



## CHAPTER ccviii.

An Act to provide for a further supply of water to the town of Northampton and adjacent places and for other purposes. A.D. 1884.  
[28th July 1884.]

**W**HEREAS the Northampton Waterworks Company (in this Act called "the Company") were incorporated by the Northampton Waterworks Act 1861 (in this Act called "the Act of 1861") and authorised to construct works and supply the town of Northampton and certain adjacent places with water and for those purposes to raise a share-capital of ninety-five thousand pounds in shares of ten pounds each and to borrow four thousand pounds: 24 Vict. c. 47.

And whereas by the Northampton Waterworks Act 1882 (in this Act called "the Act of 1882") the powers of the Company were extended but no additional money powers were conferred on them: 45 & 46 Vict. c. 74.

And whereas the Company have issued four thousand shares which are fully paid up and four thousand shares which are half paid up and have borrowed and now owe on mortgage four thousand pounds:

And whereas it is expedient that additional works be constructed for the purpose of obtaining a further supply of water for the limits within which the Company are authorised to supply water:

And whereas it is expedient that the basis on which the charges for the supply of water for domestic use are made should be more accurately defined and that such charges be altered:

And whereas by the Act of 1882 (section nineteen) it is enacted to the effect that if the mayor aldermen and burgesses of the borough of Northampton (in this Act called "the Corporation") shall at any time within six years from the passing of that Act give twelve months notice to the secretary of the Company requiring the Company to sell with the sanction of the Local Government Board the Company shall at the expiration of such notice sell to the Corporation and the Corporation shall purchase from the

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A.D. 1884. — Company all their undertaking property rights powers and privileges as the same severally exist at the time of such sale for such consideration as shall be mutually agreed on between the Company and the Corporation or in default of agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 :

And whereas the Corporation with the consent of the ratepayers of the borough of Northampton expressed at a meeting duly convened and held on the twenty-eighth day of January one thousand eight hundred and eighty-four gave notice to the Company of the intention of the Corporation to purchase the undertaking property rights powers and privileges of the Company :

And whereas since the service of the said notice the Company and the Corporation have agreed for the sale by the Company of their undertaking property rights powers and privileges to the Corporation and it is expedient that the sale be carried into effect on the terms and conditions in this Act contained :

And whereas the Corporation will require to borrow for the discharge of the mortgage debt of the Company and for the execution of the works and other purposes of the undertaking to which capital is properly applicable (being permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875) sums not exceeding one hundred and fifty thousand pounds :

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

And whereas plans and sections showing the lines situations and levels of the intended works and plans showing the lands which may be taken under the powers of this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of and describing such lands were duly deposited with the clerk of the peace for the county of Northampton and are hereinafter referred to as the deposited plans sections and book of reference :

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

Short title.

1. This Act may be cited as the *Northampton Corporation Waterworks Act 1884* and this Act and the recited Acts may be cited together as the *Northampton Corporation Waterworks Acts 1861 to 1884*.

2. The following Acts and parts of Acts :—

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The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 hereinafter referred to as the Lands Clauses Acts;

Incorporation of general Acts.

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but for the purpose only of constructing the reservoir and works immediately connected therewith by this Act authorised;

The Waterworks Clauses Act 1847 except the provisions thereof with respect to the amount of the profit to be received by the undertakers when the waterworks are carried on for their benefit;

The Waterworks Clauses Act 1863;

so far as the same are applicable for the purposes of and not inconsistent with the provisions of this Act are incorporated with and form part of this Act.

3. In this Act—

Interpretation.

Terms to which meanings are assigned in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings and

In this Act and (for the purposes of this Act) in Acts incorporated wholly or in part with this Act the expression—

“Superior courts” or “court of competent jurisdiction” or any other like expression shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute;

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions “the railway” “the work” and “the centre of the railway” respectively mean the reservoir and works immediately connected therewith and the boundaries thereof by this Act authorised.

