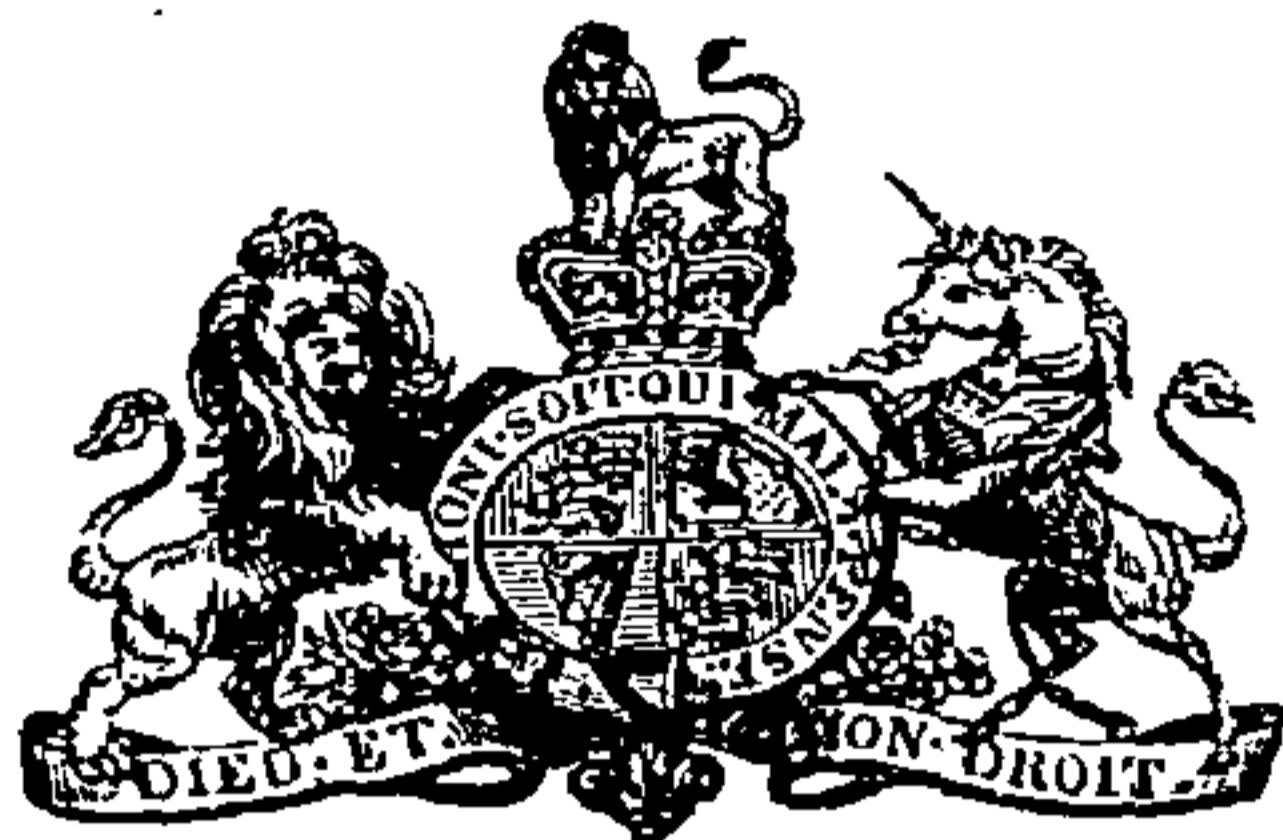


[61 & 62 Vict.]

Carlisle Corporation (Water)
Act, 1898.

[Ch. ccxxv.]



CHAPTER CCXXV.

An Act to empower the Corporation of Carlisle to obtain water from Old Water and New Water and other tributaries of the River Gelt in the county of Cumberland for the supply of the city of Carlisle and other places within their limits of supply and for other purposes. A.D. 1898.
[12th August 1898.]

