



CHAPTER xli.

An Act to extend the limits for the supply of water by the mayor aldermen and burgesses of the borough of Tynemouth to authorise them to construct additional waterworks and to confer further powers upon them with respect to their water undertaking to make further provision for the health local government and improvement of the borough and for other purposes.

A.D. 1916.

[3rd August 1916.]

WHEREAS the borough of Tynemouth in the county of Northumberland (hereinafter referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") acting by the council are the urban sanitary authority for the borough:

And whereas under or by virtue of the Tynemouth Corporation (Water) Act 1897 the Tynemouth Corporation (Water) Act 1898 and the Tynemouth Corporation (Water) Act 1907 the Corporation have constructed waterworks on and obtain a supply of water from the River Font and the Fallowless Burn a tributary thereof in the parishes of Hollinghill Greenleighton and Ritton White House in the rural district of Rothbury in the said county and supply such water within the borough and a portion of the urban district of Whitley and Monkseaton and to certain local authorities companies and persons outside those limits:

60 & 61 Vict.
c. cxx.
61 & 62 Vict.
c. clxxix. and
7 Edw. 7.
c. xciv.

And whereas in the session of 1915 the council of the urban district of Ashington (hereinafter referred to as "the

A.D. 1916. council" and "the district" respectively) promoted a Bill in Parliament for powers to obtain water for the supply of the district from sources which the Corporation contended should be reserved for the augmentation of their water supplies and some of which sources were situate upon lands already acquired by the Corporation with that object:

5 & 6 Geo. 5. c. lxii. And whereas the Committee of the House of Commons to whom the Bill was referred decided that an adequate supply of water is urgently needed in the district and the Corporation having contended that the district could be conveniently and expeditiously supplied with water from their works the Committee with a view to economy in expenditure and to utilising to the best advantage the available water resources of the neighbourhood inserted in the said Bill which was passed and became the Ashington Urban District Council Act 1915 a clause which became section 79 in that Act and provided (amongst other things) that if in the next session of Parliament available for Private Bill legislation the Corporation should introduce and bonâ fide promote a Bill for an Act to extend their limits for the supply of water to include the district and to empower and require the Corporation to construct the works purchase the mains pipes and meters of the council and supply water throughout the district on the terms indicated in such section the council should not oppose such Bill except so far as might be necessary to secure the insertion of clauses to protect their interests in conformity with such provisions:

And whereas it is expedient that the area for the supply of water by the Corporation be enlarged so as to include the district and that the Corporation be empowered to purchase such mains pipes and meters as aforesaid and to construct the works for affording a supply of water to the district which were indicated in the said section 79 and which are by this Act authorised:

And whereas it is also expedient that the purchase of the lands already acquired by the Corporation as aforesaid be confirmed and that provision be made for augmenting the water supplies of the Corporation from the sources of supply under in and upon those and other lands and that the Corporation be authorised to construct the further works by this Act authorised and that such other provisions be made and powers granted to the Corporation in relation to the supply of water as are in this Act contained:

And whereas it is expedient that further powers be conferred upon the Corporation with reference to streets buildings sewers and drains in and that further provision be made for the health local government and improvement of the borough:

And whereas it is expedient that the Corporation be empowered to borrow the sum of three thousand two hundred pounds being the sum already expended by them in the purchase of the lands aforesaid and to borrow money for the construction of the waterworks by this Act authorised and for the other purposes of this Act:

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned in respect of which borrowing powers are by this Act conferred upon the Corporation and such estimates are as follows:—

For the purchase of lands and easements for and	£
the construction of the waterworks Works Nos.	
1 2 and 3 by this Act authorised - - -	27,860
For the purchase of further lands and easements	
for and in connexion with and for the con-	
struction of the waterworks Works Nos. 5 to 10	
inclusive by this Act authorised - - -	49,400
For the enlargement of the said Work No. 2 as	
by this Act provided - - -	7,600
For new mains extensions of mains and service	
pipes and other waterworks purposes - -	10,000

And whereas the several works included in the said estimates are permanent works and it is expedient that the cost thereof be spread over a term of years:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the consent of the Local Government Board has been obtained:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners or reputed owners and lessees or reputed lessees and occupiers of the lands

A.D. 1916. required or which may be taken for the purposes or under the powers of this Act and plans of the lands already acquired by the Corporation as aforesaid were duly deposited with the clerk of the peace for the county of Northumberland and are in this Act referred to respectively as "the deposited plans sections and book of reference":

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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):—

PART I.

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the Tynemouth Corporation Act 1916 and this Act and the Tynemouth Corporation (Water) Act 1897 the Tynemouth Corporation (Water) Act 1898 and the Tynemouth Corporation (Water) Act 1907 may be cited together as the Tynemouth Corporation Water Acts 1897 to 1916.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Water and Lands.

Part III.—Streets Buildings Sewers Drains &c.

Part IV.—Infectious Disease and Sanitary Provisions.

Part V.—Common Lodging-houses and Houses let in Lodgings.

Part VI.—Recreation Grounds Seashore &c.

Part VII.—Financial Provisions.

Part VIII.—Rating Provisions.

Part IX.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of 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):—

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except in respect of the lands required for the purposes of the

section of this Act of which the marginal note is "Provision for benefit of fisheries in Coquet Fishery District" sections 128 to 131 inclusive of the same Act):

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(2) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 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 relating to accounts:

Provided that the water to be supplied by the Corporation need not be constantly laid on under pressure except in the district as defined by this Act and need not be supplied at a pressure greater in the case of the district than the pressure afforded by gravitation from the Hebron Service Reservoir by this Act authorised and in the case of any other part of the area for the supply of water by the Corporation than the pressure afforded by gravitation from the service reservoir from which the supply is given:

In construing the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes incorporated herewith the expression "the limits of the Special Act" shall for the purposes of this Act be deemed to include any street which the Corporation require to open and break up for laying down any lines of pipes or works therein in exercise of the powers of this Act:

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" shall mean the works by this Act authorised and "the centre of the railway" shall mean the boundaries of the reservoir and the centre lines of the aqueducts conduits or lines of pipes.

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Interpreta-
tion.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“The borough” means the borough of Tynemouth;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The district” means the urban district of Ashington;

“The council” means the council of the district;

“The day of transfer” means the quarter day which shall next happen after the Corporation shall have constructed the Hebron Service Reservoir Work No. 2 by this Act authorised of a capacity of not less than one million one hundred thousand gallons and have constructed the lines of pipes (No. 1) and (No. 2) Works No. 1 and No. 3 by this Act authorised and shall have given notice thereof in writing to the council;

“The Act of 1897” “the Act of 1898” “the Act of 1907” mean respectively the Tynemouth Corporation (Water) Act 1897 the Tynemouth Corporation (Water) Act 1898 and the Tynemouth Corporation (Water) Act 1907;

“The Act of 1915” means the Ashington Urban District Council Act 1915;

“The Fishery Board” means the board of conservators of the Coquet Fishery District;

“Quarter day” where used in Part II. of this Act means as the context may require the thirty-first day of March the thirtieth day of June the thirtieth day of September or the thirty-first day of December in any year;

“Water undertaking” means the water undertaking for the time being of the Corporation;

“The water revenue” means and includes all moneys received by the Corporation for or in relation to their water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital;

“The mayor” “the town clerk” “the treasurer” “the water engineer” “the surveyor” “the medical officer” and “the inspector of nuisances” mean respectively the mayor the town clerk the treasurer the water engineer the surveyor the medical officer of health and any inspector of nuisances of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Statutory securities” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any

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county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

PART II.

WATER AND LANDS.

Extension of
limits of
supply.

5. As from the day of transfer the district shall be added to the existing area for the supply of water by the Corporation and subject to the provisions of this Act and except as hereinafter provided the Corporation shall have and may exercise within the district all such and the like powers rights privileges and authorities for and in relation to the supply of water and shall be subject to the like obligations and duties in respect thereof as they now have or may exercise and are subject to within the existing area for the supply of water by the Corporation and subject and except as aforesaid the Act of 1897 the Act of 1898 the Act of 1907 and this Act shall be in force and have effect as if the district had originally formed part of the existing area for the supply of water by the Corporation except that—

- (A) Save as otherwise provided in the section of this Act whereof the marginal note is "Obligation on Corporation to construct certain works" the water shall be supplied by the Corporation throughout the district in accordance with the provisions of the Waterworks Clauses Acts 1847 and 1863 as incorporated with this Act:
- (B) The supplies shall be given under the same terms and conditions and at the same rates and charges for all purposes as those for the time being charged by the Corporation for the like purposes within the borough Provided that the rates and charges made within the district shall not exceed the rates and charges authorised by the Act of 1897 and the Act of 1907:
- (C) If at any time the Corporation shall not have sufficient water to give a full supply throughout the area of supply of water by the Corporation as extended by this section the consumers of water within the district shall be entitled to the like treatment to that given

to consumers of water within the borough and in particular the consumers of water in the district shall be entitled to as much water per head for domestic purposes as is supplied by the Corporation to consumers within the borough for domestic purposes.

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6.—(1) The Corporation shall purchase the water mains pipes and meters belonging to the council within the district as they stand at the day of transfer at a price equal to the then value thereof and the amount of the said price shall failing agreement between the council and the Corporation be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 As soon as possible after the giving of the notice of construction mentioned in the section of this Act whereof the marginal note is "Obligation on Corporation to construct certain works" the Corporation and the council shall take all necessary steps for determining the amount of the said price.

Ashington Council to sell water mains pipes and meters to Corporation.

(2) The Corporation shall pay the purchase money to the council on the day of transfer and if the same shall not be so paid the Corporation shall pay to the council interest thereon at the rate of five per centum per annum from the day of transfer until payment be made The purchase money when received by the council shall be applied by them in the repayment of debt or with the approval of the Local Government Board for any other purpose to which capital money may be applied.

7. As from the day of transfer the mains pipes and meters belonging to the council within the district shall by virtue of this Act vest in and belong to the Corporation and the obligations (other than debts and liabilities) of the council existing on that day in connexion with the water supply then afforded by the council to the district shall be taken over by and shall by virtue of this Act attach to the Corporation but the council shall not without the previous consent of the Corporation under the hand of the town clerk which consent shall not be unreasonably withheld make or enter into any contract or obligation in connexion with the water supply of the district except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the water undertaking of the council If any difference shall arise between the Corporation

Vesting of water mains and obligations of Ashington Council in Corporation.

A.D. 1916. and the council as to the withholding of any such consent the same shall be determined by arbitration.

If the amount of the consideration for the mains pipes and meters vested in the Corporation by virtue of this Act is not ascertained before the day of transfer the date of the final ascertainment of that amount shall for the purposes of section twelve of the Finance Act 1895 (which relates to stamp duty on property vested by Act of Parliament) be treated as the date of vesting.

Receipt for purchase money.

8. The receipt in writing of the treasurer of the council for the purchase money or any part thereof or for any other sum of money to be paid to the council by the Corporation shall effectually discharge the Corporation from the sum which in any such receipt shall be acknowledged to have been received and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened "In the matter of the Tynemouth Corporation Act 1916" and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of the treasurer of the council.

Copy of Act with receipt for purchase money to be evidence of transfer of mains &c.

9. The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by the treasurer of the council or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the mains pipes and meters belonging to the council within the district.

Ashington Council to pay debts and liabilities and to be entitled to rates &c.

10.—(1) The council shall bear and discharge and pay all debts and liabilities incurred by them in connexion with the water supply of the district or their water undertaking and shall be entitled to all rates rents charges and other receipts on revenue account accruing from or in respect of such supply up to and including the day of transfer and as from that day the Corporation shall be entitled to receive all rates rents charges and other receipts accruing from or in respect of the supply of water to the district:

Provided that where any such rates rents charges or other receipts have been paid in advance to the council so much of them as is attributable to the supply of water during any period subsequent to the day aforesaid shall be paid over to the Corporation by the council. A.D. 1916.

(2) All such apportionments as may be necessary for giving effect to the purposes of this section shall be made and the council shall pay to the Corporation or the Corporation shall pay to the council (as the case may be) any amount which may be ascertained on any such apportionment to be so payable.

11. All water rates rents charges and sums of money which may be due or accruing to the council on revenue account from or in respect of their water undertaking on the day of transfer shall be payable to and may be collected and recovered by the Corporation in like manner as if they had become payable for the like matters supplied or done under this Act. Recovery of water rates &c.

12. The Act of 1915 is hereby repealed as from the date when the Corporation commence to afford a supply of water within the district in accordance with the provisions of this Act. Repeal of Ashington Act 1915.

13.—(1) As from the day of transfer—

(A) So much of the agreements dated the twenty-eighth day of April one thousand eight hundred and ninety-four and the twentieth day of July one thousand eight hundred and ninety-five respectively and made between the Most Noble William John Arthur Charles James Duke of Portland of the one part and Joseph Lee and Francis Priestman of the other part as require the supply of water within portions of the district and the agreement dated the twenty-ninth day of December one thousand nine hundred and six and made between the Ashington Coal Company Limited (who are the successors in title of the said Joseph Lee and Francis Priestman and are hereinafter referred to as “the company”) of the one part and the council of the other part and the agreement dated the twenty-third day of May one thousand nine hundred and seven and made between the said Duke of Portland of the first part the company of the second part and the council of the third part are hereby cancelled: As to water agreements of Ashington Coal Company Limited and user of their plant and apparatus.

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(B) Until the twenty-ninth day of December one thousand nine hundred and thirty-one the Corporation shall be entitled to the exclusive use of the plant and apparatus of the company and shall subject as hereinafter provided pay to the company for such right of user an annual rent of one hundred and fifty pounds by equal half-yearly payments on the thirtieth day of June and the twenty-ninth day of December in each year the first payment in respect of such rent being made on the before-mentioned half-yearly day which shall happen next after the day of transfer and being if need be for a proportionate part of a half-year's rent Provided that the Corporation may at any time compound with the company in respect of such annual payments for such sum of money or other recompense as may be agreed on between the Corporation and the company So long as the Corporation shall use the plant and apparatus of the company the Corporation shall repair and maintain the same and discharge all rates and taxes payable in respect thereof.

