herein-after called "the Corporation") who acting by the council are also the urban sanitary authority of the district comprised in the said borough :

And whereas by an Act of the twenty-sixth year of the reign of 26 Geo. III. His late Majesty King George III. chapter cx. intituled "An Act c. cx.
 " for supplying North Shields and the shipping resorting thereto
 " with water " (herein-after called " the Act of 1786 ") the Company of Proprietors of the North Shields Waterworks (herein-after called " the company ") were incorporated and authorised to supply the inhabitants of the town of North Shields and parts adjacent thereto and the shipping resorting to the harbour of the said town with water :

And whereas in execution of the Act of 1786 the company have supplied and are now supplying the town of North Shields and other parts of the borough of Tynemouth and the adjacent townships of Whitley and Monkseaton with water :

And whereas by the Act of 1786 the company were empowered to enter on any lands or grounds belonging to the Most Noble Hugh then Duke and Earl of Northumberland within the manors of Timmouth or Timmouthshire or either of them in the said county of Northumberland and to dig and break up the soil and to search for any springs of water and to convey the water from such springs

A.D. 1897. — and from any other springs and any streams and ponds of water then already or thereafter to be discovered within the said lands or grounds and also from a certain spring arising within Whitley Limestone Quarry in the parish of Tinmouth into the town of North Shields and parts adjacent and for that purpose to make any cuts trenches and watercourses and to sink and lay any pipes and to erect and maintain any engines waterhouses or other devices in through or over any lands or grounds which they should think necessary or proper for raising or conveying water from any such springs streams or ponds into the said town and parts adjacent for the use of the said inhabitants and of the shipping resorting to the harbour of the said town and to make and maintain any reservoir or reservoirs sufficient for receiving and keeping such water and to enter upon dig and break up the soil and pavement of any of the roads streets lanes passages and public places within the said town and parts adjacent and to dig and sink trenches and lay pipes and put stop-cocks plugs and branches from such pipes in such places and in such manner as should be necessary for distributing such water to the respective inhabitants of the said town and parts adjacent and for supplying the shipping resorting to the harbour of the said town and from time to time to alter the position of and to repair relay and maintain such pipes stop-cocks and plugs and do all such other acts matters and things as should from time to time be necessary or proper for completing amending repairing improving and using the works thereby authorised to be done and provided according to the intent and true meaning thereof And it was thereby enacted that in consideration of the said Duke having agreed and consented to permit the company to execute such works and exercise such powers as aforesaid and to exercise certain other powers as therein set forth and having also consented and agreed (if necessary for the purposes aforesaid) to grant licences to the several tenants of the said manors respectively holding by copy of Court Roll to permit and suffer the company their agents and workmen to dig and break up the soil of their copyhold lands for the like purposes the company should pay to the said Duke or to the person or persons who for the time being should be entitled to the freehold and inheritance of the said manors of Tinmouth and Tinmouthshire one-seventh part or share of the clear annual profits arising from the said undertaking by way of rent the same to be paid upon the first Monday in the month of March in every year :

29 & 30 Vict.
c. li.

And whereas by the Tynemouth Improvement Act 1866 (hereinafter called "the Act of 1866") the company were required to give

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a supply of water for domestic purposes as therein defined at rates fixed by that Act to the owner or occupier of any dwelling-house situate in any part of the said borough within the limits of the Act of 1786 and entitled to demand a supply as therein mentioned and it was by the same Act provided that the company should only be bound to cause pipes to be laid down and water to be supplied to such parts of the district within the limits of the Act of 1786 whereunto they should be required by so many owners or occupiers of houses in any part of the said district required to be supplied as that the aggregate amount of water-rate payable by them annually at the said rates should be not less than one tenth part of the expense of providing and laying down such pipes but no such requisition was to be binding on the company unless such owners or occupiers should severally execute an agreement binding themselves to take such supply of water for three successive years at least and the company were not to be bound to supply water at an elevation or at a pressure greater than the reservoir from which the supply should be obtained would give :

And whereas the company's undertaking is not subject to the provisions and regulations contained in the Waterworks Clauses Acts 1847 and 1863 :

And whereas the sources from which the company were authorised by the Act of 1786 to obtain water owing to the partial failure thereof have been for many years insufficient to provide for the requirements of the said borough and other places supplied by them with water and the company are now purchasing the greater part of their water supply from the Newcastle and Gateshead Water Company under agreements with that company which agreements are subject to the restrictions and limitations imposed by the special Acts of the said Newcastle and Gateshead Water Company :

And whereas the present capital of the company is sixty thousand pounds in two thousand shares of thirty pounds each and they now owe thirty-seven thousand two hundred and ninety-seven pounds ten shillings on mortgage of their undertaking :

And whereas the storage capacity of the company's works and the pressure at which the water is supplied are insufficient and the supply of water afforded by the company is unsatisfactory and it is expedient that the supply of water to the borough of Tynemouth should be under the control of the Corporation and that the waterworks and rights of the company should be transferred to the Corporation free from the share and interest of the lord or lords of the said manors of Tinmouth and Tinmouthshire in the profits of

A.D. 1897. — their undertaking and that the Corporation should be empowered to supply water within the limits of this Act :

And whereas it is expedient that the Corporation and the lord or lords for the time being of the said manors should be empowered to enter into agreements as in this Act provided :

And whereas it is expedient that the Corporation be authorised to raise money as herein-after provided for the purposes of this Act :

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

And whereas the Corporation have caused estimates to be prepared showing that in addition to the money required for the purchase of the undertaking of the company freed as aforesaid from the said rights and interest of the lord or lords of the said manors they will from time to time require for new mains and extensions of mains and storage and other works authorised by this Act or the Act of 1786 being permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 further sums of money amounting to thirty thousand pounds :

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the twenty-seventh day of October one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the Shields Daily News a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and revenue of their water undertaking or the moneys borrowed under the authority of this Act as the council should determine :

And whereas such resolution was published twice in the Shields Daily News a newspaper published and circulated in the borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the sixth day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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 Tynemouth Corporation (Water) Act 1897. A.D. 1897.
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Short title.

2. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):— Provisions
of certain
general
Acts incor-
porated.

The Lands Clauses Acts (except the provisions with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking);

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to mines the words in section 44 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83); and

The Waterworks Clauses Act 1863.

3. In this Act unless the subject or context otherwise require— Interpreta-
tion.
 Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings:

"The borough" means the borough of Tynemouth:

"The town clerk" means the town clerk of the borough:

"The lord of the manor" means the lord or lords for the time being of the manor or manors of Tynemouth and Tynemouthshire otherwise called the manor of Tynemouth:

"The undertaking of the company" includes all lands buildings springs ponds reservoirs waters watercourses water-rights mains pipes plant deeds books plans and all other property and assets of every description real and personal belonging to the company or to which the company shall be entitled at the date of transfer as herein-after defined including copyholds and all powers rights privileges easements and exemptions exerciseable or enjoyed by the company under the Act of 1786 or the Act of 1866 or otherwise including the benefit of all subsisting contracts or agreements between

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the company and the Newcastle and Gateshead Water Company but except the company's reserve fund and book debts and except all such moneys as the company may have then in hand or with their bankers or elsewhere on revenue account applicable to the discharge of the company's liabilities or to the payment of dividend and water rents and other revenue due or accruing due to the company at the date of transfer :

“The date of transfer” means the date of the delivery of the deed of transfer herein-after referred to and the completion of the purchase of the undertaking of the company by the Corporation :

“Water revenue” means the revenue received by the Corporation from their water undertaking :

“Existing” means existing immediately before the passing of this Act :

For the purposes of this Act in the Acts wholly or partially incorporated with this Act “the undertakers” or “the promoters of the undertaking” means the Corporation :

And the expression “superior courts” or “court of competent jurisdiction” in this Act and for the purposes of this Act in the Acts incorporated herewith or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be
executed by
council.

4. This Act shall be carried into execution by the Corporation acting by the council.

Limits of
Act.

5. The limits of this Act shall be the borough of Tynemouth and the townships of Whitley and Monkseaton in the parish of Tynemouth in the county of Northumberland And with respect to the breaking-up of streets for the purpose of laying and maintaining pipes for supplying water to the inhabitants within the limits of this Act the provisions of sections 28 to 34 of the Waterworks Clauses Act 1847 shall apply within the township of Murton as if that township had been within the limits of this Act.

Company to
sell their
undertaking
on requisition
of Corporation.

6. The Corporation shall within six months after the passing of this Act by notice in writing under their common seal addressed and sent to the secretary of the company or delivered at the principal office of the company and also addressed and sent to the lord of the manor require the company and the lord of the manor to sell and the company and the lord of the manor shall thereupon sell to the Corporation the undertaking of the company freed and

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discharged from the said mortgage debt of thirty-seven thousand two hundred and ninety-seven pounds and ten shillings and from all claims and rights of the lord of the manor his heirs successors in title or assigns and all other persons claiming under the said Hugh late Duke and Earl of Northumberland in respect of the one-seventh part or share of the clear annual profits of the undertaking payable to him or them by virtue of the Act of 1786 for such considerations as the company the lord of the manor and the Corporation may agree or in default of agreement as shall be settled by arbitration in the manner provided by the Lands Clauses Acts by one arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of the parties or any of them The company and the lord of the manor shall be entitled to appear separately and adduce independent evidence before the arbitrator and the arbitrator shall by his award determine the total amount payable by the Corporation and what part thereof is to be paid as the consideration for the purchase of the interest aforesaid of the lord of the manor and shall also determine and direct what sum shall be deducted from the proportion of the amount so payable to the lord of the manor as aforesaid as the value of the rights and easements granted to the company by the Act of 1786 which at the date of transfer shall cease and determine as herein-after provided Provided always that the company and the lord of the manor on the one part and the Corporation on the other part may at any time enter into binding agreements for prescribing or regulating the mode and conduct of such arbitration.

7. The sale of the undertaking of the company shall be carried into effect by a deed of transfer duly stamped and truly stating the consideration which deed may be in the form set forth in the schedule to this Act or to the like effect with such variations and additions as circumstances may require and on the execution and delivery of such deed by the company and the lord of the manor the undertaking of the company shall by virtue of that deed and of this Act be transferred to and vested in the Corporation subject and according to the provisions of this Act for all the estate and interest of the company freed and discharged from all claims and rights of the lord of the manor his heirs successors in title or assigns and all other persons claiming under the said Hugh late Duke and Earl of Northumberland in respect of the said one-seventh part or share of the clear annual profits of the undertaking payable to him or them by virtue of the Act of 1786 and from the mortgage debt of the company but subject to all statutory obligations in

Transfer of
undertaking
to be by
deed.

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Receipt for
purchase
money.

8. The receipt in writing of three of the directors of the company for the purchase money so to be paid less such part thereof as shall be ascertained to be the value of the interest of the lord of the manor as herein-before provided shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application and from being answerable or accountable for the loss misapplication or non-application of the money so paid.

Payment of
share of
purchase
money in
respect of
interest of
lord of the
manor.