WHEREAS the mayor aldermen and citizens of the city of Carlisle (herein-after called "the Corporation") are the owners of the waterworks by which the city of Carlisle (herein-after called "the city") and other places within their authorised limits of supply are supplied with water:

And whereas the present water supply is taken from the River Eden within or near the city by means of waterworks which were purchased by the Corporation from the Carlisle Joint Stock Water Company in the year one thousand eight hundred and sixty-six under the powers vested in them by the Local Government Act 1858 and the Corporation have since enlarged and improved the said works and constructed further waterworks upon lands belonging to them within the city:

And whereas by the Carlisle Corporation Act 1887 the Corporation were authorised to supply water outside the city and further powers were conferred upon them in relation to the supply of water:

And whereas the said works are inadequate to meet the growing requirements of the inhabitants within the said limits of supply and it is expedient that the Corporation be empowered to obtain a new and improved supply of water from the tributaries of the River Gelt known as Old Water and New Water and their several tributary streams springs and waters known as Tarnmonath Springs and Beck Slate Sike Coldwell Spring and Beck Graystone Beck Black Sike Deepdale Beck Leach's Springs Crook Burn Great Bleaberry Gill and Eller Beck in the parishes of Geltsdale and Cumrew or one of them and Priest's Spring in the parish of Castle

A.D. 1898. Carrock in the county of Cumberland and to construct and maintain the works herein-after described for the supply of the said city and other places within their limits of supply :

And whereas it is expedient that the Corporation be authorised to discontinue their present waterworks at Stoney Holme and Harraby or Gallows Hill and to sell and dispose of the sites thereof or to appropriate and use the same for other purposes :

And whereas it is expedient that such other provisions be made and powers granted to the Corporation as are herein-after contained :

And whereas estimates have been prepared by the Corporation showing that they will require to expend for new works and other purposes of this Act a sum or sums of money not exceeding in the whole one hundred and fifty thousand pounds such new works and purposes being permanent works within the meaning of the 234th section of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council of the city at a meeting held on the twenty-sixth day of October one thousand eight hundred and ninety-seven after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the *Carlisle Journal* a local newspaper published and circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund of the city :

And whereas such resolution was published twice in the said *Carlisle Journal* and has received the approval of the Local Government Board :

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

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

And whereas plans and sections of the said intended works showing the lines and levels thereof the plans also showing the lands which are liable to be taken for the purposes thereof with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of those lands respectively have been deposited with the clerk of the peace for the county of Cumberland which plans sections and book of

reference are herein-after respectively referred to as the deposited plans sections and book of reference : A.D. 1898.

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

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

1. This Act may be cited for all purposes as the *Carlisle Corporation (Water) Act 1898.* Short title.

2. The following Acts or 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 and form part of this Act namely :— Incorporation of general Acts.

The Lands Clauses Acts :

The following provisions of the Waterworks Clauses Act 1847 namely :—

With respect to the construction of the waterworks ;

With respect to the construction of works for the accommodation of lands adjoining the waterworks ;

With respect to mines ;

With respect to the breaking up of streets for the purpose of laying pipes ;

With respect to the provision for guarding against fouling the water of the undertakers ; and

With respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices or to the sheriff :

And the provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the undertakers.

3. In this Act unless the subject or context otherwise require— Interpretation.

Terms and expressions to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings And for the purposes of this Act the terms " the undertakers " " the promoters of the undertaking " respectively mean the Corporation :

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

A.D. 1898.

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 :

“ District fund ” means the district fund of the city :

“ Water undertaking ” means the waterworks for the time being belonging to the Corporation :

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

“ Existing ” means existing at the passing of this Act.

Act to be
executed by
council.

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

Power to
acquire
lands.

5. Subject to the provisions and for the purposes of this Act the Corporation may enter upon take and use all or any of the lands described in the deposited plans and book of reference.

Corporation
may acquire
easements
only in
lands for
certain
purposes.

6. The Corporation may in lieu of acquiring any lands for the purpose of any aqueducts conduits or lines of pipes or of the cut or channel or of the surface water drain by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts Provided always that nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement or right 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 or right only and every notice to treat for the acquisition of an easement or right shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Corporation for the purpose of constructing or laying any aqueducts conduits or lines of pipes therein where the same are laid underground the Corporation shall not (unless they purchase such lands and not merely easements or rights therein) be required or (except where otherwise agreed with the owners and occupiers of such lands) entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being of such lands shall (except where otherwise agreed) at all times except during the construction cleansing renewal or repair of the works

have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation. A.D. 1898.

7. Subject to the provisions of this Act the Corporation may make construct lay down and maintain in the situation and lines and according to the levels shown on the deposited plans and sections relating thereto and in and upon the lands described upon such plans the several works shown on the said plans together with all proper embankments bridges roads approaches ways wells tanks basins gauges filters filter-beds dams sluices bye-washes waste-weirs outlets outfalls discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes stand-pipes junctions valves telegraphs telephones and other means of electric communication engines constructions apparatus buildings houses works and conveniences connected with or ancillary to the said works or any of them or which the Corporation may consider necessary for inspecting maintaining cleansing repairing conducting managing and using the same The works shown on the deposited plans and sections will be situate in the county of Cumberland and comprise the following principal works (that is to say):—

Power to
construct
new works.