(2) On the day of transfer the Corporation shall make or secure to the company compensation in respect of the cesser of the right reserved to the company by that agreement to afford a supply of water through the plant and apparatus of the company to any persons outside the district and such compensation shall be for such an amount of money or quantity of water and if in water shall be supplied upon such terms and conditions and at such points and to such persons as may be agreed on between the Corporation and the company or as shall be determined by arbitration by a single arbitrator to be appointed failing agreement by the Local Government Board on the application of either party The Corporation shall also on and after the day of transfer indemnify the company against all liabilities damages claims costs charges and expenses for or in respect of any failure on the part of the company to supply water to any persons outside the district in accordance with the said agreements of the twenty-eighth day of April one thousand eight hundred and ninety-four and the twentieth day of July one thousand eight hundred and ninety-five which may be caused by the cesser of the right reserved to the company by the said agreement of the twenty-ninth day of December one

thousand nine hundred and six to afford such supplies through the plant and apparatus of the company. A.D. 1916.

(3) At any time after the day of transfer the Corporation may purchase and acquire from the company and the company may sell and transfer to the Corporation the plant and apparatus of the company for such price or consideration either in money or water or partly in money and partly in water and on and subject to such terms and conditions as may be agreed on between the Corporation and the company and upon the completion of such sale and purchase the plant and apparatus of the company shall vest in the Corporation as and become part of their water undertaking and the annual rent of one hundred and fifty pounds provided for by subsection (1) of this section shall cease to be payable.

(4) For the purposes of this section the expression "the plant and apparatus of the company" means such of the mains service pipes filters tanks meters pipes and other plant and apparatus of water supply belonging to the company (except the plant and apparatus upon the colliery premises at Ashington Colliery in the district) as shall on the day of transfer be used by the council for the distribution of water in the district under the said agreement dated the twenty-ninth day of December one thousand nine hundred and six. If any difference shall arise between the Corporation and the company under this subsection the same shall be determined by arbitration in the manner provided by subsection (2) of this section.

14. If and as often as the boundary of the district shall be extended the Corporation shall as soon as is reasonably practicable thereafter apply for an Act of Parliament or a Provisional Order to be confirmed by Parliament to include the area which shall be added to the district within the area for the supply of water by the Corporation upon the same terms in all respects as those which apply to the district. Provision for water supply on extension of Ashington district.

15. Subject to the provisions of this Act the Corporation may wholly in the county of Northumberland and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):— Power to make works.

Work No. 1 A line or lines of pipes (No. 1) commencing in the parish of Pigdon by a junction with the line of

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pipes No. 1 (Work No. 6) authorised by the Act of 1898 and terminating in the Hebron Service Reservoir hereinafter described :

Work No. 2 A service reservoir to be called the Hebron Service Reservoir situate wholly in the parish of Cockle Park in the inclosure numbered 86 in that parish on the $\frac{1}{2500}$ Ordnance map Northumberland sheet LXIV. 5 (2nd edition 1897) :

Work No. 3 A line or lines of pipes (No. 2) commencing in the Hebron Service Reservoir and terminating in the parish and urban district of Ashington by a junction with the water main of the council in the road leading from Holy Sepulchre Church to the Portland Arms Hotel :

Work No. 5 An aqueduct conduit or line or lines of pipes (No. 4) commencing in the parish of Newtown in the inclosure numbered 58 in that parish on the $\frac{1}{2500}$ Ordnance map Northumberland sheet XLIV. 14 (2nd edition 1897) and terminating in the parish of Tosson in the inclosure numbered 86 on the $\frac{1}{2500}$ Ordnance map Northumberland sheet XLIV. 10 (2nd edition 1897) :

Work No. 6 An aqueduct conduit or line or lines of pipes (No. 5) to be situate wholly in the parish of Newtown in the said inclosure numbered 58 in that parish :

Work No. 7 An aqueduct conduit or line or lines of pipes (No. 6) to be situate wholly in the parish of Newtown in the said inclosure numbered 58 in that parish :

Work No. 8 An aqueduct conduit or line or lines of pipes (No. 7) to be situate wholly in the parish of Newtown in the said inclosure numbered 58 in that parish :

Work No. 9 An aqueduct conduit or line or lines of pipes (No. 8) to be situate wholly in the parish of Newtown in the inclosure numbered 21 in that parish on the $\frac{1}{2500}$ Ordnance map Northumberland sheet XLIV. 10 (2nd edition 1897) :

Work No. 10 An aqueduct conduit or line or lines of pipes (No. 9) commencing in the parish or township of Tosson in the said inclosure numbered 86 in that parish and terminating in the parish of Stanton by a junction with the line of pipes No. 1 (Work No. 6) authorised by the Act of 1898.

In addition to the foregoing works the Corporation may upon the said lands make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water-towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them or for the general purposes of the water undertaking of the Corporation but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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16. Subject to the provisions of this Act the Corporation may in the construction of the works authorised by this Act deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided as follows (that is to say):—

Limits of deviation.

The Corporation shall not construct any embankment or wall of the reservoir by this Act authorised of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition:

Except for the purpose of crossing over a stream or railway no part of the aqueducts conduits or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

17. The Corporation shall construct the Hebron Service Reservoir and the lines of pipes (No. 1) and (No. 2) Works No. 1 and No. 3 by this Act authorised with all reasonable despatch and shall forthwith after the completion of such works give notice thereof in writing to the council and shall construct such reservoir of a capacity of not less than one million one hundred thousand gallons and at such an elevation as will give by gravitation therefrom to the water in the line or lines of pipes (No. 2) Work No. 3 by this Act authorised a pressure at the boundary of the district of at least ninety pounds to the square inch reduced to sea level (Ordnance datum) and so soon

Obligation on Corporation to construct certain works.

A.D. 1916. — as the average daily consumption of water in the district in any one year shall exceed four hundred thousand gallons the Corporation shall forthwith enlarge the capacity of such reservoir to at least two million two hundred thousand gallons.

Power to acquire lands. **18.** Subject to the provisions and for the purposes of this Act the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference except the lands which would have been required solely for the construction of the line of pipes described on the deposited plans as "line or lines of pipes No. 3" had that work been authorised.

Period for compulsory purchase of lands. **19.** The powers of the Corporation for the compulsory purchase of lands or easements under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Persons under disability may grant easements &c. **20.** 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 (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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 retain sell &c. lands. **21.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale or exchange either in consideration of the execution of works or of a supply of water or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or held by them for the purposes of or in connexion with or as part of their water undertaking and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange

or other disposition and on any exchange may give or take any money for equality of exchange. A.D. 1916.

22. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal to whom any such question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the eighteenth day of November one thousand nine hundred and fifteen if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act. Provisions as to compensation.

23.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall, if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Costs of arbitration in certain cases.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses

A.D. 1916. Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

Corporation may acquire easements only in certain cases.

24.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Owners may be required to sell parts only of certain lands and buildings.

25. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation

or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

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- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

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- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

As to private rights of way over

26. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as

from the date of such acquisition be extinguished Provided A.D. 1916.
that the Corporation shall make full compensation to all parties lands taken
interested in respect of any such rights and such compensation compulsorily.
shall be settled in manner provided by the Lands Clauses
Acts with reference to the taking of lands otherwise than by
agreement.

27. Subject to the provisions of this Act the Corporation Power to
in addition to any other lands which they are by this Act purchase
authorised to acquire or hold may by agreement purchase or additional
take on lease and hold for the purposes of their water under- lands by
taking any lands or any easement right or privilege (not being agreement.
an easement right or privilege of water in which persons other
than the grantors have an interest) over or in respect of lands
which the Corporation may deem necessary for their purposes but
the quantity of lands held by the Corporation in pursuance of
this section shall not at any time exceed thirty acres Provided
that the Corporation shall not create or permit the creation or
continuance of any nuisance on any lands purchased or taken
on lease under this section nor erect any buildings thereon
except offices and dwellings for persons in their employment
and such buildings and works as may be incident to or in
connexion with the water undertaking.

28.—(1) For the purpose of protecting any of their waters Power to
and waterworks against pollution fouling contamination nuisance purchase and
encroachment or injury the Corporation may by agreement hold lands
purchase acquire and take on lease any lands and may hold and exercise
such lands and any other lands which the Corporation may powers for
have acquired for the purposes of their water undertaking or protection of
are by this Act authorised to acquire so long as they shall deem waters and
it necessary or expedient for those purposes Provided that the waterworks.
Corporation shall not create or permit the creation or continu-
ance of any nuisance on any lands acquired under this section
or erect any buildings thereon except offices storehouses and
dwelling-houses for persons in their employment in connexion
with their water undertaking and such buildings and works as
may be incident to or connected with the said undertaking.

(2) The Corporation may in and upon the lands referred to
in subsection (1) of this section construct and lay down drains
sewers watercourses and other works and conveniences necessary
or proper for the purpose of intercepting or taking any foul
waters arising or flowing upon such lands or necessary or proper

A.D. 1916. — for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Confirmation of purchase of lands already acquired.

29. The acquisition by the Corporation of the lands numbered 1 2 3 4 5 6 7 19 20 21 22 and 23 on the deposited plans in the parish of Tosson is hereby sanctioned and confirmed and such lands may be held by the Corporation in addition to any other lands which they are authorised to acquire and hold for the purposes of their water undertaking.

Power to agree as to drainage of lands &c.

30. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands from through or under which any water may flow or percolate directly or derivatively into any work constructed or maintained under the powers of this Act with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters so flowing or percolating.

Reservation of water rights &c. on sale.

31. The Corporation on selling any lands acquired by them in connexion with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Dwelling-houses and other buildings.

32. The Corporation may purchase or take on lease houses cottages and other buildings for persons in their employ in connexion with their water undertaking and offices storehouses and other buildings for the purposes of that undertaking and may erect fit up maintain and let any such building upon any lands for the time being belonging or leased to the Corporation for the purposes of that undertaking.

33. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueducts conduits or lines of pipes by this Act authorised and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and are hereby authorised to lay down or erect for the purposes of their water undertaking.

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Application
of Water-
works
Clauses Act
1847 to
pipes &c.

34. No telephone or telegraph posts wires conductors or other apparatus erected laid down made or maintained under the authority of this Act shall be used for transmitting telegrams which are within the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869.

For pro-
tection of
Postmaster-
General.

35.—(1) If the Corporation shall not within one year after the passing of this Act unless prevented by any requirement regulation or restriction lawfully made under the Defence of the Realm (Consolidation) Act 1914 or any Act amending the same have substantially commenced the construction of the Hebron Service Reservoir and of the lines of pipes (No. 1) and (No. 2) Works No. 1 and No. 3 by this Act authorised or having commenced the same shall not within the period of three years from the passing of this Act or such further period as the Local Government Board may allow have constructed the Hebron Service Reservoir of a capacity of at least one million one hundred thousand gallons and have constructed the lines of pipes (No. 1) and (No. 2) aforesaid and be furnishing a sufficient supply of water in accordance with the provisions of this Act within the district the powers of the Corporation to construct the works by this Act authorised and to supply water within the district shall cease and determine. If any difference shall arise between the Corporation and the council as to the substantial commencement construction or completion of the works aforesaid or as to the sufficiency of the supply of water being afforded by the Corporation such difference shall be settled by an arbitrator to be appointed failing agreement on the application of either party by the Local Government Board.

Period for
completion
of works.

(2) If after Works Nos. 1 2 and 3 by this Act authorised shall have been completed in accordance with the provisions of subsection (1) of this section Works Nos. 5 to 10 inclusive by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of the last-mentioned period the powers by this Act granted for the making of the

A.D. 1916. — last-mentioned works or otherwise in relation thereto shall cease except as to such of those works or so much thereof respectively as shall then be completed.

(3) Subject to the restrictions and provisions of this Act the Corporation may at any time after the expiration of the said respective periods enlarge and extend the Hebron Service Reservoir and lay down additional lines of pipes and alter enlarge extend and renew their mains pipes and other works as they may think expedient to provide for the requirements of their water supply.

For protection of Ashington and Whitley and Monk-seaton Urban District Councils.

36. For the protection of the councils of the urban districts of Ashington and Whitley and Monkseaton the following provisions shall unless otherwise agreed apply and have effect:—

(1) The Corporation shall serve effective notices to treat for the purchase of or otherwise acquire the lands and easements necessary for the construction of the aqueducts conduits and lines of pipes (Nos. 4 5 6 7 8 and 9 respectively) Works Nos. 5 to 10 inclusive by this Act authorised within two years from the passing of this Act and shall proceed with all reasonable despatch to complete the acquisition of the said lands and easements in accordance with such notices and shall substantially commence the said works within eight years from the passing of this Act or earlier if at any time the amount of water in the Font Reservoir shall fall below 100,000,000 gallons and shall proceed with all reasonable despatch and complete the said works within nine years from the passing of this Act:

(2) Contemporaneously with the construction by the Corporation of Works Nos. 5 to 10 inclusive by this Act authorised the Corporation shall construct the portion of the second gravitation main Work No. 6 authorised by the Act of 1898 between the points on the existing gravitation main of the Corporation at which junctions are to be made by the Works No. 1 and No. 10 by this Act authorised together with all necessary connexions and valves between such portion of the second gravitation main and the existing gravitation main of the Corporation:

(3) In the event of the Corporation not proceeding with the acquisition of the said lands and easements in

accordance with the provisions of subsection (1) of this section or not substantially commencing or not proceeding with and completing the works aforesaid within the periods and in the manner in this section provided the requirements of this section may be enforced by writ of Mandamus on the application of either of the councils in this section mentioned in manner provided by section 299 of the Public Health Act 1875 as if this section were an order of the Local Government Board limiting the time for the performance by the Corporation of their duty in that behalf under this section and the Corporation had not performed such duty within the time limited in the order.

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37. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking the springs known as Tosson Springs including Cockpit Well and Cowet Wells and the waters of the Routing Burn and the Seal Burn and all such other springs streams and waters as may be taken or intercepted by the works by this Act authorised.

Power to take waters.

38. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them in connexion with their water undertaking unless the works are authorised by this or some other Act of Parliament and the lands on which the same are to be constructed are specified in this or some other Act of Parliament Provided that nothing in this section shall be deemed to prohibit the deepening or enlargement of any existing borehole or well of the Corporation.

Limiting powers of Corporation to abstract water.