4. The Company shall sell and the Corporation shall purchase the undertaking property rights powers and privileges of the Company for the consideration and on and subject to the terms and conditions in this Act contained.

Sale of undertaking to Corporation.

5.—(1.) For the purposes of the sale and subject to the retention by the Company of the moneys hereinafter in this section mentioned the Company’s undertaking shall be deemed to include the Company’s works mains pipes plant fixed and moveable machinery apparatus

Definition of undertaking.

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A.D. 1884. — implements conveniences buildings lands easements books of account stock in trade chattels effects securities moneys at their bankers their reserve fund (as invested in works or otherwise) arrears and balances of water rents and other moneys owing to the Company and all claims demands authorities rights powers and privileges of the Company and all other the estate real or personal of or belonging to the Company subject to the debts contracts and liabilities of the Company.

(2.) The undertaking shall also include all unpaid subscribed capital of the Company and for the purposes of this Act such unpaid capital shall be deemed to be fully called up on the passing of this Act and shall be payable at the end of one month from the passing of this Act.

(3.) The Company may retain out of any moneys in their hands the amount of the net profits earned by the Company between the twenty-fifth day of December one thousand eight hundred and eighty-three and the twenty-fourth day of June one thousand eight hundred and eighty-four and such amount shall be disposed of in such manner as the Company determine.

(4.) The Company may also retain out of any moneys in their hands their costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act and the transfer of the undertaking to the Corporation and the winding up and dissolution of the Company.

Issue of debentures of 25*l.* in respect of each share.

6. The principal consideration for the sale of the undertaking shall be the issue by the Corporation to every holder of a share or shares in the capital of the Company of a debenture for securing to such holder in respect of each such share the payment on the twenty-fourth day of June one thousand nine hundred and forty-four of the principal sum of twenty-five pounds with interest thereon in the meantime at the rate of four pounds per centum per annum payable half-yearly on the twenty-fifth day of December and the twenty-fourth day of June in every year and the first of such half-yearly payments shall be made on the twenty-fifth day of December one thousand eight hundred and eighty-four.

As to transfer of undertaking.

7.—(1.) The purchase by the Corporation of the Company's undertaking shall take effect as from the twenty-fourth day of June one thousand eight hundred and eighty-four.

(2.) The transfer of the undertaking shall be carried into effect by a deed duly stamped and truly stating the consideration which deed may be in the form set forth in the First Schedule to this Act or to the like effect with such variations and additions as circumstances may require.

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(3.) The purchase of the undertaking shall be completed as soon as may be after the expiration of one month from the passing of this Act. A.D. 1884.

(4.) From and after the twenty-fourth day of June one thousand eight hundred and eighty-four and until the transfer the undertaking shall be maintained and carried on by the Company in the ordinary way at the risk and cost of the Corporation and for the benefit of the Corporation but the Company shall not without the previous consent in writing of the town clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

(5.) The Company shall not raise any further share capital beyond the subscribed capital of eighty thousand pounds.

8. The secretary engineer clerks and other persons in the service of the Company at the time of the transfer shall be taken over and employed by the Corporation subject to the then terms and conditions of their respective engagements as to salaries wages and otherwise Provided that no removal shall take place at the instance of the Corporation during good behaviour. Officers of  
Company.

9. The mortgage debt of the Company amounting to four thousand pounds and the interest thereon shall after the transfer continue to be a first charge on the net revenue of the water undertaking of the Corporation and shall further be a charge on the district fund and general district rate of the Corporation in priority to all charges made thereon respectively subsequent to the passing of this Act. Mortgage  
debt of Com-  
pany to con-  
tinue first  
charge on  
undertaking.

10. From and after the transfer of the Company's undertaking to the Corporation all the rights powers authorities and obligations of the Company shall be by virtue of this Act transferred to vested in and exerciseable by and imposed upon the Corporation and the Act of 1861 and the Act of 1882 shall be read and have effect as if the Corporation had been therein named instead of the Company subject to the provisions of this Act and in particular to the following exceptions (namely):— Application  
of the Com-  
pany's Acts  
to the Cor-  
poration.