9. The amount which shall be agreed or ascertained as herein-before provided to be the purchase money payable in respect of the interest aforesaid of the lord of the manor his heirs successors and assigns shall subject to such deduction as aforesaid be paid to the lord of the manor or in case the lord of the manor shall not be entitled to the said manor for an estate of inheritance in fee simple be paid by the Corporation either into the bank pursuant to the provisions of the sixty-ninth section of the Lands Clauses Consolidation Act 1845 in which case the provisions of that section and of sections 70 to 80 of that Act shall apply accordingly or to the trustees (if any) under any settlement affecting the said manor for the purposes of the Settled Land Act 1882 as the circumstances may admit or require.

Application
of purchase
money.

10. The directors of the company shall hold so much of the purchase money as shall be paid to them as aforesaid and all other money for the time being belonging to the company on trust to pay and discharge thereout the mortgage debt and all other the debts and liabilities of the company and to distribute the residue among the shareholders of the company their executors administrators or assigns rateably and in proportion to their respective shares and interests in the capital of the company.

Purposes for
which com-
pany to
continue
incorporated.

11. From and after the date of transfer the company shall subsist only for the purpose of recovering and enforcing payment of the rates rents charges and other revenue due or owing to the company at or previous to that date and of paying their mortgage debt and all other debts and liabilities of the company and distributing the balance of their funds and effects after deducting

such payments and all the expenses of and incident thereto among their shareholders and for winding up the affairs of the company and carrying into effect the purposes of this Act so far as relating to the company and the directors of the company who are in office at the date of transfer and the survivors and survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein-before mentioned including the filling up of any vacancy or vacancies in their number.

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12. For the purposes of such winding up the company may retain in office such of their officers and servants other than their present secretary and manager and their present foreman of the works as may be necessary and may pay such officers and servants such reasonable remuneration as the company acting by their directors shall think fit and the company may also pay and allow the reasonable fees of the directors after the transfer up to the final conclusion of the winding up which shall be completed within nine months from the date of transfer and such fees shall be included in the costs of winding up.

Company may retain officers for purposes of winding up.

13. Upon the purposes specified in the eleventh section of this Act being fulfilled the company shall ipso facto be dissolved.

Dissolution of company.

14. If at the date of 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 any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against the company as if this Act had not been passed.

Pending actions &c. against the company.

15. The company shall pay and discharge all outgoings and liabilities of every kind properly chargeable to revenue up to the date of completion including interest on their said mortgage debt and liabilities in respect of causes of action then existing and shall be entitled to all rents rates and other receipts on revenue account from their undertaking up to that date and where necessary for the purpose of giving effect to this section such outgoings rents rates and receipts shall so far as may be necessary be apportioned between the company and the Corporation.

Company to discharge outgoings up to date of transfer.

16. Except as is by this Act provided all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting at the date of transfer and then in force shall be as binding and of as full force and effect

Contracts of company to be binding on Corporation.

A.D. 1897. — in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Company's
books evi-
dence as to
shareholders.

17. The persons who appear in the books of the company to be proprietors of shares in the capital of the company shall unless the contrary is proved to the satisfaction of the directors thereof be considered to be shareholders thereof for the purpose of the distribution of the company's assets.

Payment
into court by
directors.

18. Where the directors of the company are for six months after the date of transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given the directors may pay the same into the High Court or if not exceeding five hundred pounds into the county court of Northumberland holden at North Shields under any Act for the time being in force for the relief of trustees.

Corporation
to employ
secretary and
foreman.

19. The Corporation shall employ the present secretary and manager and the present foreman of the works of the company in their respective capacities and at their present salaries and upon the terms on which they were respectively employed by the company immediately before the passing of this Act and in case of the dismissal of either of them by the Corporation (otherwise than for misconduct) shall thenceforth pay him one-half of his salary at the time of dismissal during the remainder of his life.

Corporation
to pay
expenses of
transfer and
winding up.

20. The Corporation shall pay to the company the costs (as between solicitor and client) charges and expenses of and incident to the transfer of the company's undertaking and of the winding up of the company according to the provisions of this Act and the amount thereof in case of difference shall be settled by arbitration in accordance with the Arbitration Act 1889.

Company to
have access
to books.

21. The company and their officers shall at all reasonable times have access to the books of the company in the custody of the Corporation for the purposes of the winding up of the company.

Certain pro-
visions of
existing Acts
repealed.

22. As from the date of transfer the Act of 1786 (except sections 1 and 2 and except sections 7 and 11 so far as they affect the rights and easements actually used and enjoyed by the company under and by virtue of the said Act at the date of transfer) and sections 37 to 39 of the Act of 1866 shall be repealed except so far as may be necessary to give effect to the foregoing

provisions of this Act but without prejudice to anything done or suffered thereunder before the date of transfer: A.D. 1897.

Provided always that from and after the date of transfer all the rights and easements granted to the company by the Act of 1786 in or over the lands or grounds of the then Duke of Northumberland within the manor of Tynemouth except the rights and easements actually used and enjoyed by the company at the date of transfer shall cease and determine.

23. The Corporation and the lord of the manor may enter into and carry into effect agreements for any of the following purposes (that is to say) :—

Power to enter into agreements with lord of manor of Tynemouth.

(A) For the surrender upon such terms and for such consideration as may be agreed to the lord of the manor by the Corporation of all or any of the rights and privileges conferred by the Act of 1786 and not determined by this Act on or otherwise exerciseable by the Corporation over or in respect of any lands or property of the said lord of the manor :

(B) For the variation of all or any of the rights and privileges aforesaid or for the granting of fresh rights and privileges by the lord of the manor to the Corporation on such terms and conditions as may be agreed :

(c) For the sale to the Corporation of the lands forming the sites of the existing reservoirs of the company and of any lands necessary or convenient to be held in connexion therewith.