Work No. 1.—An aqueduct conduit or line of pipes No. 1 to be wholly situate in the parish of Geltsdale commencing at Coldwell Spring and terminating at the intake tank herein-after described :

Work No. 2.—An aqueduct conduit or line of pipes No. 2 to be wholly situate in the parish of Geltsdale commencing at a spring issuing from Tarnmonath Fell and terminating by a junction with Work No. 1 :

Work No. 3.—An aqueduct conduit or line of pipes No. 3 to be wholly situate in the parish of Geltsdale commencing at a spring situate two hundred and thirty-three yards or thereabouts measured in an easterly direction from the bridge carrying the existing road over Old Water and terminating by a junction with Work No. 1 :

Work No. 4.—An aqueduct conduit or line of pipes No. 4 to be situate in the parishes of Geltsdale and Cumrew or one of them commencing at a spring or springs situate on the east side of New Water about four hundred and ninety yards measured in a north-north-westerly direction from New Water Bridge and terminating at the intake tank herein-after described :

Work No. 5.—A weir to be constructed across New Water in the parishes of Geltsdale Castle Carrock and Cumrew or some or one of them at or near the boundary between those parishes :

A.D. 1898.

- Work No. 6.—An aqueduct conduit or line of pipes No. 5 to be situate in the parishes of Geltsdale Castle Carrock and Cumrew or some or one of them commencing at the weir last herein-before described and terminating at the intake tank herein-after described :
- Work No. 7.—A weir to be constructed across Old Water and to be wholly situate in the parish of Geltsdale :
- Work No. 8.—An aqueduct conduit or line of pipes No. 6 to be wholly situate in the parish of Geltsdale commencing at the weir last herein-before described and terminating at the intake tank herein-after described :
- Work No. 9.—An intake tank to be wholly situate in the parish of Geltsdale near the junction of Old Water with New Water :
- Work No. 10.—An aqueduct conduit or line of pipes No. 7 to be situate in the parishes of Geltsdale Hayton and Castle Carrock commencing at the intake tank herein-before described and terminating in the Castle Carrock Reservoir herein-after described near the eastern end of the embankment thereof :
- Work No. 11.—An aqueduct conduit or line of pipes No. 8 to be situate in the parishes of Castle Carrock and Geltsdale commencing at the springs known as Priest's Spring in the parish of Castle Carrock and terminating in the parish of Geltsdale by a junction with Work No. 10 :
- Work No. 12.—A reservoir (to be called "the Castle Carrock Reservoir") for impounding the waters of Old Water and New Water and other tributary waters of the River Gelt to be situate wholly in the parish of Castle Carrock and to be formed by an embankment across Castle Carrock Beck :
- Work No. 13.—A cut or channel for diverting the waters of Castle Carrock Beck and the becks and streams flowing into the same on the east side of the Castle Carrock Reservoir and to be wholly situate in the parish of Castle Carrock :
- Work No. 14.—A surface water drain to be wholly situate in the parish of Castle Carrock commencing near the southern end of the Castle Carrock Reservoir and terminating by a junction with Castle Carrock Beck at or near the termination of Work No. 13 :
- Work No. 15.—A line or lines of pipes No. 9 to be situate in the parishes of Castle Carrock Carlatten Hayton Cumwhitton and Wetheral or some of them commencing in the Castle Carrock Reservoir at or near the embankment thereof and terminating in the service reservoir next herein-after mentioned at the north-eastern side thereof :

Work No. 16.—A tank or service reservoir to be situate wholly in the parish of Wetheral at the north-eastern side of the road from Wetheral to Armathwaite in the fields numbered 321 358 and 359 in that parish on the Ordnance map (scale $\frac{1}{2500}$) edition of 1863 or in part or parts thereof:

A.D. 1898.
—

Work No. 17.—A line or lines of pipes No. 10 to be situate in the parishes of Wetheral St. Cuthbert (Without) and that part of the parish of St. Cuthbert (Without) which is within the city of Carlisle commencing in the service reservoir hereinbefore described and terminating in London Road within the city of Carlisle:

Work No. 18.—A road diversion to be wholly situate in the parish of Castle Carrock commencing and terminating in the public road leading from Castle Carrock to Cumrew.