(1.) The provisions of the Companies Clauses Consolidation Act 1845 incorporated with the Act of 1861 shall not apply to the Corporation:

(2.) None of the provisions of the Act of 1861 in any manner relating to the share or loan capital of the Company or to any limitation of the amount of profit to be received by the Company shall apply to the Corporation:

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(3.) None of the provisions 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 incorporated in the Act of 1861 shall apply to the Corporation:

(4.) Sections 47 48 and 51 of the Act of 1861 are hereby repealed: And this Act and the Act of 1861 and the Act of 1882 shall be carried into effect by the Corporation acting by the council as the urban sanitary authority for the district of the borough.

Pending actions &c. against the Company.

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

Contracts of Company to be binding on Corporation.

12. All agreements contracts conveyances deeds and other instruments affecting the Company and in force at the time of the transfer shall after the passing of this Act be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Company the Corporation had been a party thereto.

Winding up and dissolution of Company.

13. As soon as conveniently may be after the undertaking has become vested in the Corporation under the powers of this Act the affairs of the Company shall be wound up and for that purpose the directors of the Company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for winding up the affairs of the Company and as soon as their affairs have been wound up the Company shall be by virtue of this Act dissolved.

Debentures.

14.—(1.) The Corporation shall issue to every person entitled under this Act to a debenture or to his representatives on demand and on delivery of his share certificate or proof of its loss or destruction a debenture free of expense to the shareholder and such debenture may be in the form in the Second Schedule to this Act or to the like effect and shall be distinguished by a separate number and called "Northampton water debenture" but no shareholder shall be entitled to receive a debenture in respect of a share not fully paid up until the same shall have been fully paid up.

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(2.) The several persons who, at the time of the transfer appear in the books of the Company to be proprietors of shares in the capital of the Company or their respective executors administrators or assigns shall be considered to be holders thereof for the purpose of the issue of debentures under this Act. A.D. 1884.

(3.) The debentures shall in all respects be substituted for and represent the shares in the capital of the Company and the several persons in whom the debentures vest shall hold them on and subject to the same trusts powers and liabilities as those on and to which their shares in the capital of the Company were held and so as to give effect to and not to defeat any testamentary or other disposition but the said trusts shall not in any case affect the Corporation.

(4.) The debentures shall be charged on the net revenue of the water undertaking of the Corporation and on the district fund and general district rate in priority to all charges made thereon respectively subsequent to the passing of this Act except the mortgage debt of the Company.

(5.) The Corporation may by agreement with the holder at any time pay off the principal money secured by any debenture.

(6.) The following provisions of the Local Loans Act 1875 so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act and in the construction of those provisions "local authority" shall be deemed to mean the Corporation and "local rate or property" the revenue of the water undertaking and the district fund and general district rate and the prescribed sum secured by any debenture shall be twenty-five pounds. The provisions so incorporated are—

Section 5. Regulations as to debentures;

Section 9. Notice of trust not receivable;

Section 11. Remedy by mandamus for non-payment of money;

Section 12. Remedy by appointment of receiver for non-payment of money;

Section 17. Temporary issue of coupons;

Section 18. Endorsement and crossing of coupons;

Section 19. Coupons issued in respect of a security are exempt from stamp duty as if attached thereto;

Section 23. Register of nominal securities;

Section 24. Inspection of register;

Section 25. Rectification of register;

Section 27. Power for trustees to invest in loans under Act;

Section 29. Application of rules in schedule;

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Section 30. Power to make general rules ;

Section 32. Forgery of securities ;

Section 33. Loss of securities ;

Schedule. General rules.