24. From and after the date of transfer the special Acts of the Newcastle and Gateshead Waterworks Company shall be read and construed as if the Corporation had been named therein instead of the company.

Altering Newcastle and Gateshead Water Company's special Acts.

25. The Corporation may contract with any other company local or other authority body or persons for a supply of water for such consideration and on such terms and conditions as may be agreed between them and may use the water so obtained for supplying water under and for the purposes of this Act.

Corporation may contract with other bodies for supply of water.

26. The Corporation may upon any lands for the time being belonging to them or acquired by them under the powers of this Act from time to time construct and maintain all such mains pipes conduits channels culverts tunnels drains sluices bye-washes weirs gauges storage-reservoirs tanks wells shafts water-towers stand-pipes filters filter-beds banks walls roads approaches engines machinery and appliances as may be necessary or convenient for obtaining raising storing filtering using and distributing water.

Power to make subsidiary works.

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Application
of 46 & 47
Vict. c. 37.
to under-
taking of
company
after
transfer.

27. In the application of the Public Health Act 1875 (Support of Sewers) Amendment Act 1883 to the undertaking of the company when transferred to the Corporation under this Act and notwithstanding sub-section 3 of section 3 of that Act the survey and map referred to in section 19 of the Waterworks Clauses Act 1847 shall be made within twelve months after the date of transfer and the Act first mentioned in this section shall take effect with reference to the said undertaking accordingly.

Purchase of
land by
agreement.

28. The Corporation may by agreement take purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands within or beyond the limits of this Act not exceeding in the whole fifteen acres in extent or any easement (not being an easement right or privilege of water in which other persons than the grantors have an interest) in over or under any such lands Provided that the Corporation shall not create or permit a nuisance on such lands nor use any such lands for any building except buildings required for the water undertaking of the Corporation.

Power to
take ease-
ments &c.
by agree-
ment.

29. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege in over or affecting any such lands (not being an easement right or privilege of water in which others than the grantors have an interest) required for the purposes of this Act and the provisions of the said Acts with respect to lands and rentcharges as 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.

Restriction
on taking
houses of
labouring
class.

30. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose 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. 1897.

31. The Corporation may from time to time demise and lease for any terms not exceeding seven years in possession and also either before or after making any demise and lease thereof absolutely sell and dispose of to such persons and in such manner as the Corporation think fit any lands houses and property acquired under the powers of this Act which they do not require for the purposes of their water undertaking and on the lease or sale by the Corporation of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the lease or sale subject to such reservations accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Corporation may lease &c. lands of undertaking. Reservation of water rights &c. on sale.

32. The water to be supplied by the Corporation need not be constantly laid on under pressure nor at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is afforded.

Constant supply and pressure.

33. The Corporation shall on the request of the owner or occupier of any dwelling-house or part of a dwelling-house within the limits of this Act in any street in which any main-pipe shall for the time being be laid or who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes which shall include two water-closets at rates not exceeding the yearly rate of one shilling and sixpence in the pound on the rateable value of the dwelling-house or part of a dwelling-house supplied. Provided always that the Corporation shall not be compelled to supply water to a dwelling-house not furnished with a water-closet or part of a dwelling-house not so furnished for any less sum than twopence per week or to supply water to a dwelling-house furnished with a water-closet or part of a dwelling-house so furnished for any less sum than threepence per week. Provided also that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises :

Rate at which water is to be supplied for domestic purposes.

For the purposes of this section "rateable value" shall mean the rateable value of the premises supplied as ascertained by the

A.D. 1897. valuation list in force at the commencement of the quarter in which the water rate becomes payable or if there is no such list in force by the last rate made for the relief of the poor :

Provided that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Rates for
waterclosets
and private
baths.

34. The Corporation may in addition to the rates computed as above specified charge for a supply of water to every watercloset beyond the second the sum of five shillings per annum and to every bath the sum of ten shillings per annum. Provided that for every bath containing as usually filled for use more than fifty gallons the Corporation may charge an increased rate in proportion to the size of the bath.

Supply of
water to
certain pre-
mises to be
by meter or
special con-
tract.

35. The Corporation shall not be compelled to supply water in the following cases :—

To any dwelling-house which or any part of which is used by the occupier thereof as a common lodging-house or seamen's lodging-house or for any trade or business purposes or pursuit for which water is required in addition to the ordinary supply for domestic purposes otherwise than by special agreement or by meter at the option of the consumer :

To any workhouse hospital or other large public institution or school otherwise than by meter or special contract and upon such terms and conditions as may be from time to time agreed between the Corporation and the guardians trustees managers or other persons having the charge of such workhouse hospital institution or school or than as in case of difference may be from time to time determined by the judge of the county court within whose district such workhouse hospital institution or school is situate who may order by which of the parties any costs of the proceedings before him shall be paid or if he declines to act in the matter by two justices.

Corporation
not to be
compelled to
supply any
bath con-
taining more
than fifty
gallons.

36. The Corporation shall not be compelled to supply with water any bath which shall be capable of containing when filled for use more than fifty gallons of water.

If any person without the consent of the Corporation use any bath capable of containing when filled for use more than fifty gallons of water the officers of the Corporation may without

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prejudice to any other remedy enter upon the premises between the hours of nine o'clock in the forenoon and four o'clock in the afternoon and cut off the pipe by which such bath is supplied with water and if any person hinder any such officer from entering such premises or cutting off such pipe he shall for every such offence be liable to a penalty not exceeding five pounds.