39.—(1) The Corporation shall so soon as they commence the construction of any of the Works Nos. 5 to 10 inclusive by this Act authorised proceed with all due diligence to lay out and expend a sum not exceeding four hundred pounds in constructing upon the lands numbered 18 19 20 21 22 23 24 25 26 and 27 on the deposited plans in the parish of Newtown or some of them such spawning-beds hatcheries fish-passes ponds channels and other works and apparatus communicating with the Routing Burn the Seal Burn or the River Coquet as may be agreed on between the Corporation and the Fishery Board as being most suitable for the improvement of the spawning-beds of the Routing Burn and the Seal Burn and in fencing

Provision for benefit of fisheries in Coquet Fishery District.

A.D. 1916. off the lands upon which such works and apparatus may be constructed from the adjoining lands.

(2) The Corporation shall give to the Fishery Board one month's previous notice in writing of their intention to commence the construction of any of the Works Nos. 5 to 10 inclusive by this Act authorised and if before the expiration of seven days from the date on which such notice is given the Fishery Board shall give notice to the Corporation that they themselves desire to construct such works apparatus and fencing the Corporation shall on commencing the construction of any of the Works Nos. 5 to 10 inclusive by this Act authorised permit the Fishery Board to enter upon such of the said lands and at such times as may be reasonably necessary for the purpose and thereon to construct the said works apparatus and fencing and upon giving such permission and securing to the reasonable satisfaction of the Fishery Board the payment of the reasonable cost of such works and apparatus not exceeding the sum of four hundred pounds the obligations of the Corporation under subsections (1) and (2) of this section shall cease and determine but without prejudice to the right of the Fishery Board to recover payment of the cost aforesaid and if need be to realise their said security.

(3) On the completion of such works and apparatus by whomsoever constructed the same shall be for ever after maintained in good working order and condition by and at the expense of the Corporation.

(4) If any difference shall arise between the Corporation and the Fishery Board under this section the same shall be determined by arbitration by a single arbitrator to be appointed failing agreement by the Board of Agriculture and Fisheries on the application of either party.

Restriction upon quantity of water to be taken.

40.—(1) The Corporation shall place a self-recording gauge to be reasonably approved by the Fishery Board across or adjacent to the Routing Burn at a point as near as practicable from an engineering point of view below the point where the water is abstracted and all water taken by the Corporation under the powers of this Act shall be collected at a point above the gauge and through an aperture therein there shall be allowed to pass and flow down the said burn at least four hundred thousand gallons of water during every twenty-four hours between noon on the fifteenth day of October and noon on the fifteenth day

of December and two hundred thousand gallons of water during every twenty-four hours between noon on the fifteenth day of December and noon on the fourteenth day of February and one hundred thousand gallons of water during every twenty-four hours throughout the remainder of each year and the said quantities of four hundred thousand gallons two hundred thousand gallons and one hundred thousand gallons respectively are hereinafter referred to as "the prescribed quantity."

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(2) On any day during such time as the flow of water through the gauge into the Routing Burn shall be less than at the rate of the prescribed quantity the Corporation shall not be entitled to appropriate and carry away any of the waters which they are by this Act authorised to take but during such time as the flow of water in the Routing Burn is in excess of such rate the Corporation may take all or such part of the excess as they may require.

(3) The gauge shall be open to the inspection and examination of the Fishery Board and of all persons interested therein.

(4) In case of any neglect on the part of the Corporation to maintain the gauge in a state of efficiency and in case of any other neglect by or in consequence of which the prescribed quantity of water shall not be allowed so to pass and flow the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby including the Fishery Board (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(5) If any difference arises between the Corporation and the Fishery Board or any person interested as aforesaid with respect to the construction or use of the gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be appointed (unless otherwise agreed) by the Board of Agriculture and Fisheries on the application of any of the parties in difference.

41. For the further protection of the fisheries of the Coquet Fishery District the following provisions shall apply and have effect (that is to say):—

For further protection of fisheries of Coquet Fishery District.

(1) If during or subsequently to the construction of the Works Nos. 5 to 10 inclusive by this Act authorised

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any diminution shall occur in the usual supply of water in the Black Burn and it is proved that such supply is diminished by reason of the works or operations of the Corporation the Corporation shall with all reasonable despatch after receipt of a request in writing so to do from the Fishery Board supply from the Works Nos. 5 to 10 inclusive as aforesaid or some or one of them from time to time free of cost to the Black Burn or the Routing Burn or the Seal Burn at such point in one of those burns as the Fishery Board may reasonably direct such a quantity of water as may be required to make good such diminution :

- (2) For the purpose of measuring the quantity of water flowing along the Black Burn the Corporation shall forthwith provide fix and maintain at such point in or on the Black Burn as may be reasonably approved by the Fishery Board a self-recording gauge and all necessary works and appliances appertaining thereto :
- (3) All water (if any) supplied by the Corporation to the Black Burn the Routing Burn and the Seal Burn or any one of them under the provisions of this section shall be measured by a self-recording gauge to be provided by and at the expense of the Corporation :
- (4) The gauges works and appliances shall be constructed fixed and maintained to the reasonable satisfaction of the Fishery Board and the Fishery Board shall at all reasonable times be at liberty to inspect and test the accuracy thereof :
- (5) Any question or dispute arising under this section shall be referred to and determined by arbitration by a single arbitrator to be appointed failing agreement by the Board of Agriculture and Fisheries on the application of either party after notice to the other.

Temporary discharge of water into streams.

42.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining the aqueducts reservoirs and other waterworks of the Corporation the Corporation may subject to the provisions of this Act cause the water in such works or any of them to be temporarily discharged into any available stream or watercourse Provided that any water so discharged shall be as free as may be reasonably practicable

from mud or solid or offensive matter and so far as is reasonably practicable shall not be discharged in such a manner as to cause injury to fish or spawn or spawning-beds.

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(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

43. The Corporation may on all or any of the lands for the time being held by them in connexion with their water undertaking execute for the purposes of or in connexion with such undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Corporation shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connexion with their water undertaking.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

44. For the purpose of enabling them to give a supply of water under the provisions of the Act of 1897 the Act of 1898 the Act of 1907 and this Act or any of them the Corporation shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district.

Application of provisions of Public Health Acts as to laying water mains.

45. For the protection of the county council of Northumberland (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the Corporation and the county council have effect (that is to say):—

For protection of Northumberland County Council.

(1) In this section if not inconsistent with the context the following terms shall have the meanings hereinafter respectively assigned to them (that is to say):—

(a) The expression "main road" means a main road vested in the county council;

(b) The expression "the aqueducts" means the lines of pipes (No. 1 and No. 2) Works No. 1 and

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No. 3 by this Act authorised and the aqueduct conduit or line or lines of pipes (No. 9) Work No. 10 by this Act authorised:

(2) In the construction of the aqueducts the following provisions shall have effect:—

(a) Any part of the aqueducts which are to be laid in or along any main road shall where reasonably practicable be laid in such position in or at the side thereof as the county surveyor may in writing reasonably direct and at a depth of not less than two feet six inches from the top of the barrel of the aqueduct to the level of the surface of the macadamised portion of the road;

(b) The aqueducts shall be so constructed as not to stop the traffic or (except so far as is absolutely necessary) to impede or interfere with the traffic over or along any main road and (except with the consent of the county surveyor) the Corporation shall not open or break up at any one time a greater continuous length of any main road than two hundred yards and shall leave an interval of at least one hundred lineal yards between any two places which they open or break up at the same time:

(3) The Corporation shall make full compensation to the county council for all damage and expenses reasonably incurred by the county council in relation to the reinstatement of any roads bridges or other works from time to time by reason or in consequence of the leaking bursting or giving way of any aqueduct or other work by this Act authorised:

(4) Nothing in this Act shall interfere with the right of the county council at any time to divert alter widen or reconstruct any main road over under or near to which the aqueducts or any other works in connexion therewith are carried and in the event of any such road in alongside over under or near to which such aqueducts or works are carried being diverted altered widened or reconstructed as aforesaid the Corporation shall within such reasonable time as the county surveyor may prescribe alter such aqueduct

or works to such position as he may reasonably fix and replace the same to his reasonable satisfaction Provided that before such diversion alteration widening or reconstruction of such road the county council shall except in cases of emergency give twenty-one days' notice in writing to the Corporation of their intention to carry out such works and if in order not to interrupt the continuous supply of water or to diminish the pressure of such supply through such aqueduct or works it is in the opinion of the county surveyor necessary to temporarily remove such aqueduct or works from such road then the Corporation shall (and they are hereby authorised so to do) temporarily carry their works by the side of such road in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council Provided that the county council shall repay to the Corporation any expense reasonably incurred by them in compliance with the requirements of the county surveyor under this subsection or in temporarily carrying their works by the side of such main road:

- (5) The notice required by section 30 of the Waterworks Clauses Act 1847 to be given to the county council whether in regard to the aqueducts and works by this Act authorised or in regard to any pipes or works to be laid by the Corporation within their limits for the supply of water in connexion with their water undertaking shall (except in cases of emergency arising from defects in any aqueduct or any of the pipes or other works of the Corporation) be not less than in the case of any bridge or culvert or approaches thereto fourteen clear days and in the case of any main road seven clear days instead of three clear days:
- (6) If any difference arise between the Corporation and the county council or the county surveyor under this section such difference shall be referred to and settled by arbitration by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party.

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For protection of
North Eastern Railway
Company.

46. The following provisions for the protection of the North Eastern Railway Company (in this section called "the company") shall unless otherwise agreed between the company and the Corporation apply and have effect:—

- (1) The Corporation shall not under or in pursuance of the powers of this Act without the consent in writing of the company take use or interfere with either temporarily or permanently any property of the company but they shall be entitled to purchase and take such right or easement or privilege over upon in or under any lands works or property of the company as shall be necessary for the purpose of laying and maintaining any of the works authorised by this Act:
- (2) All aqueducts conduits line or lines of pipes and other works laid or proposed to be laid or maintained by the Corporation under or in pursuance of the powers of this Act over or under any bridge of the company shall be carried over or under the same in such a way as not to interfere with the structure of any such bridge and all other such works laid or proposed to be laid or maintained by the Corporation under or in pursuance of the powers of this Act which shall cross any railway of the company shall be carried under the same in such a way to the reasonable satisfaction of the engineer of the company as will admit of such works being relaid or repaired without interference with the railway:
- (3) Notwithstanding anything contained in this Act or shown upon the deposited plans in constructing Work No. 3 by this Act authorised under the company's railway the same shall be laid within the limits of the road in such a manner as not to interfere with the safety and stability of the abutments of the company's bridge:
- (4) In laying and maintaining any such works over under or across any work or property of the company the Corporation shall execute and maintain their works under the direction and superintendence if the same be given and to the reasonable satisfaction of the engineer of the company and in accordance with

plans drawings and specifications previously submitted to and reasonably approved by him and shall pay and make good to the company all loss damages and expenses which the company shall sustain or be put to by or in consequence of the construction bursting leakage or failure of any such works of the Corporation :

- (5) The company may repair and when necessary alter or reconstruct their railways or any bridge under or over which the said works or any of them may be laid but not so as to injuriously affect the said works of the Corporation or to interrupt the water supply otherwise than may be reasonably necessary in connexion with any work of repair alteration or reconstruction by the company and if any injury or other interruption shall arise to the said works or any of them from or be owing in any way to any works or operations of the company on any railway or on any such bridge the company shall forthwith make good or remove such injury or interruption at their own expense or failing their doing so the Corporation may do the same and the company shall pay to the Corporation all costs and expenses loss or damages incurred or sustained by them in respect thereof Provided that any such works of the company shall so far as they may interfere with the said works of the Corporation be done to the reasonable satisfaction of the water engineer Any extra expense which the company may incur in such repair alteration or reconstruction by reason of the construction or existence of the said works shall be paid by the Corporation and such extra expense if any shall failing agreement be determined by the arbitrator to be appointed as hereinafter mentioned :
- (6) If the company give to the Corporation notice that they themselves desire to execute so much of any works of the Corporation or of any alteration thereof as will affect any railway or work belonging to the company the company may themselves execute such works and alterations and recover the reasonable cost thereof from the Corporation :
- (7) Any difference (other than a difference to which the Lands Clauses Acts apply) which may arise between

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the Corporation and the company or their respective engineers under the foregoing provisions of this section shall be determined by a single arbitrator to be appointed in case of difference by the Board of Trade on the application of either party.

For protection of North British Railway Company.

47. The following provisions for the protection of the North British Railway Company (hereinafter called "the North British Company") shall unless otherwise agreed between the North British Company and the Corporation apply and have effect (that is to say):—

- (1) The Corporation shall not under or in pursuance of the powers of this Act without the consent in writing of the North British Company take use or interfere with either temporarily or permanently any property of the North British Company but they shall be entitled to purchase and take such right or easement or privilege over upon in or under any lands works or property of the North British Company as shall be necessary for the purpose of laying and maintaining any of the works authorised by this Act:
- (2) Before commencing the construction under or in pursuance of the powers of this Act of any works affecting the lands or property of the North British Company the Corporation shall submit a plan and section of the said works to the North British Company for their approval and the said works shall be constructed and carried out in conformity with such plan and section as approved and at the sight and to the reasonable satisfaction of the engineer of the North British Company and such works shall thereafter be maintained by the Corporation to the reasonable satisfaction of such engineer Provided that the approval of the North British Company shall not be unreasonably withheld and that it shall be deemed to have been given unless the North British Company signify their disapproval within fourteen days after submission of the said plan and section Provided also that any expenses which the North British Company may reasonably incur in underpinning the foundations of the bridge carrying their railway over the accommodation road on the

line of the said aqueduct conduit or line or lines of pipes No. 9 should such underpinning be reasonably necessary or for inspection or superintendence of the said works during execution or in connexion with the maintenance or repair of the said works at any time or in protecting their property during or in connexion with the construction maintenance or repair of the said works shall be repaid to them by the Corporation :

- (3) All the works and operations of the Corporation under or in pursuance of the powers of this Act shall be constructed executed and completed so as not to injuriously affect the structure of any bridge of the North British Company or to cause any injury thereto or to any railway of that company or any interruption to the passage or conduct of traffic thereon and if any injury or interruption shall arise from or be in any way owing to the works or operations of the Corporation or the bursting leakage or failure of the said works or any of them the Corporation shall forthwith make good or remove such injury or interruption at their own expense or the North British Company may do the same and the Corporation shall pay to the North British Company all proper and reasonable costs and loss or damage including loss of traffic incurred or sustained by them in respect thereof :
- (4) The Corporation shall free and relieve the North British Company from all claims whatsoever by third parties arising out of the construction or existence of the said works or the bursting leakage or failure thereof :
- (5) The North British Company may repair and when necessary alter or reconstruct their railways or any bridge under which the said works or any of them may be laid but not so as to injuriously affect the said works of the Corporation or to interrupt the water supply otherwise than may be reasonably necessary in connexion with any work of repair alteration or reconstruction by the North British Company and if any injury or other interruption shall arise to the said works or any of them from or be owing in any way to any works or operations of the North British

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Company on any railway or on any such bridge the North British Company shall forthwith make good or remove such injury or interruption at their own expense or failing their doing so the Corporation may do the same and the North British Company shall pay to the Corporation all costs and expenses loss or damage incurred or sustained by them in respect thereof Provided that any such works of the North British Company shall so far as they may interfere with the said works of the Corporation be done to the reasonable satisfaction of the water engineer Any extra expense which the North British Company may incur in such repair alteration or reconstruction by reason of the construction or existence of the said works shall be paid by the Corporation and such extra expense if any shall failing agreement be determined by the arbitrator to be appointed as after mentioned:

- (6) If any difference shall arise between the Corporation and the North British Company or between their respective engineers under the foregoing provisions of this section (including any difference as to the meaning of the said provisions) other than a difference to which the Lands Clauses Acts apply such difference shall be determined by arbitration by a single arbitrator to be appointed failing agreement by the Board of Trade on the application of either party.