Provided as follows :—

(7.) Any person entitled to a debenture under this Act (other than a trustee not expressly empowered by the instrument authorising or directing the investments to hold debentures transferable by delivery) may at his option require the Corporation to deliver to him—

(A) A debenture in which the principal sum is made payable to him by name his executors administrators or assigns (in this Act and the Local Loans Act 1875 referred to as a nominal debenture) or a debenture in which the principal sum is made payable to the bearer ;

(B) Coupons payable to order or to bearer or to the owners of the debenture for the interest thereon and either attached thereto or detached ;

(8.) Trustees not expressly empowered as aforesaid shall not take or hold debentures transferable by delivery or coupons payable to bearer.

(9.) Nominal debentures may be transferred by deed in the form in the Third Schedule to this Act or to the like effect.

(10.) No rules shall be made contrary to the provisions of this Act so far as they relate to Northampton water debentures.

Receipts of  
guardians  
&c.

**15.** If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind so found by inquisition the receipt of the guardian or committee of his estate shall be a discharge to the Corporation for the same.

Power to  
borrow.

**16.--(1.)** For the purpose of discharging the mortgage debt of the Company and for the execution of the works by this Act authorised and other the purposes of their water undertaking to which capital is properly applicable the Corporation may from time to time borrow sums not exceeding in the whole one hundred and fifty thousand pounds.

(2.) For the purpose of paying off any debentures issued under this Act the Corporation may from time to time borrow such sums as they may think requisite not exceeding the aggregate amount of the principal sums secured by such debentures.

(3.) And with the sanction of the Local Government Board the Corporation may from time to time borrow such further sums as they may deem necessary for carrying into effect the purposes of this Act or otherwise for the purposes of their water undertaking.



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(4.) In calculating the amount which the Corporation may borrow under the Public Health Act 1875 any sum which they may borrow under this Act shall not be reckoned. A.D. 1884.

17. For securing any moneys which they are authorised to borrow or re-borrow under the authority of this Act the Corporation may from time to time mortgage the net revenue of their water undertaking and their district fund and general district rate and for the purpose of such mortgages sections two hundred and thirty-six to two hundred and thirty-nine (both included) of the Public Health Act 1875 shall apply as if they were with any necessary modifications re-enacted in this Act. Power to mortgage district fund and general district rate.

18.—(1.) The Corporation shall out of the net revenue of their water undertaking and out of the district fund and general district rate discharge or make provision for the discharge of all moneys secured by mortgage under the authority of this Act (other than moneys raised for the purpose of paying off any debentures issued under this Act) by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other within a period of sixty years from the time when such moneys are respectively borrowed. Period for discharge of borrowed moneys.

(2.) The Corporation shall at the expiration of one year from the passing of this Act out of the net revenue of their water undertaking and out of the fund and rate aforesaid make provision by way of sinking fund for the discharge within sixty years from the passing of this Act of the aggregate amount of the principal moneys secured by the debentures issued under this Act and of the amount borrowed by the Corporation for the paying off of the debentures.

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

(1.) Such equal yearly or half-yearly sums shall be paid by the Corporation out of the revenue fund or rate aforesaid into the sinking fund as being accumulated at compound interest at a rate not exceeding three and a half pounds per centum per annum would be sufficient to pay off the moneys borrowed or secured within such period not exceeding the period prescribed by this Act as the Corporation may in each case determine;

(2.) All sums paid into the sinking fund shall be as soon as may be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures stock or other securities duly created and issued by any local authority as defined by the Local Loans

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Act 1875 and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received be paid into the sinking fund and invested by the Corporation in like manner ;

(3.) The Corporation may at any time apply the whole or any part of any sinking fund created under this Act in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created ;

(4.) Whenever any of such principal moneys have been so paid off the Corporation shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums hereinbefore required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied ;

(5.) Whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums hereinbefore required to be paid thereto.

Power to  
borrow  
under Local  
Loans Act,  
1875.

**20.**—(1.) The Corporation if they think fit in lieu of borrowing on the security of mortgages as hereinbefore provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

(2.) Any moneys borrowed in manner by this section authorised shall be a charge on the net revenue of the water undertaking and on the district fund and general district rate or some or one of them and such revenue fund and rate shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

(3.) Every such loan shall be discharged within the period prescribed by this Act and such discharge or any part thereof may be effected by means of a sinking fund if the Corporation so think fit.