37. The Corporation shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Corporation.

Corporation not to be compelled to supply certain closets or baths.

38. Subject to the provisions of this Act the Corporation may supply water for other than domestic purposes at rates not exceeding one shilling per thousand gallons and on such terms and conditions as the Corporation think fit and may enter into agreements for the supply of water by measure either for domestic or other purposes but at the same rate to all persons under similar circumstances and the moneys payable for the supply shall be recoverable as water rates are recoverable and sections 68 to 74 of the Waterworks Clauses Act 1847 shall have effect accordingly Provided always that a supply of water for other than domestic purposes shall not at any time interfere with the supply of water for domestic purposes.

Rates for supply of water for other than domestic purposes.

39. The Corporation shall not be bound to supply more than one house by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each house supplied by them with water.

Corporation not bound to supply several houses by one pipe.

40. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Corporation by a distinct pipe Provided that the owner of such premises shall be primarily liable for the water rate.

Where several houses supplied by one pipe each to pay.

41. The Corporation shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent or meter rent left unpaid by any former tenant unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable for arrears.

42. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect

Notice of discontinuance.

A.D. 1897. — unless it be in writing and be left at the waterworks office of the Corporation or be sent in a prepaid letter to the town clerk.

Notices to Corporation of connecting or disconnecting meters.

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

Register of meter to be *prima facie* evidence.

44. Where water is supplied by measure the register of the meter shall be *prima facie* evidence of the quantity of water consumed. Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by two justices.

Fraudulently injuring meters &c.

45. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the Corporation or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damages sustained by them and the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and recover the expense thereof from the person so offending summarily and the existence of artificial means for causing such alteration or prevention when such pipe meter or fitting is under the custody or control of the consumer shall be *prima facie* evidence that the same has been fraudulently caused by the consumer using such pipe meter or fitting.

Repair of meters.

46. Every consumer of water of the Corporation shall at all times at his own expense keep all meters belonging to him whereby any water of the Corporation is registered in proper order for correctly registering such water and the Corporation shall at all reasonable times have access to and be at liberty to take off remove

test inspect and replace any meter belonging to a consumer such taking off removal testing and inspecting and replacing to be done at the expense of the Corporation if the meter be found in proper order but otherwise at the expense of the consumer. A.D. 1897.

47. In all cases where any premises which shall have been supplied with water by the Corporation shall have become unoccupied or where any pipe meter or fittings belonging to the Corporation is laid or fixed in any premises to which the supply of water is from any cause other than the default of the Corporation or unavoidable accident discontinued for not less than forty-eight consecutive hours the Corporation their agents and workmen (after giving notice as herein-after provided) may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipe or pipes by which the water of the Corporation shall be conveyed to such premises and for the purpose of removing any pipe meter fittings and apparatus the property of the Corporation and may remove such pipe meter and fittings accordingly repairing all damage caused by such entry or removal. Corporation may enter unoccupied premises and cut off and remove pipes after notice given.

48. The notice to be given previously to such entry shall be in writing and shall be served in manner following (that is to say) :— Mode of giving notice.

If the premises intended to be entered be occupied then by leaving notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof or his usual place of abode be in England and be known to the Corporation then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual or last known place of abode forty-eight hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Corporation after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry :

And for the purpose of this section any person receiving the rents of any such premises either on his own account or as agent for any other person shall be deemed the owner of such premises.

A.D. 1897.

Power for
Corporation
to supply
materials &c.

49. The Corporation may on the request of any person supplied or about to be supplied by them with water furnish to him and from time to time fix repair alter or remove any pipes valves ferrules cocks cisterns baths soil-pans watercloset apparatus receptacles and other fittings and appliances and may provide all materials and do all work necessary or proper in that behalf and the charges of the Corporation for providing any such pipes valves ferrules cocks cisterns baths soil-pans watercloset apparatus receptacles and other fittings and appliances or materials and executing such work shall be paid by the person requiring the same.

Byelaws for
preventing
waste &c. of
water.

50. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say):—

- (1) The Corporation may make byelaws for the purpose of preventing the waste misuse undue consumption or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans watercloset apparatus baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any of them which may lead to such waste misuse undue consumption or contamination:
- (2) No such byelaws shall be of any force or effect except within those parts of the district within the limits of this Act in which the Corporation for the time being supply or are prepared on demand to supply water under constant pressure:
- (3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 and 185 of the Public Health Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties:
- (4) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing between the hours of nine in the morning and four in the afternoon of any day enter and by and under the direction of their duly authorised officers repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person for the purposes of supply

and not being in accordance with such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rate is recoverable. A.D 1897.

51. Any byelaws which the Corporation submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of their district to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Corporation shall thenceforth be bound to afford a constant supply in the part or parts of the district specified in the byelaws so confirmed. Corporation bound to afford constant supply in parts of district specified in byelaws.

52. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the signature of the town clerk or if it be a notice to pay any charge in respect of a supply of water of the collector of the Corporation and any such notice may be served on such person either personally or by post by a prepaid letter addressed to him by name at his last-known or usual place of abode or business or by delivering the same to some inmate of his last-known or usual place of abode or business or to any inmate of the premises supplied or if such premises be 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 upon some conspicuous part of such premises Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted. Form and service of notices by Corporation.