For protection of Duke of Portland.

48. For the protection of the Most Noble William John Arthur Charles James Duke of Portland and his sequels in estate or other the owner or owners for the time being of the Portland Estate in the county of Northumberland or of any lands in respect of which rights or easements may be granted to the Corporation under the provisions of this section (all of whom are in this section referred to as "the owner") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed between the owner and the Corporation apply and have effect (that is to say):—

- (1)—(A) Before commencing to construct the Hebron Service Reservoir by this Act authorised the Corporation shall purchase and the owner if so required by the Corporation will convey to them free from incumbrances at the price or sum of fifty pounds

per acre the freehold and inheritance in fee simple (subject to the existing tenancies) of and in the lands required for the construction of such reservoir and for approaches thereto but reserving to the owner all mines of coal ironstone and other minerals therein or thereunder ;

(B) The owner will also if required by the Corporation sell to the Corporation the freehold and inheritance in fee simple (subject to existing tenancies) of sufficient lands in the vicinity of the said reservoir for the erection of a dwelling-house and a storehouse at such price as shall be agreed upon between the owner and the Corporation or as failing agreement shall be determined in accordance with the provisions of the Lands Clauses Acts ;

(c) Any such dwelling-house shall be continuously occupied by a responsible caretaker or watchman and the same and any storehouse erected by the Corporation on such lands shall only be constructed in positions and in accordance with plans and elevations and of materials approved by the owner :

(2)—(A) The owner will at the request of the Corporation grant to the Corporation free of cost but subject to tenants' rights and claims such rights and easements as the Corporation may reasonably require to enable them to construct maintain alter renew cleanse repair inspect and have access to the lines of pipes (No. 1) and (No. 2) Works No. 1 and No. 3 by this Act authorised and such valve chambers and meter chambers as the Corporation may reasonably require so far as the same may be authorised in on or under any lands of the owner ;

(B) Save as is hereinbefore provided by this section the Corporation shall not purchase or acquire any lands of the owner but the owner will at the request of the Corporation grant to the Corporation in consideration of a perpetual annual payment calculated at the rate of one penny a year per lineal yard but subject to tenants' rights and claims all such rights or easements as the Corporation may reasonably require to enable them to construct maintain alter renew repair inspect and have access to any pipes or other

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works which the Corporation may desire to lay in on or under any lands of the owner for the temporary discharge of water from any of the works by this Act authorised into any available stream or watercourse :

(3) The Corporation shall as soon as they commence to supply water from the Hebron Service Reservoir afford to the owner free of charge at such points within his estate on the line of pipes (No. 2) Work No. 3 by this Act authorised or at the existing tank of the owner used for the supply of his Cockle Park Farm or partly at some or one of such points and partly at the tank aforesaid as the owner may reasonably require a supply of water up to but not exceeding twelve thousand gallons in each consecutive period of twenty-four hours throughout each year but this provision shall not be deemed to have been contravened if (a) the Corporation fail to afford such supply for any one period not exceeding three days in any one year commencing on the first day of January or if (b) the Corporation do not supply more than five thousand gallons a day for any one period not exceeding six days in any one year commencing as aforesaid if and so long as the amount which the Corporation have so failed to supply is if demanded made up in the case (a) within seven days after the expiration of the said period of not exceeding three days and in the case (b) within fourteen days after the expiration of the said period of not exceeding six days :

(4)—(A) The Corporation shall on being requested so to do by the owner execute and do at their own expense all works and acts which may be necessary for effecting the connexions with the line of pipes (No. 2) Work No. 3 by this Act authorised on the lands of the owner of any service pipe or service pipes laid or to be laid by the owner for the purpose of taking any supply of water to which the owner may be entitled from such line of pipes under the provisions of this section ;

(B) The Corporation shall also at their expense on being requested so to do by the owner lay down in

such line and position as may be reasonably approved by the owner a line of pipes with all necessary connexions from the Hebron Service Reservoir to the tank at Cockle Park Farm aforesaid of sufficient capacity to supply into the tank so much of the water to be afforded under the provisions of this section as the owner may require to be so delivered and the owner will grant to the Corporation free of cost but subject to tenants' rights and claims such rights and easements as the Corporation may reasonably require for the purposes of this subsection and the Corporation will at all times maintain the said line of pipes to the reasonable satisfaction of the owner:

- (5) The Corporation shall not be responsible for any stoppage or insufficiency of any supply of water which they are required to afford to the owner under the provisions of this section which may be occasioned by frost unusual drought or other unavoidable cause or accident or during necessary repairs but the Corporation shall in the event of any such stoppage or insufficiency occurring take all reasonable steps to afford the supply of water to be given under this section as quickly as possible:
- (6) The Corporation shall provide and maintain to the reasonable satisfaction of the owner in a suitable meter chamber to be constructed and maintained by them on a convenient site to be provided by the owner at each point on the line of pipes (No. 2) Work No. 3 by this Act authorised at which water may be taken by the owner under the provisions of this section a suitable meter for measuring the amount of water so taken and each such meter and any records thereof kept by the Corporation shall at all reasonable times be open to inspection and examination by any person authorised in writing in that behalf by the owner and such person may take copies of or extracts from any such records. The owner shall pay to the Corporation in respect of each meter provided by them a rent equal to that usually charged by the Corporation for a meter of like capacity but not exceeding thirty shillings per annum:

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- (7) The reading of every meter provided by the Corporation under the provisions of this section shall be taken quarterly at or near to the quarter days in every year and shall be deemed to be *primâ facie* and sufficient evidence of the quantity of water supplied through the same unless it be shown or admitted that the meter is out of order or unreliable in which case the quantity supplied through such meter shall in default of agreement be determined by arbitration as hereinafter provided. Particulars of all such quarterly readings of the said meters shall be furnished by the Corporation to the owner immediately after the same shall have been taken:
- (8)—(A) No pipes or other works for the temporary discharge of water from any of the works by this Act authorised into any available stream or watercourse and no valve chambers or meter chambers shall be constructed by the Corporation on lands of the owner otherwise than in such positions as the owner may reasonably require and in accordance with plans and sections previously approved by the owner;
- (B) The Corporation shall in constructing any works for carrying away any overflow from the Hebron Service Reservoir construct the same in such position and in such manner as that the same will discharge into the brook known as the How Burn at the point where the line of pipes (No. 2) Work No. 3 by this Act authorised crosses the said burn to the southwest of the inclosure known as Cabin Hill:
- (9) All surplus material arising in the construction or maintenance of any of the works by this Act authorised shall if deposited on the Portland Estate be deposited at such place as the owner may from time to time reasonably direct provided that such place shall not be at a distance of more than a quarter of a mile from the work and the Corporation shall so long as any lands of the owner are used for the purpose of such deposit make to the owner a payment calculated at the rate of three pounds per annum per acre in respect of the lands so used:
- (10) Notwithstanding the acquisition by or grant to the Corporation under the provisions of this section of

any lands of the owner or any rights or easements therein or thereover the owner and his tenants and lessees shall have the same liberty of working mines of coal ironstone or other minerals as if such lands rights or easements as the case may be had not been so acquired or granted and as if no works of the Corporation had been constructed in or upon any such lands :

(11)—(A) The right of the owner and his lessees and tenants to use and cultivate any lands in or under which any of the works other than the Hebron Service Reservoir valve chambers and meter chambers by this Act authorised may have been constructed shall not be interfered with and it shall be lawful for the owner and his lessees and tenants to lay out construct and use along over or under such works other than the Hebron Service Reservoir any roads drains pipes cables or other like works ;

(B) The Corporation shall not fence off or sever any land of the owner in respect of which the Corporation may have acquired any easement or right for the purpose of constructing any such work other than lands acquired for the purposes of the Hebron Service Reservoir valve chambers or meter chambers but the Corporation shall if required by the owner fence off such reservoir and any such valve chambers and meter chambers :

(12) No building or works other than the Hebron Service Reservoir and the said dwelling-house storehouse and meter-houses shall without the consent of the owner be constructed on any lands acquired by the Corporation from the owner under the powers of this Act for the purposes of such reservoir dwelling-house or storehouse and the banks of such reservoir shall be kept at all times in a neat and proper condition to the reasonable satisfaction of the owner and inclosed by the Corporation with fences of such height and character as shall be reasonably required by the owner :

(13) In the construction and maintenance of any line of pipes or other works (other than the Hebron Service Reservoir) on any land of the owner the Corporation

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shall first carefully remove from the surface all turf and vegetable soil on the line or site of the works and on the completion thereof or of any works of repair or maintenance thereof or any other works in relation thereto the Corporation shall replace the turf and restore the surface as soon as may be to its former level and state and shall reinstate and make good to the reasonable satisfaction of the owner all roads drains fences pipes cables or other works of the owner which may be interfered with by the Corporation in the construction or maintenance of any of their works by this Act authorised:

- (14) Except where necessary for the purpose of the construction or maintenance of any works the Corporation shall not cut down or interfere with any timber trees or shrubs on any of the lands of the owner and any timber trees or shrubs which it may be necessary to cut down or remove shall when cut down or removed belong to the owner:
- (15) The Corporation shall not erect any wires for any purpose over or across any land of the owner and no barbed wire shall be used in the construction of fences or other works to be authorised by this Act on any such land:
- (16) The Corporation shall compensate the owner for any damage done to any crops of the owner in the execution or maintenance of any works under the powers of this Act:
- (17) The Corporation shall make full compensation to the owner and his tenants and lessees for any damage or reasonable expense they may incur by reason or in consequence of the leaking bursting or giving way of any of the works by this Act authorised:
- (18) The owner shall use all water supplied to him by the Corporation under the provisions of this section on the estates of the owner and shall not sell or dispose of any of such water to any local authority company body or person other than to lessees tenants agents and servants of the owner on the said estates:
- (19) In case any dispute shall arise as to the form of any grant to be made by the owner to the Corporation

or as to any provision to be contained therein the matter shall be submitted to and determined by such conveyancing counsel (not being the counsel employed by either party) willing to act as may be nominated for the purpose on the application of the owner or the Corporation by the President of the Law Society:

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- (20) Except so far as is by this section otherwise provided if any difference shall arise between the Corporation and the owner or any lessee or tenant of the owner under this section or respecting any act or thing to be done or payment to be made or right or liability thereunder such difference shall be referred to and determined by arbitration by a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of any of the parties in difference:
- (21) The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the owner his lessees and tenants.

49. For the protection of the Honourable Hugh Edward Joicey his heirs successors in estate and assigns for the time being entitled in possession whether for life or any greater estate to the Longhirst Estate in the county of Northumberland (all of whom are in this section included in the expression "the owner") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed in writing between the Corporation and the owner have effect:—

For protection of Honourable Hugh Edward Joicey.

- (1) The Corporation shall not for the purpose of laying constructing and maintaining any line of pipes through any lands of the owner purchase or acquire such lands but the Corporation may acquire and the owner shall at the request of the Corporation grant to the Corporation free of cost but subject to tenants' rights and claims such rights and easements as the Corporation may reasonably require to enable them to construct maintain alter renew cleanse repair inspect and have access to the lines of pipes (No. 2 Work No. 3 by this Act authorised and such valve

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chambers and meter chambers as the Corporation may reasonably require so far as the same may be authorised in on or under any lands of the owner and the Corporation shall not inclose the surface of any land of the owner in which an easement shall be acquired :

- (2) The Corporation shall as soon as they commence to supply water from the Hebron Service Reservoir afford to the owner free of charge at such points within his estate as he may reasonably require on the line of pipes (No. 2) Work No. 3 by this Act authorised a supply of water up to but not exceeding four thousand gallons in each consecutive period of twenty-four hours throughout each year but this provision shall not be deemed to have been contravened if (a) the Corporation fail to afford such supply for any period not exceeding three days in any one year commencing on the first day of January or if (b) the Corporation do not supply more than one thousand five hundred gallons a day for any one period not exceeding six days in any one year commencing as aforesaid if and so long as the amount which the Corporation have so failed to supply is if demanded made up in the case (a) within seven days after the expiration of the said period of not exceeding three days and in the case (b) within fourteen days after the expiration of the said period of not exceeding six days :
- (3) The Corporation shall in constructing any line of pipes through any land of the owner fence all excavations from time to time made on the land of the owner or in some other effectual manner prevent cattle sheep and other animals from falling into such excavations and the Corporation shall when the works are completed remove such fence and restore the surface of the ground excavated as nearly as may be to its original state :
- (4) The right of the owner and his lessees and tenants to use and cultivate any lands in or under which any of the works other than valve chambers or meter chambers by this Act authorised may have been constructed shall not be interfered with and it shall

be lawful for the owner and his lessees and tenants to lay out construct and use along over or under such works any roads drains pipes cables or other like works :

- (5) In the construction or maintenance of any line of pipe on any land of the owner the Corporation shall first carefully remove from the surface all turf and vegetable soil on the line or site of the works and on the completion of such works or any repairs or other maintenance thereof they shall replace the turf and restore the surface as soon as may be to its former level and state and will make good and reinstate to the reasonable satisfaction of the owner all roads drains pipes cables or other works of the owner which may be interfered with by the Corporation in the construction and maintenance of any of their works by this Act authorised :
- (6) Notwithstanding the acquisition by or grant to the Corporation of any rights or easements within or over any land of the owner the owner and his lessees and tenants for the time being shall continue entitled to work all mines and minerals as if such rights or easements had not been so acquired or granted and as if no works of the Corporation had been constructed in or upon such lands :
- (7) Subsections 2 (B) 4 (A) 5 6 7 8 (A) 9 14 15 16 17 18 and 19 of the section of this Act of which the marginal note is "For protection of Duke of Portland" shall apply and have effect for the protection of the owner in all respects as if the same were set out in this section but with a reference to the Longhirst Estate of the owner instead of to the Portland Estate and in construing those subsections as so applied the expression "the owner" therein, used shall mean the owner as defined by this section :
- (8) Except so far as is by this section otherwise provided any difference which may from time to time arise between the owner or any lessee or tenant of the owner and the Corporation with respect to any question under this section shall be referred to arbitration by a single arbitrator who shall be appointed in default of agreement by the President of the

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Institution of Civil Engineers on the application of any of the parties in difference :

- (9) The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act or any Act incorporated therewith to the benefit of which the owner his lessees and tenants would otherwise have been entitled.