Power to  
reborrow.

**21.** If the Corporation pay off any moneys borrowed by them under this Act otherwise than by means of equal yearly or half-

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yearly instalments appropriations or annual repayments or out of a sinking fund they may reborrow the same and so from time to time: Provided that for the purpose of ascertaining the period within which and the manner in which any sum reborrowed is to be repaid and for the purpose of sections 14 and 15 of the Local Loans Act 1875 the sum reborrowed and the original loan shall be deemed to form the same loan.

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**22.** All money borrowed under this Act shall be applied for purposes of this Act to which capital is properly applicable and not otherwise.

Application of money borrowed.

**23.** All mortgages granted by the Corporation before the passing of this Act shall during their continuance have priority of charge on the property rate or other security therein comprised over all mortgages debentures or other securities granted or issued by the Corporation in exercise of the powers conferred by this Act on the Corporation.

Priority of existing mortgages &c.

**24.** The Corporation shall keep accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from revenue and shall apply all money from time to time received by them on account of revenue in manner and in the order following (that is to say):—

Application of revenue.

- (1.) In payment of the working and establishment expenses (including any rentcharges payable for lands or easements) and cost of maintenance of their water undertaking;
- (2.) In payment of their costs charges and expenses of and incidental to the collecting and recovering of water rents and rates;
- (3.) In payment of interest on the mortgage debt of the Company for the time being outstanding;
- (4.) In payment of the interest on the Northampton water debentures;
- (5.) In payment of the interest on moneys borrowed by the Corporation under this Act;
- (6.) In providing the requisite instalments or sinking fund under this Act;

And the Corporation shall carry to the district fund any balance remaining in any year and the revenue which shall from time to time remain after making the payments mentioned in subsections (1) and (2) of this section shall be deemed to be for the purposes of this Act the net revenue of the undertaking.

**25.** If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon

Deficiency in water account.

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A.D. 1884. — and the execution of this Act in relation to the water undertaking the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit of the water account and the Corporation from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the borough may include therein such sums (if any) as in the judgment of the Corporation are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account and shall collect the same as part of such general district rate.

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

**26.** The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

**27.** Subject to the provisions of this Act the Corporation in the lines and situations and upon the lands shown on the deposited plans and according to the levels shown on the deposited sections may make and maintain the reservoir line of pipes extensions deviations alterations diversions and other works shown on the deposited plans among which are the following principal works (that is to say) :--

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Power to  
construct  
works.

No. 1—A reservoir (to be called the Ravensthorpe Reservoir) wholly situate in the parishes of Ravensthorpe and Guilsborough or one of them to be formed by means of an embankment across the valley of the brook variously described or known as the Coton Brook Ravensthorpe Brook and Teeton Brook in the parish of Ravensthorpe ;

No. 2—A diversion wholly in the said parish of Ravensthorpe of the road leading from the village of Ravensthorpe to the village of Guilsborough by way of Coton ;

No. 3—A diversion of the road leading from the last-mentioned road to the village of Hollowell commencing in the parish of Ravensthorpe by a junction with the lastly described intended diversion of road and terminating in the said parish of Guilsborough in the said road leading to the village of Hollowell ;

No. 4—A line of pipes commencing in the said parish of Ravensthorpe at or in the intended Ravensthorpe Reservoir and terminating in the parish of St. Giles (Northampton) by a junction with the existing pipes of the Company at or near the northern side of an existing covered service reservoir of the Company commonly called the Kettering Road Reservoir.

**28.** The Corporation in addition to the foregoing works may make and maintain all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices bywashes weirs gauges wells water-towers filter-beds tanks banks buildings walls approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them.

Power to  
make sub-  
sidiary  
works.