53. The Corporation may enter into and carry into effect agreements with any local or sanitary authority company corporation public body officers or persons for the supply by the Corporation to any such local or sanitary authority company corporation public body officers or persons respectively of water in bulk within the limits of this Act Provided that such supply of water do not at any time interfere with the supply of water for domestic purposes. Contracts for supplying water to other authorities.

54. The Corporation shall at any time after the acquisition of the undertaking of the company when so required by any other local authority (as defined by the Public Health Act 1875) sell to Corporation when so required to sell portions

A.D. 1897.
of under-
taking out-
side borough.

such authority such part of the water undertaking of the Corporation as shall at that time be situate in the district of such authority (except all pipes mains and other works required and used or that may be required and used for supplying or conveying water to or into and for any other part of the area for the time being included within the limits of supply of the Corporation) and the compensation which such authority shall pay for the same shall be such sum in gross as may be determined by agreement between the Corporation and such authority or such as failing agreement shall be settled by arbitration under the Lands Clauses Acts and after any such sale the powers and obligations of the Corporation to supply water within the district of such authority shall cease:

Provided that in determining the amount of compensation to be so paid the arbitrators or umpire shall not take into consideration any increase of water rates authorised by this Act and shall not make any allowance for prospective profit:

Any such purchase shall be deemed to be a purchase by such local authority under and for the purposes of the Public Health Act 1875.

For the
supply of
water in
bulk to
Whitley and
Monkseaton
Urban Dis-
trict Council.

55. After completion of the purchase by the Whitley and Monkseaton Urban District Council (herein-after called "the council") of the part of the water undertaking of the Corporation within the district of the council under the last preceding section of this Act (if they shall so purchase) the Corporation at the request of the council shall unless prevented by frost drought accident or other unavoidable cause or during necessary repairs supply to the council such a daily quantity of water in bulk for all purposes of supply by the council within their said district as the council may from time to time require and agree to take at such price (exclusive of meter rent) and on such terms and conditions as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that the quantity of water which the Corporation may be compelled to supply to the council under this section shall not be less than five gallons nor more than twenty-five gallons per day per head of population for the time being within the district of the council.

Application
of moneys
from sale
&c. of land.

56. The Corporation shall apply all moneys from time to time received by them in respect of any sales or dispositions of lands and premises by this Act authorised or by way of fine or premium on any lease or in respect of any sale of any portion of their water undertaking to any other local authority under the provisions of this Act in or towards paying off moneys borrowed and for the time

being owing under this Act Provided that such proceeds shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board. A.D. 1897.

57.—(1) The Corporation may borrow at interest the sums of money herein-after specified or any part thereof (that is to say):— Power to borrow.

- (A) For providing the money for the purchase of the undertaking of the company and the costs charges and expenses of and incident to such purchase and the costs charges and expenses of and incident to the transfer of the undertaking and the winding up of the company payable by the Corporation as herein-before provided the sums necessary for those purposes:
- (B) For the purpose of laying new mains and extensions of mains and of storage and other works authorised by this Act or the Act of 1786 and for other purposes of the water undertaking of the Corporation any sum not exceeding thirty thousand pounds:
- (c) To pay the costs charges and expenses of the Corporation preliminary to and of and incident to the preparing for obtaining and passing of this Act the sums necessary for those purposes:

And in order to secure the moneys so borrowed they may mortgage the net revenue of their water undertaking and the district fund and general district rate of the borough.

(2) Money borrowed under or for the purposes of this Act shall be applied only to the purposes of this Act to which capital is properly applicable and not otherwise.

(3) All moneys borrowed under this section (other than any moneys borrowed for the purpose of paying the costs charges and expenses preliminary to and of and incident to the preparing for obtaining and passing of this Act) shall be repaid within fifty years from the borrowing of the same.

(4) If having borrowed any money under the provisions of this Act the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or by the application of any money in the nature of capital other than borrowed money they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form

A.D. 1897. — the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

As to mortgages of Corporation.

58.—(1) All mortgages granted by the Corporation under this Act shall rank together without any priority on account of the dates of the respective mortgages or on any other account and notice of the effect of this enactment shall be endorsed on every such mortgage.

(2) The provisions contained in sections 236 to 239 of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in the said provisions shall be construed to mean the Corporation and the term "rates" shall be construed to include the net revenue of the water undertaking of the Corporation and the district fund and general district rate. Provided that any application for the appointment of a receiver shall be made to the High Court and not to a court of summary jurisdiction.

Repayment of borrowed moneys.

59. The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or principal and interest or by means of the sinking fund herein-after referred to or partly by such instalments and partly by such sinking fund. Provided that it shall not be obligatory on the Corporation to pay off any money borrowed under this Act or to make any appropriations for the sinking fund in respect thereof before the expiration of one year from the borrowing of the same.

Regulations as to sinking fund.

60. The following regulations shall be observed by the Corporation in relation to the sinking fund formed under this Act :—

- (1) Such equal yearly sums shall be paid by the Corporation out of the net revenue of the water undertaking and if and so far as such revenue proves insufficient for the purpose out of the district fund and general district rate into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off the moneys borrowed within the periods by this Act prescribed in relation thereto respectively :

- (2) All sums paid into the sinking fund shall as soon as may be be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stocks corporation stocks or other securities (not being annuities or securities payable to bearer) duly created and issued by any municipal corporation in Great Britain (other than the Corporation) or by any local authority within the meaning of section 34 of the Local Loans Act 1875 (other than the Corporation):
- (3) The Corporation shall from time to time apply the sinking fund in or towards the discharge or redemption of the principal moneys for the discharge whereof it was created until thereby or otherwise the whole of such principal moneys has been discharged or redeemed:
- (4) Whenever any of such principal moneys have been paid off by means of the sinking fund the Corporation shall until the whole of the principal moneys have been paid off pay into the sinking fund every year in addition to the other sums required to be set apart and appropriated a sum equal to the annual interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based:
- (5) Whenever and so long as the value of the securities in the sinking fund for the discharge of the principal moneys borrowed or becoming payable under this Act shall be equal to the amount of the principal moneys then outstanding the Corporation may in lieu of investing the yearly income arising from such securities apply the same in payment of the interest on the said principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

A.D. 1897.