For protection of Duke of Northumberland.

50. For the protection of the Most Noble Henry George Duke of Northumberland and his sequels in estate or other the owner or owners of the Rothbury Estate in the county of Northumberland of the Duke of Northumberland or of any lands of the Duke of Northumberland in respect of which rights or easements in connexion with the line or lines of pipes (No. 9) Work No. 10 by this Act authorised may be granted to the Corporation under the provisions of this Act (all of whom are in this section referred to as "the owner") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed between the owner and the Corporation apply and have effect (that is to say) :—

- (1) If at any time after the Corporation commence to take water through the line or lines of pipes (No. 9) Work No. 10 by this Act authorised the owner shall by notice in writing to the Corporation from time to time require for the supply of his Rothbury Estate a supply of water in bulk not exceeding a maximum of two thousand gallons a day the Corporation shall supply to the owner and the owner shall accept and take at the price of sixpence per one thousand gallons such quantity of water as may have been demanded in such notice not exceeding the maximum aforesaid and such supply shall be taken at a rate not exceeding six gallons in any one minute at such point or points on the line or lines of pipes (No. 9) aforesaid within his estate and being not more than four in number as the owner may reasonably require :
- (2) The Corporation shall provide and maintain to the reasonable satisfaction of the owner in a suitable meter chamber and on a convenient site to be constructed and maintained and provided respectively by the owner at each point on the line of pipes (No. 9) Work No. 10 by this Act authorised at which water

shall be taken by the owner under the provisions of this section a suitable meter for measuring the amount of water so taken and each such meter and any records thereof kept by the Corporation shall at all reasonable times be open to inspection and examination by any person authorised in writing in that behalf by the owner and such person may take copies of or extracts from any such records The owner shall pay to the Corporation in respect of each meter provided by them a rent equal to that usually charged by the Corporation for a meter of like capacity :

- (3) The reading of every meter provided by the Corporation under the provisions of this section shall be taken quarterly at or near to the quarter days in every year :
- (4) All pipes valves and other apparatus connecting the meter or meters with the line of pipes (No. 9) aforesaid shall be provided fixed and maintained by the Corporation at the cost of the owner :
- (5) The Corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water to the owner if such failure be occasioned by frost unusual drought or any other unavoidable cause or accident or during necessary repairs or if and so long as such supply would interfere with the supply of water within the limits for the time being for the supply of water by the Corporation or with any supply which the Corporation are required to give to any company body or person under any of the provisions of this Act :
- (6) For the purposes of the application of the Waterworks Clauses Act 1847 to and in respect of the lands of the owner or any rights or easements therein or thereover authorised to be acquired by the Corporation by this Act the prescribed distance referred to in section 22 of the said Act of 1847 shall be two hundred yards :
- (7) In the construction and maintenance of any aqueduct conduit line or lines of pipes or other works the Corporation shall first carefully remove from the surface all turf and vegetable soil on the line or site

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of the works and on the completion thereof or of any works of repair or maintenance thereof or any other works in relation thereto the Corporation shall replace the turf and restore the surface as soon as may be to its former level and state :

- (8) The Corporation shall in constructing any aqueduct through any land of the owner fence in all excavations from time to time made on the lands of the owner or in some other effectual manner prevent cattle sheep and other animals from falling into such excavations and the Corporation shall when the works are completed remove such fences and shall so far as reasonably practicable restore the surface of the ground excavated to the former level thereof and such aqueducts shall except where otherwise shown on the deposited sections be laid underground so as to leave at least two feet six inches between the general surface of the ground and the top of the barrel of any pipe :
- (9) In any case in which the construction of any of the works by this Act authorised shall interfere with the existing drainage of the estate of the owner the corporation shall make provision by culverts drains or otherwise to the reasonable satisfaction of the owner for carrying such drainage round under or over the works of the Corporation by which such interference is caused :
- (10) All fences gates watercourses roads conveniences and other matters and things belonging to the owner which may be injured by the Corporation their contractors or workmen during the construction or maintenance of the works by this Act authorised shall subject to the provisions of this section forthwith after such interference be made good by the Corporation :
- (11) The right of the owner and his lessees and tenants to use and cultivate any lands in or under which any works of the Corporation except valve chambers or meter chambers by this Act authorised may have been constructed shall not be interfered with and it shall be lawful for the owner and his lessees and tenants to lay out construct and use along over or

under such works except as aforesaid any roads drains pipes cables or other like works and the Corporation shall not fence off or sever any land of the owner in respect of which the Corporation may have acquired any easement or right for the purpose of constructing or maintaining any such work :

- (12) Except where necessary for the purpose of the construction or maintenance of any works the Corporation shall not cut down or interfere with any timber trees or shrubs on any of the lands of the owner and the Corporation shall make compensation to the owner for any loss or damage he may sustain by any such trees or shrubs being cut down or interfered with :
- (13) The Corporation shall not erect any overhead wires for any purpose over or across any land of the owner and no barbed wire shall be used in the construction of fences or other works authorised by this Act on any such land :
- (14) The Corporation shall make full compensation to the owner and his lessees and tenants for any damage or reasonable expense they may incur by reason or in consequence of the leaking bursting or giving way of any works of the Corporation :
- (15) If any difference shall arise between the Corporation and the owner under this section or respecting any act or thing to be done or payment to be made or right or liability thereunder such difference shall be referred to and determined by arbitration by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party :
- (16) The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the owner his lessees and tenants.

51. For the protection of Isabella Frances Thorp or other the owner or owners of the property in the parish of Whitton known as Whitton Farm (hereinafter referred to as "the owner") the following provisions shall unless otherwise agreed in writing

For protection of Isabella Frances Thorp and others.

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- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not purchase the lands respectively numbered on the deposited plans 8 9 10 11 12 13 and 14 in the said parish of Whitton or any part thereof but the Corporation may in pursuance of the powers contained in the section of this Act of which the marginal note is "Corporation may acquire easements only in certain cases" acquire and the owner shall at the request of the Corporation grant to them subject to any existing tenancies such easements and rights as the Corporation may reasonably require to enable them to construct maintain alter and renew in and under the said lands the aqueduct conduit or line or lines of pipes (No. 9) Work No. 10 by this Act authorised (hereinafter referred to as "the said aqueduct") and any other works by this Act authorised to be constructed on those lands :
- (2) The said aqueduct shall not consist of more than two lines of pipes :
- (3) The Corporation shall construct maintain and keep the said aqueduct so far as the same may pass through or be near to the property of the owner and all works in connexion therewith so far as practicable watertight and shall indemnify the owner against any loss or damage caused by the bursting of or leaking of water from the said aqueduct or works in connexion therewith :
- (4) Any telegraph or telephone wires or other means of communication laid by the Corporation through the property of the owner shall be placed underground along the line of the said aqueduct and not otherwise :
- (5) Notwithstanding anything contained in this Act or the grant of the said easements or rights or the construction of the said aqueduct and works it shall be lawful for the owner and the lessees and tenants of the owner to lay out construct and use along over or under the said aqueduct and works any roads drains pipes cables or other like works :

- (6) Any difference which may arise between the owner and the Corporation other than any difference as to the compensation to be paid by the Corporation to the owner for or in respect of the acquisition of the easements or rights hereinbefore referred to shall be determined by arbitration by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party. A.D. 1916.

52. For the protection of the Rothbury Waterworks Company Limited (in this section referred to as "the company") the following provisions shall apply and have effect unless otherwise agreed in writing between the Corporation and the company (that is to say) :—

For protection of Rothbury Waterworks Company Limited.

- (1) If during or subsequently to the construction of the works by this Act authorised any diminution shall occur in the supply of water required by the company from their White Park Well for the purposes of their undertaking and it is proved that such supply is diminished by reason of the works or operations of the Corporation the Corporation shall with all reasonable despatch after receipt of a request in writing so to do from the company supply from time to time free of cost to the company from a point on the aqueduct conduit line or lines of pipes (No. 9) Work No. 10 by this Act authorised where such aqueduct crosses the public road numbered on the deposited plans 9 in the parish of Whitton such a quantity of water as may be required to make good such diminution :
- (2) The Corporation shall not be liable in respect of any claim made by the company under this section if the company shall have failed after being so requested in writing by the Corporation to afford to the officers servants or other representatives of the Corporation at all reasonable times after the passing of this Act access to the said White Park Well for the purpose of ascertaining particulars thereof and erecting maintaining and inspecting a gauge to measure the flow of water in the said well :
- (3) For the purpose of measuring the quantity of water obtained by the company from the White Park

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Well the Corporation shall provide in some suitable chamber or building a recording meter or other apparatus and all necessary works and appliances appertaining thereto :

- (4) The Corporation shall at all reasonable times be at liberty to inspect such gauge meter and apparatus and to test the accuracy thereof The said gauge chamber or building and meter and all pipes and other necessary apparatus shall be constructed provided fixed and maintained by the Corporation to the reasonable satisfaction of the company :
- (5) All water (if any) supplied to the company by the Corporation under this section shall be measured by a recording meter or other apparatus to be provided by and at the expense of the Corporation in some suitable chamber or building and the company shall at all reasonable times be at liberty to inspect such chamber or building meter and apparatus and to test the accuracy of such meter and apparatus :
- (6) Any question or dispute arising under this section shall be referred to and determined by arbitration by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice to the other.

Supply in
bulk to Mor-
peth Rural
District
Council.

53.—(1) If at any time before the Corporation commence to supply water from the Hebron Service Reservoir or at any time within seven years after the passing of this Act whichever shall be the longer period the Morpeth Rural District Council (hereinafter referred to as "the Morpeth Council") shall by notice in writing to the Corporation require a supply of water in bulk for the supply of the parishes of Ulgham Widdrington and East Chevington or any of them the Corporation shall as from the date when they commence to supply water from the Hebron Service Reservoir or from the expiration of three months from the date of such notice whichever shall be the later supply to the Morpeth Council and the Morpeth Council shall accept and take at the price of sixpence per one thousand gallons such quantity of water not being less than twenty thousand nor more than forty-four thousand gallons a day as may have been demanded in such notice and such supply shall be taken from

the Hebron Service Reservoir in an even and continuous flow throughout every day of twenty-four hours. A.D. 1916.

(2) All water so supplied and taken shall be measured by a meter or other apparatus which shall be placed in some suitable chamber or building to be provided by the Corporation on a site to be provided by the Morpeth Council and such meter and chamber or building and all pipes valves and other apparatus connecting the same with the Hebron Service Reservoir shall be provided fixed constructed and maintained by the Corporation at the cost of the Morpeth Council. The Morpeth Council shall at all reasonable times be at liberty on giving twenty-four hours' notice to the Corporation to inspect such meter and the works appertaining thereto and to test the accuracy thereof.

(3) The Corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water to the Morpeth Council if such failure be occasioned by frost unusual drought or any other unavoidable cause or accident or during necessary repairs or if and so long as such supply would interfere with the supply of water within the limits for the time being for the supply of water by the Corporation or with any supply which the Corporation are required to give to any company body or person under any of the provisions of this Act but no payment in respect of water under this section shall be demanded by the Corporation in respect of the period whilst such supply is suspended.

(4) The Morpeth Council shall not supply water furnished to them under this section outside the parishes of Ulgham Widdrington and East Chevington.

(5) All payments for the water supplied shall be made quarterly on the first day of January the first day of April the first day of July and the first day of October in every year.

(6) The Corporation shall not under the powers of this Act collect impound divert or appropriate any springs streams or waters from any lands in the rural district of Morpeth.

(7) The Morpeth Council may in addition to any moneys now borrowed by them or which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any Act of Parliament or Provisional Order borrow at interest with the sanction of the Local Government Board any moneys which they may require to expend for the purposes of acquiring or laying mains pipes or apparatus to enable the Morpeth Council

A.D. 1916.

to take and supply any water which may be taken and supplied by the Morpeth Council under the provisions of this section and the provisions of sections 236 to 239 of the Public Health Act 1875 shall be applicable to any mortgage granted by the Morpeth Council under this section. Any moneys borrowed by the Morpeth Council under this section shall be deemed to be moneys for special expenses within the meaning of the Public Health Act 1875 and chargeable on the parishes of Ulgham Widdrington and East Chevington and for the purpose of securing the repayment of such moneys with interest thereon the Morpeth Council may mortgage any water rates or rents which may become payable to them in respect of a supply of water afforded by the Morpeth Council by means of the said mains pipes or apparatus and the rate or rates out of which such expenses are payable. Provided that the Morpeth Council shall not borrow any money under the powers of this section during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

(8) The moneys borrowed by the Morpeth Council under this section shall be repaid within such period from the date of borrowing the same as the Local Government Board shall sanction in accordance with the provisions of the Public Health Act 1875 as if the same were borrowed under that Act and in calculating the amounts which the Morpeth Council may borrow under that Act or any other enactment the amounts borrowed under this section shall not be reckoned.