**29.** Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands described in the deposited plans and book of reference as they require for the purposes of this Act and may divert collect impound take appropriate and use for the purposes of the Corporation the waters of the brook known as Coton Brook Ravensthorpe Brook and Teeton Brook and all other streams and waters which may be found in on or under any of the lands for the time being belonging to the Corporation And may

Power to  
take lands  
and waters.

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A.D. 1884. — stop up all roads and ways within the limits of deviation defined on the deposited plans and thereon marked as intended to be stopped up and may appropriate for the purposes of this Act the sites of the roads and ways so stopped up or diverted so far as the same are bounded on both sides by lands of the Corporation.

Limits of deviation.

**30.** In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of the lateral 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 in the case of the reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding ten feet. Provided that if it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of any embankment or retaining wall they may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such embankment or retaining wall reservoir and works as shown with reference to the datum line to any extent not exceeding twenty feet. Provided that the Corporation shall not construct any embankment or wall of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

Period for compulsory purchase of lands.

**31.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing thereof.

Period for completion of works.

**32.** If any works authorised by this Act are not completed within the period of seven years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Corporation for executing the same or in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing in this Act shall restrict the Corporation from extending enlarging altering reconstructing or removing any of their tanks tunnels engines sluices machinery apparatus mains pipes or other works or plant at any time and from time to time as occasion may require.

For protection of the London and North Western Railway Company.

**33.** In constructing and maintaining the line of pipes No. 4 where it will cross the Northampton and Market Harborough Railway of the London and North Western Railway Company (hereinafter referred to as the Railway Company) or any lands belonging to or used by the Railway Company in connection with

such railway or the works thereof the Corporation shall observe perform and be bound by the following conditions stipulations and provisions viz. :—

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(1.) The said line of pipes No. 4 shall be carried under the said railway and property of the Railway Company by mains or pipes which for the entire length of such crossing under the said railway and for twenty-five feet on each side of the boundary fences of such railway shall be of such reasonable materials dimensions quality and thickness as the principal engineer of the Railway Company shall in writing reasonably approve and such mains or pipes shall be so carried thereunder by means of a walled passage or culvert of sufficient height and width to admit of the same being examined to ascertain the state and condition of repair and to effect the repairs and renewals thereof and according to plans to be previously so reasonably approved and so that with respect to such crossing the Corporation shall not without the consent in writing of such engineer deviate except as rendered necessary by the construction of the said walled-passage or culvert the said mains or pipes vertically or laterally from the lines thereof as shown on the deposited plans and sections and the said line of pipes No. 4 and all such works at such crossing and all maintenance repairs and renewals thereof shall be done and executed by the Corporation to the reasonable satisfaction in all respects and under the superintendence of such engineer and at such times as he shall approve and in all things at the expense of the Corporation and whenever any such works maintenance repairs or renewals are constructed they shall be executed and completed with all due despatch and shall be so constructed executed and maintained that the said railway or any of the works thereof respectively shall not be injured nor the traffic upon the said railway in any way impeded ;

(2.) If by reason of any works or proceedings of the Corporation or of their contractors or of their workmen or of the failure leakage or bursting of any works or pipes of the Corporation the said railway or any of the works thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the Railway Company may make good the same and recover the reasonable expense thereof from the Corporation with full costs by all and the same means as any simple contract debt is recoverable and the Corporation shall also make good and repay to the Railway

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Company any loss damage or expenses which they may sustain or be put to by reason of the construction or failure of any of the said pipes or works ;

(3.) The Corporation shall not without the consent in writing of the Railway Company under their common seal purchase take enter upon or use temporarily or permanently any lands property or works of the Railway Company or any estate right easement privilege or authority in over or upon the same respectively except as hereinbefore provided or alter vary or interfere with the said railway or any of the respective works thereof or thereto appertaining.

Power to take additional lands by agreement.

**34.** The Corporation may from time to time for the purposes of the undertaking acquire by agreement in addition to lands which they are authorised to take by compulsion any lands not exceeding in the whole thirty acres but the Corporation shall not use any such lands for any building except buildings required for the water undertaking of the Corporation.

Power to take easements.