61. The powers of borrowing or raising money conferred by this Act shall not be restricted by any of the regulations contained in the Public Health Act 1875 and in calculating the sum which the Corporation may borrow under that Act or any other Act any sums which they may borrow under this Act shall not be reckoned.

Regulations of Public Health Act 1875 not to apply to borrowing powers.

62. All mortgages and securities granted by the Corporation in pursuance of the powers of any Act of Parliament before the passing of this Act and charged upon the district fund and general district rate of the borough and subsisting at the passing hereof shall during the continuance of such mortgages and securities have as regards the said fund and rate priority over any mortgages and other securities granted under this Act.

Priority of principal moneys secured by existing mortgages.

A.D. 1897.

Protection
of lender
from inquiry.

63. No person lending money to the Corporation shall be bound to inquire as to the observance by the Corporation of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Annual
return to
Local
Government
Board.

64. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required by this Act to be paid as an instalment or set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by such Board and verified by statutory declaration if so required by them showing the amount which has been paid by instalment or 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 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 thereon have been applied during the same period and the total amount (if any) remaining uninvested at the end of the year. In the event of wilful default in making such return the town clerk shall be liable to a penalty 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 appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act they may 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 any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Money may
be raised
under
Tynemouth
Corporation
Loans Act
1882.

65. The Corporation may raise the whole or any part of the moneys which they are authorised to borrow under this Act by the creation and issue of Tynemouth Corporation Redeemable Stock under the Tynemouth Corporation Loans Act 1882.

Power to
issue new
redeemable
stock.

66. Notwithstanding anything contained in section 4 of the Tynemouth Corporation Loans Act 1882 the Corporation may if they see fit for the purposes of this Act create and issue a new class of redeemable stock to be designated Tynemouth Corporation New Redeemable Stock bearing such dividend not exceeding three pounds

per centum per annum and to be transferable in books or by deed as the Corporation may by the resolution for such issue determine
Provided that all Tynemouth Corporation New Redeemable Stock at any time and from time to time created shall be created on and subject to such terms and conditions as that the same shall be of one and the same class of stock bearing dividend at one and the same rate and be redeemable by the Corporation at such period not exceeding sixty years from the creation thereof and in such manner as the Corporation shall by that resolution declare and that such stock shall in other respects be subject to the provisions of the said Act of 1882 as if the same had been created and issued under the powers of that Act. A D. 1897.

67. A separate loans fund to be called the Tynemouth Corporation Consolidated Loans Fund No. 2 shall be established and formed in respect of Tynemouth Corporation New Redeemable Stock and all the provisions of the Act of 1882 in regard to the loans fund established under section 7 of that Act shall mutatis mutandis apply to the separate loans fund so to be established and formed under this Act Provided that the Corporation shall not apply any part of the original Tynemouth Corporation Consolidated Loans Fund in purchasing or redeeming or paying interest upon any Tynemouth Corporation New Redeemable Stock nor any part of the Tynemouth Corporation Consolidated Loans Fund No. 2 in purchasing or redeeming any Tynemouth Corporation stock other than Tynemouth Corporation New Redeemable Stock. Establishment of separate loans fund.

68.—(1) The amount of the annual sums payable to the Tynemouth Corporation Consolidated Loans Fund or the Tynemouth Corporation Consolidated Loans Fund No. 2 as the case may be towards the redemption or repayment of stock created and issued by the Corporation for the purposes of this Act shall be such as with accumulations at a rate not exceeding three per centum per annum will suffice to redeem the stock created and issued for the respective purposes of this Act within the periods herein-after prescribed from the time or respective times of issue of such stock (that is to say) :— As to moneys raised by Corporation stock.

In the case of stock created and issued for the purposes of this Act other than moneys borrowed for the purpose of paying the costs charges and expenses preliminary to and of and incident to the preparing for obtaining and passing of this Act within fifty years :

In the case of stock created and issued for the purpose of paying the said costs charges and expenses within ten years.

A.D. 1897.

(2) The sums payable in each year to the said loans funds respectively under the Tynemouth Corporation Loans Act 1882 for payment of dividends on and towards redemption of such stock shall be provided out of the revenue of the water undertaking and if and so far as that revenue proves insufficient for the purpose the deficiency shall be provided out of the district fund of the borough.

Application
of water
revenues.

69. The Corporation shall keep separate accounts of their receipts and expenditure from or in respect of their waterworks undertaking on capital and revenue account and such accounts shall be subject to the same provisions as to audit as the other accounts of the Corporation and the Corporation shall apply their water revenue in the manner and order following (that is to say) :—

First In payment of the costs charges and expenses of and incidental to the collecting and recovery of the water revenue :

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

Thirdly In payment of the interest on money borrowed for the purposes of this Act :

Fourthly In providing the sums necessary for instalments appropriations annual repayments or payments into the sinking fund for the repayment of moneys borrowed for the purposes of this Act :

Fifthly In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing and accumulating the same at compound interest in any securities in which they are authorised to invest the sums paid into the sinking fund until the reserve fund so formed amounts to three thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand or charge at any time arising against the Corporation 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 three thousand pounds and so from time to time as often as such reduction happens Provided that when and so often as the said fund shall reach the sum of three thousand pounds the interest thereon shall be carried to the water revenue Provided also that resort may be had to the reserve fund for any of the purposes aforesaid although such fund may

not at the time have reached or may have been reduced below the full amount of three thousand pounds : A.D. 1897.