(9) Any difference between the Corporation and the Morpeth Council under this section shall be settled by arbitration by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party.

New works and lands to form part of water undertaking of Corporation.

54. The works constructed by the Corporation and the lands hereditaments and easements acquired by them for the purposes of their water undertaking under the powers of this Act and the lands the acquisition of which is by this Act confirmed shall so long as the same respectively are vested in the Corporation form part of the water undertaking of the Corporation.

As to communication pipes.

55.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe

or apparatus within the limits for the supply of water by the Corporation the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes. A.D. 1916.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the area for the supply of water by the Corporation execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

56. If by reason of any injury to or defect in any communication pipe within the area for the supply of water by the Corporation which the Corporation are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Corporation to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe has been laid by and belongs to the occupier of such premises from the occupier Provided that except in cases of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier of such house or premises not less than twenty-four hours' notice of their intention so to enter. Power to Corporation to repair communication pipes.

57. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the water engineer or other officer duly authorised in that behalf by the Corporation. Maintenance of common pipe.

A.D. 1916.
Detection of
waste.

58.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways within the area for the supply of water by the Corporation the necessary boxes or covers for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus within such area.

(2) Provided that the Corporation shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) Provided also that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(4) Provided that the Corporation shall not without the consent of the North Eastern Railway Company enter upon break up or interfere with the railway or works or any street electric lines wires or apparatus belonging to nor interfere with the access to any passenger or goods station of the North Eastern Railway Company.

Confirming
agreement
with Whitley and
Monkseaton
Urban District Council.

59. The agreement made between the Corporation of the one part and the Whitley and Monkseaton Urban District Council of the other part as set forth in the Second Schedule to this Act is hereby confirmed and made binding on the Corporation and the said district council and may and shall be carried into effect accordingly notwithstanding anything contained in section 37 of the Act of 1898 Provided that the said agreement may be varied and altered by agreement between the Corporation and the said district council.

For protection of
urban districts of
Bedlington-

60. For the protection of each of the councils of the urban districts of Bedlingtonshire Blyth Cramlington Newbiggin-by-the-Sea and Seaton Delaval the following provisions shall apply and have effect :—

Each of the said councils shall be entitled to a supply of water from the Corporation of not less quantity than such council would for the time being have been entitled to if the district had not been added to the area for the supply of water by the Corporation and the Corporation shall be under obligation to supply such water accordingly.

A.D. 1916.
shire Blyth
Cramlington
Newbiggin
and Seaton
Delaval.

PART III.

STREETS BUILDINGS SEWERS DRAINS &c.

61.—(1) The Corporation in any case in which it is proposed to lay out a new street may require that such street shall not be laid out without the provision of such intersecting street or streets as will secure intersecting streets at intervals of not more than two hundred yards each from the other on each side of such new street and of any street of which it forms a continuation. Provided that if on either side of such last-mentioned street there shall already be a greater length from the proposed new street than two hundred yards without an intersecting street such greater length shall for the purposes of this section be deemed to be two hundred yards.

Intersecting
streets.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purposes of this section "intersecting street" means a side or cross street forming a junction with or crossing another street.

62.—(1) Where in the opinion of the Corporation a new street not being a back street will form a continuation of or means of communication with a main thoroughfare in the borough or a continuation of or means of communication with a main approach to the borough the Corporation may if they think fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may think fit and the Corporation shall thereupon make full compensation to the owner or owners of and to any other person interested in the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of such houses or other buildings being required to be set back as aforesaid and failing agreement the amount of such compensation shall be determined by arbitration in the manner provided by the Lands Clauses Acts :

Width of
new streets
in certain
cases.

A.D. 1916.

[— 54]

Provided always that the Corporation may if they think fit instead of paying the compensation to such owner or owners under this section agree with him or them for the purchase of the said lands or any part or parts thereof.

(2) All moneys payable by the Corporation by way of compensation or for the purchase of lands under this section may be defrayed out of moneys authorised by this Act to be borrowed with the sanction of the Local Government Board.

(3) For the purpose of this section "back street" means any street or passage intended to be used only as an access to the back of any building.

Power to define future line of existing streets.

63.—(1) Where any street or road repairable by the inhabitants at large or any part of such street or road is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises. No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Lands Clauses Acts.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage which he or they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring the said line to be observed and kept.

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(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

64. When any passage stairs or approach between the higher and lower parts of the town or which afford access between a public street and the river and over which the public have rights of way but which is or are not a highway repairable by the inhabitants at large is or are for want of repairs in such a state as to be a danger to the public or vehicles passing along such passage stairs or approach the Corporation may at the expense of the district fund carry out such repairs (including the provision of handrails balustrades and parapet fences or walls) as may be reasonably necessary to obviate such danger without rendering themselves liable to the future maintenance of the passage stairs or approach so repaired by them.

As to urgent repairs to stairs passages &c.

65. All bridges (other than bridges which the inhabitants are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected and which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the Corporation approve and shall be built in accordance with specifications plans and sections to be

Erection of bridges.

A.D. 1916. — submitted to and approved by the Corporation and it shall not be lawful to erect any such bridge except in accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove alter or pull down any work begun or done in contravention of this section and recover the expenses from such person summarily.

Power to grant licences for bridges over streets.

66. The Corporation may grant to the owner or with consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given on such terms and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit :

Provided that no fine rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of such licence :

Provided also that any licence given under this section shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street :

Provided further that in the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1915 be deemed part of the street or road which it crosses.

If any person shall construct a bridge over any such street without such licence or shall not construct or use the same in accordance with the terms and conditions of the licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Restriction on placing rails beams &c. over streets.

67.—(1) It shall not be lawful for any person to fix or place any overhead rail beam pipe cable or other similar apparatus (other than apparatus for telegraphic telephonic or

railway signalling purposes fixed or placed by the North Eastern Railway Company or any apparatus lawfully placed for working any tramway or light railway by electrical traction) over across or along any street without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section and of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

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(2) Nothing in this section shall extend to any apparatus belonging to the Postmaster-General.

68. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Acts shall extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Prevention and removal of projections over streets.

69.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

Trees or shrubs overhanging streets and footpaths.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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(3) Notice of the right to appeal shall be contained in or endorsed on every notice served by the Corporation under this section.

Forecourts
to be fenced
off from
streets.

70. Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

No building
allowed until
street de-
fined.

71.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and the level thereof.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Elevation of
buildings
erected on
front lands to
be subject to
approval of
Corporation.

72. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of one month after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Corporation shall make compensation to the owner of any building or land for any loss or

damage he may suffer by reason of the setting back or bringing forward of such building wall or fence. A.D. 1916.

73.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

Erection of buildings to greater height than adjoining buildings.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

74.—(1) (A) Every new building exceeding thirty-five feet in height used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school; and

Means of escape from buildings in case of fire.

(B) Every new building exceeding thirty-five feet in height used or intended to be used as a shop in which building sleeping accommodation is or is intended to be provided for persons employed in or about such shop; shall be provided on the storeys the upper surface of the floor whereof is above twenty-two feet from the street level with such means of escape in the case of fire for the persons dwelling employed or sleeping therein or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(3) For the purposes of this section the height of any building shall be measured from the street level to the highest part of the wall where the same terminates at the eaves or at the parapet of the roof.

(4) Nothing contained in this section shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

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(5) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Area and height of habitable rooms.

75.—(1) Section 23 (Extension of 38 & 39 Vict. c. 55. s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if in subsection (1) in that section the words "entrance steps" had been inserted after the word "hearths" and the words "and floor area" had been inserted therein after the word "height."

(2) Section 41 (Height of rooms in buildings to be erected) of the Tynemouth Improvement Act 1866 is hereby repealed as from the date when byelaws with respect to the height of rooms intended to be used for human habitation shall have been made by the Corporation under the provisions of section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 and take effect.

Food storage accommodation to be provided.

76.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2)—(A) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(B) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

77.—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds.

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Improper
construction
or repair of
watercloset
or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

78.—(1) In any case where a building shall have been reported to the Corporation as dangerous to the inmates thereof or persons working therein or in the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk enter at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary upon such building and examine and inspect the same.

As to dan-
gerous build-
ings.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough.

79.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for

Power to re-
quire taking
down or

A.D. 1916.
repair of
dilapidated
buildings.

use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order either to put such building (in this section referred to as a "neglected structure") into a state of repair and good condition to the satisfaction of the Corporation or take down the same and in addition to or in substitution for the foregoing order they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Prohibiting
entry of
petrol &c.
into sewers.

80. Every person who wilfully turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petrol oil or other like deleterious substance shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

81.—(1) The owners or occupiers of all lands shall construct such works as may be necessary for the purpose of preventing as far as reasonably practicable the soil sand and other débris of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will choke up such sewer or gully or cause the houses in such street to be flooded.

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For preventing soil sand and other débris from being washed into street or sewer.

(2) If any person shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large.

82. Any river stream or watercourse or any part or parts thereof respectively so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Watercourse choked up to be a nuisance under Public Health Act 1875.

83.—(1) Before the owner of any land shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as hereinafter provided require such owner so to construct and maintain any such culvert or so to cover over and maintain any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse :

Watercourse not to be covered in except in accordance with approved plan.

Provided that---

(A) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted ;

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(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed or otherwise under this section such difference shall be referred to arbitration.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Separate
sewers for
surface
water and
sewage.

84.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to them shall forthwith be appropriated and used for sewage (in this section called a “sewage sewer”) and they may also declare that any other sewer for the time being belonging to them shall forthwith be appropriated and used for surface water (in this section called a “surface-water sewer”).

(2) Where under the provisions of any Acts for the time being in force in the borough the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts shall apply to such sewers accordingly Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

(3)—(A) Where in any such street separate sewage sewers and surface-water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water other than from back roofs and paved yards of domestic dwellings shall be

allowed to pass into the sewage sewers except with the consent in writing of the Corporation. A.D. 1916.

(B) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface-water drainage thereof and the Corporation may if they think fit make all such alterations.

85. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation. Corporation may require enlarged sewer.

86. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication may in the discretion of the Corporation be made by the Corporation who may execute all works necessary for the purpose and the cost or estimated cost of making the communication and executing such works shall be secured to the Corporation to their satisfaction. Corporation may make communications between private drains and their sewers on payment &c.

87.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation or the inspector of nuisances twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so. Notice of intention to repair drains.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the

A.D. 1916. Corporation authorised in writing by the town clerk for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Provisions as to combined drainage for two or more houses.

88. The powers given by section 19 (Extension of 38 & 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Corporation may order houses to be drained by a combined drain.

89.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so desire or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation.

Saving for railway company.

90. Nothing in this Part of this Act shall apply to any building (not being a dwelling-house) or work constructed or to be constructed by the North Eastern Railway Company as a part of or in connexion with their railway under any statutory powers or to any lands held or acquired or which may hereafter be held or acquired by that company and used for the purposes of their undertaking with the authority of Parliament.

Limits of this Part of Act.

91. This Part of this Act shall extend and apply to and within the borough except where otherwise expressed or implied.

PART IV.

A.D. 1916.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

92.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Information to be furnished to medical officer and penalty for furnishing false information.

(2) Any occupier knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) In this section the expression “occupier” shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

93. If any person not less than sixteen years of age while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the disease in any street public place shop inn or any public conveyance in the borough or being in charge of any person so suffering wilfully exposes such sufferer as aforesaid he shall be liable to a penalty not exceeding five pounds.

For preventing spread of infectious disease.

94.—(1) If the Corporation or a committee of the council of the borough acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the borough require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time such requirement shall be at once complied with.

Power to close Sunday schools to prevent spread of disease.

(2) Any person responsible for the conduct or management of any Sunday school wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

95. For the purposes of the foregoing provisions of this Part of this Act the expression “infectious disease” includes measles german measles whooping-cough and chicken-pox.

Extended meaning of “infectious disease” for certain purposes.

96.—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in an infectious state and that the lodging or accommodation with

Removal of person suffering from pulmonary

A.D. 1916.
—
tuberculosis
to hospital.

which such person is provided is such that proper precaution to prevent the spread of the infection in the borough cannot be taken or that such precautions are not being taken the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a medical man to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give to the person so suffering or some person being in charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The Corporation may in their discretion during the period of detention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering and removed to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

(4) An order under this section may be addressed to such constable or officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order

and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made. A.D. 1916.

(6) The provisions of this section shall cease to be in force at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by an order of the Local Government Board which order the Local Government Board are hereby empowered to make.

97.—(1)—(A) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation or any boat lying in any river dock or other water and used for the like purpose) within the borough would tend to prevent or check tuberculosis of the lung the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Disinfection in case of pulmonary tuberculosis.

(B) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the town clerk and who shall produce his authority enter on any

A.D. 1916. premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2)—(A) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(B) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the owner free of charge.

(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

For preventing contact with body of person who has died of infectious disease.

98. Any person who being in charge of the body of any person who has died from any infectious disorder or infectious disease shall permit or allow any other person unnecessarily to come into contact with such body within the borough shall be liable to a penalty not exceeding five pounds.

Cleansing of verminous persons.

99.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to

leave his house or whose parent or guardian (where the person is a child) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who (or where the person is a child whose parent or guardian) does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where two justices on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Corporation shall in every case cause the removal and detention to be effected and the conditions of any order satisfied without charge to the person removed or to the parent or guardian of that person.

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(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) If any person at the request of the Corporation or under an order of such justices shall cease his employment in order to comply with such order the Corporation may and in the case of an order of the justices shall make compensation to him for any loss he may suffer thereby.

(4) For the purpose of this section the word "house" includes any tent van shed or similar structure used for human habitation within the borough or any boat lying in any river dock or other water within the borough and used for the like purpose.

100.—(1) If the medical officer or the inspector of nuisances has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

Houses infested with vermin to be cleansed.

(2) Where on the certificate of the medical officer or inspector of nuisances it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified

A.D. 1916. in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable summarily as a civil debt from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given or any work done by the Corporation was reasonable and whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

(6) For the purpose of this section the word "house" includes any tent van shed or similar structure used for human habitation within the borough or any boat lying in any river dock or other water within the borough and used for the like purpose.

Provisions as
to house
without
watersupply.

101. The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house or tenement was erected before the passing of this Act and such supply is not available.

102.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop in the borough to provide portable galvanised iron or enamelled iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Corporation.