**35.** Persons empowered by the Lands Clauses Consolidation Act 1845 or otherwise enabled to convey or release lands may subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act have full power to grant to the Corporation in fee either absolutely or in consideration of any yearly or other rent any easement interest right privilege or power (not being an easement of water) in over affecting or belonging to any lands by this Act authorised to be purchased compulsorily by the Corporation and which the Corporation from time to time think requisite for any of the purposes of this Act.

Charges for supply of water for domestic use.

**36.** Section 49 of the Act of 1861 is hereby repealed as from the twenty-ninth day of September one thousand eight hundred and eighty-four and the Corporation may thenceforward charge for the supply of water for domestic use to any dwelling-house a sum not exceeding seven and a half per centum per annum on the net rateable value of such dwelling-house as ascertained by the valuation list in force at the commencement of the quarter during which the water-rate becomes payable or if there be no such list then on the net rateable value of such dwelling-house as the same is assessed to the last poor rate Provided that the Corporation shall not be obliged to supply any dwelling-house for a less sum than two shillings and six pence a quarter Provided also that the term "dwelling-house" where used in this Act or in any Act of or relating to the Company shall not be construed to mean or include



any building used as a dwelling-house whereof any part is used as a warehouse or for any trade manufacture or business or as a workhouse lunatic asylum reformatory infirmary hospital or gaol or other building used for public purposes. A.D. 1884.

**37.** From and after the passing of this Act the Company shall not nor shall the Corporation after the said transfer be bound to supply water for domestic use by meter. As to supply  
by meter.

**38.** The costs charges and expenses of the Corporation of and incidental to this Act and the transfer of the undertaking shall be paid by the Corporation out of any moneys passing to them on the transfer of the undertaking or out of moneys borrowed under this Act. Costs of  
Corporation.

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## SCHEDULES.

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### THE FIRST SCHEDULE.

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#### *Form of Deed of Transfer of Undertaking.*

In pursuance of the Northampton Corporation Waterworks Act 1884 and for the considerations in that Act mentioned the Northampton Waterworks Company do hereby convey assign and transfer unto the mayor aldermen and burgesses of the borough of Northampton their successors and assigns the undertaking of the Northampton Waterworks Company as defined by that Act to hold the same unto the said mayor aldermen and burgesses their successors and assigns and the said mayor aldermen and burgesses do accept the same accordingly.

In witness whereof the Northampton Waterworks Company and the mayor aldermen and burgesses of the borough of Northampton have hereto affixed their respective common seals this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

L.S.

L.S.

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THE SECOND SCHEDULE.

*Form of Debenture.*

NORTHAMPTON WATER DEBENTURE.

No.

£25 0 0.

By virtue of the provisions of the *Northampton Corporation Waterworks Act 1884* we the mayor aldermen and burgesses of the borough of Northampton for the consideration in the said Act mentioned do hereby charge the revenue of our water undertaking and the district fund and general district rate of the borough of Northampton with the payment to

of

his executors administrators or assigns [*or the bearer of these presents*] of the sum of twenty-five pounds together with interest for the same at the rate of four pounds per centum per annum from the twenty-fourth day of June one thousand eight hundred and eighty-four the principal sum to be paid on the twenty-fourth day of June one thousand nine hundred and forty-four and the interest to be payable in the meantime half-yearly on the twenty-fifth day of December and the twenty-fourth day of June and the first of such half-yearly payments to be made on the twenty-fifth day of December one thousand eight hundred and eighty-four.

Dated this  
hundred and eighty-four.

day of

one thousand eight

L.S.

THE THIRD SCHEDULE.

*Form of Transfer of Nominal Debenture.*

TRANSFER OF NORTHAMPTON WATER DEBENTURE.

I  
of  
in consideration of the sum of  
paid to me by  
(hereinafter called the transferee) do hereby transfer to the transferee the  
Northampton Water Debenture No. for securing the payment of twenty-  
five pounds with all interest due and to become due thereon To hold the same