Sixthly In repaying to the district fund any sums advanced out of that fund to meet deficiencies in the water revenue :

Lastly The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the rates or rents payable for a supply of water for domestic purposes when circumstances shall permit the same to be done but the Corporation may retain in hand at the close of any financial year so much of the surplus as they shall think necessary for the purpose of carrying on the undertaking and paying the current expenses connected therewith including the carrying out of improvements and extensions.

70. If in any year the amount of the water revenue actual or estimated shall be insufficient for the payment of the charges thereon the deficiency shall be made up out of the district fund by carrying an adequate sum therefrom to the credit of the water account and the Corporation in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the borough shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency from time to time arising or expected to arise as aforesaid in the water revenue Provided that in the case of an actual deficiency such deficiency shall be made good by an increase of the next general district rate. Provision in case of deficiency of water revenue.

71. No person shall be incapable of acting as a justice in the execution of this Act by reason of his being a member of the Corporation or an annuitant or mortgagee or of his being liable to the payment of any water rent or rate under this Act. Justices not disqualified.

72. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums. Contents of summons.

73. Every penalty imposed by this Act or by any regulation under this Act shall (except where otherwise expressly provided and except where the Corporation shall be the party by whom the penalty has to be paid) be paid to the Corporation and carried to the credit of the revenue of their water undertaking. Application of penalties.

74. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose Penalties not cumulative.

[Ch. ccx.] *Tynemouth Corporation (Water)* [60 & 61. VICT.]
Act, 1897.

A.D. 1897. this Act and any Act wholly or partially incorporated with this
— Act shall be deemed several Acts.

Amendment
of Tynemouth Cor-
poration
Loans Act
1882.

75. After the passing of this Act the Corporation shall not create or issue irredeemable stock under the Tynemouth Corporation Loans Act 1882 and notwithstanding anything in that Act the Corporation shall not at any time invest any sum set aside by them for the redemption of stock issued under the authority of that Act or this Act in any securities created or issued by the Corporation or in any securities transferable by delivery.

Costs of Act.

76. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and in the first instance the Corporation may pay the same out of any of their funds or revenues but they shall be recouped by and charged to the moneys to be borrowed by the Corporation under this Act Provided that all sums so borrowed shall be repaid within ten years from the time of borrowing the same.

The SCHEDULE referred to in the foregoing Act.

A D. 1897.

THIS INDENTURE made the day of 189 between
the Company of Proprietors of the North Shields Waterworks (herein called
“ the company ”) of the first part

three of the directors of the company of the second part
lord of the manor of Tynemouth (or
otherwise Tinmouth or Tinmouthshire) of the third part

trustees under the settlement mentioned in the schedule hereto of the said manor for the purposes of the Settled Land Act 1882 [or as the case may be] of the fourth part and the mayor aldermen and burgesses of the borough of Tynemouth in the county of Northumberland (herein-after called "the Corporation") of the fifth part Witnesseth that in pursuance of the provisions in this behalf of the Tynemouth Corporation (Water) Act 1897 (herein-after called "the Act of 1897") and in consideration of the sum of

before the execution of these presents to the said

paid by the Corporation (the receipt whereof the said

do hereby acknowledge and the payment whereof the company do hereby admit) and of the further sum of _____ to the said _____

as such trustees as aforesaid with the privity of the said

(testified by his execution of these presents) likewise paid by the Corporation the receipt whereof the said

do hereby acknowledge [or paid into court &c. or otherwise as the case may require] which said sums of _____ pounds and _____ pounds make together the full purchase money agreed between the Corporation the said _____ and the company [or ascertained by the award dated the _____ day of _____ 18____ of _____ pursuant to section 6 of the Act of 1897 as the case may be] for the purchase of the undertaking herein-after mentioned less the sum of £ _____ likewise determined to be the sum to be deducted as the

[Ch. ccx.] *Tynemouth Corporation (Water)* [60 & 61 VICT.]
Act, 1897.

A.D. 1897. — value of the rights and easements granted to the company by the Act of 1786 which at the date of these presents are to cease and determine as in the Act of 1897 provided the company as beneficial owners do hereby grant convey and transfer and the said in exercise of the powers conferred upon him by the Act of 1897 and the Acts incorporated therewith [or by the Settled Land Act 1882 or as the case may be] as beneficial owner doth hereby release unto the Corporation all the undertaking of the company as defined in the Tynemouth Corporation (Water) Act 1897 To have and to hold the same and every part thereof unto and to the use of the Corporation for all the estate and interest therein of the company freed and discharged from all claim and rights of the said

his heirs successors in title and assigns lord or lords for the time being of the said manor of Tynemouth otherwise Tinmouth or Tinmouthshire and all other persons if any claiming or to claim under Hugh late Duke and Earl of Northumberland in respect of the one-seventh part or share of the clear annual profits of the said undertaking payable to him or them by virtue of the Act 26 Geo. III. cap. cx. intituled "An Act for supplying North Shields and the shipping resorting thereto with water" [Add acknowledgment of rights to production of deeds and other necessary provisions] In witness whereof the common seal of the company has been hereunto affixed and the parties hereto of the second third and fourth parts have hereunto set their hands and seals the day and year first above written.

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