A.D. 1916.
Regulation
dustbins.

(2) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(3) Provided that this section shall not apply to any ashpits or ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

103. If any person causes any drain watercloset earth-closet privy or ashpit in the borough to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water-supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water-supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds. Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Wilful
damage to
drains water-
closets &c.

104.—(1) Any person being a manufacturer vendor or merchant of or dealer in ice cream or other similar commodity who within the borough—

For regu-
lating manu-
facture and
sale of ice
cream &c.

(A) Causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to

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take any proper precaution for the due protection of such commodity from infection or contamination; or

- (c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice cream or similar commodity) in the borough suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice cream commodity or materials so destroyed.

(3) Every dealer in ice cream or other similar commodity selling his wares from any cart barrow or other vehicle or stand in the borough shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4)—(A) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(B) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

Prohibition
of blowing
or inflating
of carcasses.

105. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough and any person offending against this enactment or exposing or depositing for sale within the borough a carcase which is blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

106.—(1) From and after the passing of this Act any person who within the borough in the manufacture storage or preparation for sale of sausages pressed or pickled meat or other similar commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination shall be liable for every such offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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As to con-
tamination of
sausages and
other foods.

(2) No person shall be convicted of an offence under this section unless before the commission of the offence with which he is charged he shall have had written notice that acts such as the one complained of are offences against this section.

107.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the borough any articles of food from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connexion with the business of rag and bone merchants.

Rag and
bone dealers
not to sell
food.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

108. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the consent in writing of the Corporation but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Establish-
ment &c. of
offensive
trades.

109. Section 22 (Sanitary conveniences for manufactories &c.) of the Public Health Acts Amendment Act 1890 shall be extended so as to confer upon the medical officer and the

Sanitary con-
veniences
for manu-
factories, &c.

A.D. 1916. — inspector of nuisances respectively the same power as is conferred upon the surveyor by subsection (2) of that section.

Power to appoint additional inspectors of nuisances.

110. The Corporation may appoint and pay as many inspectors of nuisances as may in their judgment be necessary for the proper execution of the provisions of the Public Health Acts and of the local Acts in force in the borough.

Power to enter premises.

111. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of this Part of this Act as if those purposes had been mentioned in the said section 102.

Public notice to be given of provisions of this Part of Act.

112.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART V.

COMMON LODGING-HOUSES AND HOUSES LET IN LODGINGS.

Medical examination of inmates of common lodging-houses &c. when infectious disease prevails.

113. Whenever the medical officer shall report in writing to the Corporation or to a committee of the Corporation authorised for this purpose by the Corporation that there is a prevalence of dangerous infectious disease in the borough or in any adjoining or neighbouring borough or district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough by persons resorting to common lodging-houses or seamen's lodging-houses the Corporation or such committee as aforesaid may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the borough for such period as the Corporation or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say):—

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation or of such committee as aforesaid may exist or has recently existed in any common lodging-house or seamen's lodging-house in the borough medically examine any person found in any common lodging-house or seamen's lodging-house in the borough with a view to ascertaining whether such person is suffering or has recently suffered from such disease Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:
- (2) A copy of every such resolution shall forthwith be sent by the Corporation or such committee as aforesaid to every keeper of a registered common lodging-house and licensed seamen's lodging-house in the borough and to the Local Government Board:
- (3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board:
- (4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

114. The inspector of nuisances or other duly authorised officer of the Corporation if he has reason to believe that seamen are being lodged in premises which ought to be but are not duly licensed in pursuance of section 214 of the Merchant Shipping Act 1894 may enter into and inspect such premises and if entry to such premises under the provisions of this section is refused by the person having the custody of such premises or any person acting in his behalf any justice may upon the application of the Corporation or the inspector of nuisances grant a warrant to the inspector of nuisances or such officer as aforesaid to enter such premises for the purposes of this section and any person who obstructs the inspector of nuisances or such officer as aforesaid in the performance of his

Power to inspect premises used in contravention of Merchant Shipping Acts.

A.D. 1916. — duty under such warrant and this section shall be liable to a penalty not exceeding five pounds.

PART VI.

RECREATION GROUNDS SEASHORE &C.

Acquisition of seashore by agreement.

115. The Corporation may by agreement but not otherwise purchase or take on lease the whole or any portion of the sea-banks sea-wall seashore foreshore beach and sands situate within the borough.

Meaning of expressions "seashore" and "public park or pleasure ground."

116. For the purposes of the succeeding provisions of this Part of this Act and of section 82 of the Public Health Acts Amendment Act 1907 the expression "seashore" means and includes the sea-banks sea-walls beach sands seashore and foreshore for the time being vested in or leased to the Corporation And for the purpose of section 76 of the Public Health Acts Amendment Act 1907 the sea-banks and sea-walls for the time being vested in or leased to the Corporation shall be deemed to be a public park or pleasure ground provided by the Corporation.

Seats and chairs for public use on seashore.

117. The Corporation may place or authorise any person or persons to place seats or chairs for the use of the public on the seashore and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of the seats and chairs and for preventing injury or damage thereto.

Charge for use of parts of recreation grounds for certain purposes.

118. When any portion of a public park or pleasure ground is set apart by the Corporation for any purpose under paragraph (B) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and is specially laid out and maintained for any such purpose the Corporation may charge reasonable sums for the use thereof for that purpose.

Removal of sand &c. from seashore.

119. Any person who is not or does not derive title from a grantee from the Crown and who at any time digs carries away or removes any sand gravel shingle rock or other material from the seashore without having first obtained the permission in writing of the Corporation or who having obtained such permission digs carries away or removes any sand gravel shingle rock or other material from any part of the seashore or in any quantity or manner other than the part quantity or manner

permitted shall for every such offence be liable to a penalty not exceeding twenty pounds. A.D. 1916.

120. Nothing in this Part of this Act contained or in any byelaw made thereunder shall in any manner prejudice diminish alter or take away any of the rights or privileges or any power jurisdiction or authority now vested in or enjoyed by the Tyne Improvement Commissioners but all such rights and privileges and every such power jurisdiction and authority shall continue and be in force as if this Act had not been passed. For protection of Tyne Improvement Commissioners.

PART VII.

FINANCIAL PROVISIONS.

121. The expenditure of three thousand two hundred pounds made by the Corporation before the passing of this Act for or in connexion with the purchase of the lands in the parish of Tosson the acquisition of which is by this Act sanctioned is hereby ratified and confirmed and the Corporation shall repay to the account or fund out of which such expenditure was made the sum of three thousand two hundred pounds out of moneys by this Act authorised to be borrowed by them for that purpose. Ratification of expenditure on lands already acquired.

122.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column thereof (namely):-- Power to borrow.

1.	2.	3.
Purpose.	Amount.	Period.
(A) For the purchase of lands and easements for and the construction of the waterworks Works Nos. 1 2 and 3 by this Act authorised.	£ 27,860	Fifty years from the date or dates of borrowing.
(B) For the purchase of the water mains pipes and meters belonging to the council and for defraying the costs charges and expenses incident to such purchase.	The sum requisite.	Thirty years from the date or dates of borrowing.

A.D. 1916.

1.	2.	3.
Purpose.	Amount	Period.
(c) For any capital or compounded sum or sums of money payable by the Corporation under the section of this Act of which the marginal note is "As to water agreements of Ashington Coal Company Limited and user of their plant and apparatus."	The sum or sums requisite.	Such period as the Local Government Board may sanction.
(d) For and in respect of the expenditure confirmed by the last preceding section of this Act.	£ 3,200	Sixty years from the date or dates of borrowing.
(e) For the purchase of further lands and easements for and for the construction of the waterworks Works Nos. 5 to 10 inclusive by this Act authorised.	49,400	Fifty years from the date or dates of borrowing.
(f) For the purposes of the section of this Act of which the marginal note is "Provision for benefit of fisheries in Coquet Fishery District."	The sum requisite.	Sixty years from the date or dates of borrowing.
(g) For the enlargement of the said Work No. 2 as by this Act provided.	£ 7,600	Fifty years from the date or dates of borrowing.
(h) For new mains extensions of mains and service pipes and other waterworks purposes.	10,000	Thirty years from the date or dates of borrowing.
(i) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act or for any of the purposes of the water undertaking and any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge—

(A) As regards money borrowed for the purposes (A) (B) (C) (D) (E) (F) (G) and (H) mentioned in subsection (1) of this section the water revenue and the district fund and general district rate :

(B) As regards money borrowed for the purpose (I) mentioned in subsection (1) of this section the water revenue the district fund and general district rate and the borough fund and borough rate in equal proportions :

(c) As regards money borrowed with the consent of the Local Government Board such revenue fund or rate as may be prescribed by that Board. A.D. 1916.

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

123. Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money (other than money required for the purposes mentioned in the section of this Act of which the marginal note is "Costs of Act") during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained. Restriction on borrowing.

124. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Application of money borrowed.

125.—(1) All mortgages from time to time granted by the Corporation under the Act of 1897 the Act of 1898 and the Act of 1907 and this Act respectively 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. As to mortgages of Corporation.

(2) Subject to the provisions of the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages).

126.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the Appointment of receiver.

A.D. 1916. appointment of a receiver shall not be less than five hundred pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Mode of payment off of money borrowed.

127. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Regulations as to sinking fund.

128. 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 water revenue 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 will be sufficient to pay off the moneys for the discharge whereof the sinking fund was created within the periods 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 statutory securities:
- (3) The Corporation shall 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 have 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 :

A.D. 1916.
—

- (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 or the yearly sums required to be paid thereto.

129. The following provisions of the Act of 1907 shall extend and apply with the necessary modifications in regard to moneys borrowed and re-borrowed under the powers of this Act (that is to say) :—

Application of certain provisions of Act of 1907.

- Section 28 (Regulations of Public Health Act 1875 not to apply to borrowing powers);
Section 29 (Application of Local Loans Act 1875);
Section 30 (Protection of lender from inquiry);
Section 31 (Corporation not to regard trusts);
Section 32 (Return to Local Government Board as to repayment of debt).

130. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Audit of accounts.

131. The Corporation shall apply all moneys from time to time received by them in respect of any sales or dispositions of lands and premises or by way of fine or premium on any lease under 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.

Application of moneys from sale &c. of land.

A.D. 1916.

Power to
re-borrow.

132.—(1) The Corporation shall have power—

- (A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (A) By instalments or annual payments; or
- (B) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or
- (D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to use
one form of
mortgage for
all purposes.

133.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section

A.D. 1916. and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Evidence of title.

134.—(1) The Corporation before the registration in the books of the Corporation of any transfer or transmission of any mortgage or other security (except stock and except securities issued under the Local Loans Act 1875) may require evidence of the title of any person claiming a right to such transfer or transmission to be registered in the books of the Corporation.

(2) Such evidence shall be a statutory declaration of one or more competent persons or such other evidence as the Corporation may require.

Evidence of transfer or transmission of securities.

135. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except stock and except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in the case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

136.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

A.D. 1916.
Scheme for
fixing equa-
ted periods.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

137. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Receipt in
case of per-
sons not sui
juris.

138.—(1) The Corporation may if they think fit form a fund to be called "the accident fund" to provide for meeting claims upon them under the common law the Employers Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts

Power to
create acci-
dent fund.

A.D. 1916. or otherwise in respect of any accident occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues which are properly chargeable with such sums as they may from time to time deem expedient and such sums shall be invested at compound interest in or upon statutory securities and accumulated until the same shall amount to the sum of ten thousand pounds:

Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of ten thousand pounds and if the said fund be reduced at any time it may in manner provided by this section be restored to the said amount.

(2) If at any time it should be necessary for making any payment for any compensation to which this section relates to borrow money the Corporation may with the sanction of the Local Government Board borrow the necessary sum on the security of the revenues of the Corporation which are properly chargeable therewith.

Power to Corporation to subscribe to hospitals &c.

139. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary nursing institution or other institution of a similar character any sum not exceeding in the whole one hundred pounds per annum.

Expenses of execution of Act.

140. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the water revenue or the borough fund or the district fund as the Corporation may in their discretion having regard to the object of the expenditure deem just.

PART VIII.

RATING PROVISIONS.

Power to amend rates to accord with new valuation list.

141. The powers of section 221 of the Public Health Act 1875 shall extend to enable the Corporation to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

142.—(1) The Corporation may if they think fit in lieu of themselves making assessing and levying any general district rate order such rate to be made assessed and levied in the same manner as a borough rate and may enforce the payment thereof from the overseers in the same manner as in the case of the borough rate and if any such order be made by the Corporation the general district rate shall be made assessed and levied by the overseers in the same manner and under the same provisions (including the provisions as to appeals) as in the case of the poor rate but subject to the exemptions (partial or otherwise) for the time being applicable to such general district rate in respect of any property in the borough and such rate may be assessed and levied either separately or together with the poor rate assessed and levied in respect of the hereditaments rateable to such rate :

A.D. 1916.
General district rate may be assessed as borough rate.

Provided that the demand note served upon any railway company for any such rate shall show distinctly on the face of it the respective assessments as well as the actual rates proposed in each case to be levied.

(2) In the event of the Corporation making any order in pursuance of this section—

(A) Any other rate for the time being leviabie by the Corporation and any water rates rents or charges (including meter rents) payable to the Corporation may be included with the poor rate (but distinguished therefrom) in any book or books of assessments and in one demand note The demand note shall be in such form as the Local Government Board may approve :

(B) The overseers shall recover and enforce the poor rate in the same manner as the general district rate is recoverable and enforceable under the Public Health Act 1875 and the provisions of section 2 (In default of distress for nonpayment of rates justices may issue warrant of commitment) of the Distress for Rates Act 1849 with respect to the recovery and enforcement of the poor rate shall cease to apply Provided that any provisions limiting the period within which proceedings must be commenced for the recovery of the general district rate in a court of summary jurisdiction shall not apply to the poor rate :

A.D. 1916.

(c) Within the first financial year after the making of such an order the Corporation may notwithstanding anything to the contrary contained in the Waterworks Clauses Act 1847 alter and adjust the dates for the payment and recovery of water rates to correspond as nearly as practicable with the dates and periods for the levying and collection of the poor rate and for the purpose of bringing into operation such adjustment and thereafter it shall be lawful for the Corporation to recover water rates for one or more quarters of any such financial year at the same time as the overseers are entitled to recover the poor rate but so that such water rates shall not in any case be recoverable in advance for more than one quarter of any year :

(D) The expenses of the overseers in connexion with the assessment levying and collection of the general district rate shall be paid out of the district fund.

Owner may be rated instead of occupier in certain cases.

143. On an order being made by the Corporation in pursuance of the section of this Act whereof the marginal note is "General district rate may be assessed as borough rate" the following provisions shall apply and have effect (that is to say) :—

(1) It shall be lawful for the Corporation from time to time to determine in the case of such rateable property of which the full net annual value does not exceed the sum of ten pounds or which is let to weekly or monthly tenants or in separate apartments or for which the rent becomes payable or is collected at any shorter period than quarterly as shall be prescribed in such determination that the owner or owners thereof shall be rated instead of the occupier or occupiers of such property and every such owner so rated shall pay such rates instead of the occupier. But in every such case such owner shall be entitled to any allowance which the Corporation think reasonable not exceeding ten pounds per centum from the amount of the rates when paid by him. Provided that—

(A) The percentage of any such allowance shall be alike in all cases where the circumstances are similar ;

(B) Where the owner is willing to enter into an agreement to pay the rates whether the premises are occupied or not he shall be entitled to a further allowance not exceeding five pounds per centum from the amount of the rates when paid by him ;

A.D. 1916.

(c) The owner shall not be entitled to any allowance as provided by this section where the amounts due in respect of rates are not paid within three months after the rate shall have been made or within two months after the same shall have been demanded whichever shall be the later :

(2) When the Corporation exercise the option under this section of causing the owner to be rated instead of the occupier they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner accordingly and the provisions of this section shall apply within the borough in substitution for the provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 and subject to and with such substitution as aforesaid the provisions of such Act as amended by the Local Government Act 1894 shall remain in operation and shall extend and apply to the general district rate (in substitution for the corresponding provisions of section 211 of the Public Health Act 1875) in like manner as to the poor rate :

(3) Unless and until the Corporation exercise the option given to them by this section the provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 as amended by the Local Government Act 1894 shall remain in operation and the provisions of such first-named Act as amended as aforesaid shall extend and apply to the general district rate (in substitution for the corresponding provisions of section 211 of the Public Health Act 1875) in like manner as to the poor rate.

144.—(1) In the event of the Corporation making an order in pursuance of the section of this Act the marginal note whereof is "General district rate may be assessed as borough rate" the accounts of the overseers and collectors of poor and

Audit of rate accounts.

A.D. 1916. — other rates relating to the general district rate shall be submitted to and audited by the district auditor in the manner provided by section 37 (Rates made by overseers not now audited made subject to the audit of district auditor) of the Divided Parishes and Poor Law Amendment Act 1876 and that rate shall be deemed to be a rate within the meaning of that section.

(2) The overseers shall prepare and submit to the district auditor at every audit of their accounts a financial statement in duplicate in the form and containing the particulars from time to time prescribed by the Local Government Board in respect of the general district rate. One of such duplicates shall have the stamp duty chargeable according to the scale contained in the District Auditors Act 1879 affixed thereon and calculated according to the total of the sums paid to the Corporation during the period to which the statement relates and the provisions of the District Auditors Act 1879 as to the duties of the auditor with reference to such duplicates shall apply as if the said duplicates were prepared and submitted under that Act.

(3) The Corporation shall repay to the said overseers the amount of any stamp duty which may be paid by them upon any financial statement pursuant to the provisions of this Act.

(4) The provisions of section 5 (Regulations as to audit) and section 6 (Stamp duties under Inland Revenue) of the District Auditors Act 1879 shall apply to the accounts of the overseers and collectors and to the stamp duty on such financial statements as aforesaid and any overseer who shall fail to comply with the provisions of this Act with respect to a financial statement shall be liable to the penalty provided in section 7 (Failure to submit financial statement) of the last-mentioned Act.

PART IX.

MISCELLANEOUS.

Fire alarms.

145. The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the borough as they think fit. Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

146. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the borough of such dimensions and in such positions as they may from time to time determine : A.D. 1916.
Street
orderly bins.

Provided always that the Corporation shall not place or maintain any bin or receptacle in such position as to interfere with or render less convenient the access to or exit from any station or depôt of the North Eastern Railway Company.

147. The Corporation may within the borough put up continue remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively. Public drink-
ing foun-
tains.

148. The provisions of the following sections of the Public Health Act 1875 (namely):— Confirmation
of byelaws.

Section 182 (Authentication and alteration of byelaws)

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all beylaws made by the Corporation under the powers of this Act.

149. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk. Consent of
Corporation
to be in
writing.

150. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach
of conditions
of consent of
Corporation.

151. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the Evidence of
appoint-
ments autho-
rity &c.

A.D. 1916. Corporation under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the Corporation or to prove any resolution or order of the Corporation or any resolution order or report of any committee of the Corporation a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentica-
tion and ser-
vice of
notices &c.

152.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Penalty on
occupiers re-
fusing execu-
tion of Act.

153. If any occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any require- ment of the Corporation under this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might other-

wise have become liable by reason of his default in executing such works. A.D. 1916.

154. No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation.

Persons acting in execution of Act not to be personally liable.

155. Whenever the Corporation or the surveyor or the water engineer as the case may be under any enactment or byelaw for the time being in force within the borough or under any of their statutory powers for or in relation to the supply of water execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Tramways Act 1870 or the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the water engineer or of any contractor or other person employed by them or either of them be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing work for owner Corporation liable for negligence only.

156. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Apportionment of expenses in case of joint owners.

A.D. 1916.

Application
of Arbitra-
tion Act
1889.

157. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Recovery of
demands.

158. Proceedings for the recovery of any demand made under the authority of this Act or other local Acts in force in the borough for the time being or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Compensa-
tion how to
be deter-
mined.

159. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts:

Provided that where in the exercise of the powers of this Act the Corporation become liable to pay compensation or to make satisfaction for any lands taken or used or injuriously affected by them the amount of such compensation or satisfaction shall be ascertained paid recovered and applied in the manner provided by the Lands Clauses Acts.

Compensa-
tion may be
in land &c.

160. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent.

Informations
by whom to
be laid.

161. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Judges not
disqualified.

162. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Recovery of
penalties &c.

163. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and

expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. A.D. 1916.

164. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct. Penalties to be paid over to treasurer.

165. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal. As to appeal.

166. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

167.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by Local Government Board.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of

A.D. 1916. — any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Powers of Act cumulative.

168. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown rights.

169. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

170. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the water revenue or the borough fund and borough rate and the district fund and general district rate in equal proportions or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act. A.D. 1916.

THE FIRST SCHEDULE.

(Referred to in Section 25 of the foregoing Act.)

DESCRIBING THE PROPERTIES OF WHICH PARTS ONLY MAY BE
TAKEN BY THE CORPORATION.

Name of Parish.	Numbers on deposited Plans.
Mount Healey - - - -	14
Debdon - - - -	45

THE SECOND SCHEDULE.

(Referred to in Section 59 of the foregoing Act.)

AN AGREEMENT made this 16th day of May 1916 between the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF TYNEMOUTH (hereinafter referred to as "the Corporation") of the one part and the WHITLEY AND MONKSEATON URBAN DISTRICT COUNCIL (hereinafter referred to as "the council") of the other part.

WHEREAS all the water required by the council for the supply of that portion of their district which until recently formed part of the old parish of Hartley in the rural district of Tynemouth is obtained by the council from the Corporation's Font Reservoir under or by virtue of the agreement made on the 22nd day of April 1904 between the Corporation and the Tynemouth Rural District Council (since dissolved) and scheduled to and confirmed by the Tynemouth Corporation (Water) Act 1907:

And whereas the Corporation and the council have agreed that the said agreement so far as the same relates to the urban district of

A.D. 1916. Whitley and Monkseaton shall be cancelled to the extent hereinafter mentioned and the following agreement substituted therefor:

Now this agreement witnesseth that the Corporation and the council do agree with each other as follows:—

1. The Corporation shall supply and the council shall take and purchase in bulk all the water required for the supply by the council to that portion of the district of the council which until recently formed part of the old parish of Hartley and is hereinafter referred to as "the added area" upon the terms and conditions and at the prices and subject to the regulations hereinafter mentioned.

2. All the water so supplied and taken shall be measured by a meter or other apparatus which shall be placed in some suitable chamber or building to be provided by the Corporation on a site to be provided by the council at or near the point where the public road leading from Whitley to Blyth crosses the southern boundary of the old parish of Hartley and such meter and chamber or building and all pipes valves and other apparatus connecting the same with the main of the Corporation shall be provided fixed constructed and maintained by the Corporation at the cost of the council except that the cost of the meter shall be borne by the Corporation and the council shall pay to the Corporation a reasonable rent therefor. The council shall at all reasonable times be at liberty on giving twenty-four hours' notice to the Corporation to inspect such meter and the works appertaining thereto and to test the accuracy thereof.

3. The Corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water to the council if such failure be occasioned by frost unusual drought or any other unavoidable cause or accident or during necessary repairs.

4. The council shall not supply water furnished to them under this agreement for use outside the added area but nothing in this agreement shall prevent the council in pursuance of the existing agreement made on the 13th day of October 1913 between the urban district council of Seaton Delaval and the council supplying to the portion of the urban district of Seaton Delaval lying to the west of the added area water reaching the added area through the existing main and meter near the north-west corner thereof.

5. All payments for the water supplied shall be made quarterly on the first day of January the first day of April the first day of July and the first day of October in every year.

6. The price of the water to be supplied under this agreement shall be at the rate of 4*d.* per 1,000 gallons for the first five years from the date of this agreement and after that period at such price as may be agreed upon by and between the parties hereto or failing

agreement shall be determined by arbitration with further revisions (if necessary) at the end of every subsequent twenty years. A.D. 1916.

7. The said agreement made on the 22nd of April 1904 between the Corporation and the Tynemouth Rural District Council so far as the same relates to the supply of water for use within the added area is hereby cancelled.

8. The Corporation will use their best endeavours to cause this agreement to be scheduled to and confirmed by the said Bill and the council shall at the request of the Corporation do all such acts deeds and things as the Corporation may from time to time reasonably require to secure the passing of the Bill into law.

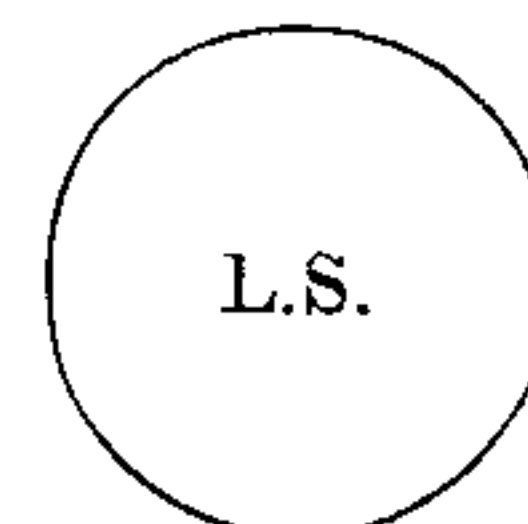
9. This agreement is conditional upon the said Bill passing into law and authorising the Corporation to take the Tosson waters therein referred to and utilise the same for the purposes of their water undertaking upon terms acceptable to the Corporation.

10. This agreement is made subject to such alterations as Parliament shall think fit to make therein but if Parliament makes any material alteration in this agreement it shall be competent to either of the parties hereto to withdraw from the same.

11. Any difference arising between the Corporation and the council under this agreement shall be determined by arbitration by a single arbitrator in accordance with the provisions of the Arbitration Act 1889.

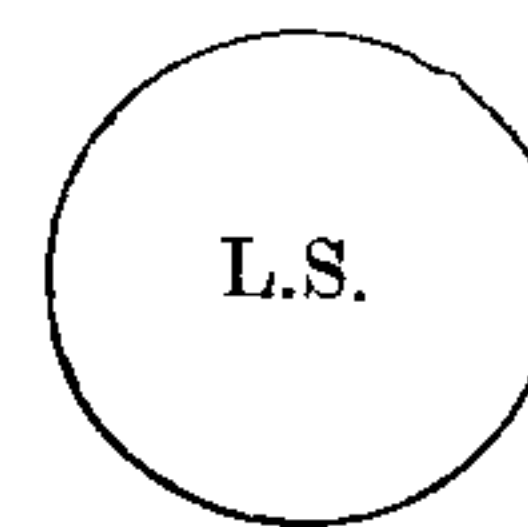
In witness whereof the common seals of the parties hereto have been hereunto affixed the day and year first above written.

The common seal of the mayor aldermen and burgesses }
of the borough of Tynemouth was hereunto affixed }
in the presence of



H. GREGG Mayor.
STANLEY WILSON Town Clerk.

The common seal of the Whitley and Monkseaton }
Urban District Council was hereunto affixed in the }
presence of



ROBT. MASON Chairman.
AUGT. WHITEHORN Clerk.

A.D. 1916.

THE THIRD SCHEDULE.

(Referred to in Section 133 of the foregoing Act.)

No.

FORM OF MORTGAGE.

By virtue of the Tynemouth Corporation Act 1916 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Tynemouth (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at _____ in the said borough [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hands of the town clerk of the said borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

A.D. 1916.

The within-named _____ consenting
the within-mentioned time for repayment of the within-mentioned
principal sum of _____ is hereby
extended to the _____ day of _____ one
thousand nine hundred and _____ [and the interest to be paid
thereon on and from the _____ day of _____ one
thousand nine hundred and _____ is hereby declared to be at
the rate of _____ per centum per annum].

Dated this _____ day of _____ one thousand
nine hundred and _____ .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____
[of _____] in consideration of the
sum of _____ pounds paid
to me by _____ of _____ (here-
inafter referred to as "the transferee") do hereby transfer to the
transferee [his] executors administrators and assigns [the within-written
security] [the mortgage number _____ of the revenues of the
mayor aldermen and burgesses of the borough of Tynemouth bearing
date the _____ day of _____] and all my right
and interest under the same subject to the several conditions on
which I hold the same at the time of the execution hereof and I the
transferee for myself my executors administrators and assigns do
hereby agree to take the said mortgage security subject to the same
conditions.

Dated this _____ day of _____ one thousand
nine hundred and _____ .

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