8. Subject to the provisions of this Act the Corporation may in the construction of the works by this Act authorised deviate from the lines or position thereof respectively as shown on the deposited plans relating thereto to any extent within the limits of deviation defined on those plans and where the line of any work is shown on those plans as passing along any road and no limits of deviation are marked on the deposited plans the Corporation may in making such work deviate laterally to any extent within the boundaries of such road and the Corporation may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards Provided that no such deviation upwards shall cause any part of any aqueduct conduit or pipe to be raised above the surface of any road or (except for the purpose of crossing any stream) ground unless shown upon the deposited plans as intended to be placed above the surface of the ground and then only to the extent so shown Provided also that if it be found necessary or expedient in the construction of the reservoir or the road diversion by this Act authorised to alter the situation of any embankment as shown on the deposited plans the Corporation may within the limits of deviation thereof marked on the deposited plans alter the same accordingly and may also in the construction of the works authorised by this Act deviate vertically from the levels of such embankment reservoir and road diversion or any of them as shown with reference to the datum line of such sections to any extent not exceeding ten feet but the Corporation shall not construct any embankment of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited

Power to deviate in construction of works.

A.D. 1898. — sections in the case of the corresponding embankment and three feet in addition.

Temporary use of lands.

9. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall be incorporated with this Act and for the purposes of this Act in the construction of the said provisions the expression "the company" shall mean the Corporation and the expression "the railway" shall mean the works referred to in this section and expressions referring to the centre of the railway shall mean in the case of the Works No. 5 and No. 7 authorised by this Act the centre lines thereof respectively and in the case of the Works No. 9 No. 12 and No. 16 and the works immediately connected therewith authorised by this Act the boundaries thereof respectively and for the purposes of section 32 of that Act the prescribed limits shall be fifty yards.

Power to take additional lands by agreement.

10. The Corporation may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres in addition to the lands which they are authorised by this Act to take by compulsion but the Corporation shall not create or permit the creation of any nuisance on any such lands and shall not erect or permit the erection or user on any such lands of any buildings other than houses and buildings required for or used in connexion with their water undertaking.

Power to hold lands for protection of works.

11. The Corporation may hold any lands acquired by them under the powers of this Act and which may in their opinion be necessary for the purpose of protecting their waters and waterworks against pollution nuisances encroachment or injury and so long as such necessity shall in the opinion of the Corporation continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts Provided that the Corporation shall not create or permit the creation of any nuisance thereon and shall not erect or permit the erection or user on any such lands whilst so held by them of any buildings other than houses and buildings required for or used in connexion with their water undertaking.

Power to take easements &c. by agreement.

12. 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 others than the parties to the agreement have an interest) required for the purposes of this Act in

over or affecting any such lauds and the provisions of the Lands Clauses 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.

A.D. 1898.

13. For the protection of the Midland Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the company and the Corporation have effect (that is to say):—

For protec-
tion of
Midland
Railway
Company.

- (1) If in exercising the powers of this Act the Corporation shall require to lay a main or pipe under the company's Settle and Carlisle Railway near Cumwhinton Station such main or pipe shall be of cast iron of such strength and dimensions as shall be approved by the engineer of the company and shall be laid in and covered by cement concrete at a depth of not less than four feet below the level of the said railway :
- (2) The Corporation shall also construct and maintain a drain under the company's railway parallel to the said main or pipe and on the east side thereof of such dimensions and construction as shall be approved by the engineer of the company :
- (3) The said works shall be so constructed and maintained in all respects to the reasonable satisfaction of the engineer of the company and so that the traffic on the railway shall not be in any way impeded or interfered with and if at any time during or after the execution of the said works any injury shall arise therefrom to the said railway or to the traffic thereon the Corporation shall on demand repay to the company not only any expenditure incurred by them in the repair or reinstatement of the said railway but also all loss damage costs and expense to which they may be subjected by such injury as aforesaid :
- (4) The Corporation shall not enter upon take or use the lands railway and property of the company except so far as may be necessary for the purpose of constructing and maintaining the works by this Act authorised :
- (5) If any difference shall arise between the Corporation and the company in relation to any matter or thing provided for by this section such difference shall be determined by arbitration by a single arbitrator to be appointed at the instance of either party by the President of the Institution of Civil Engineers.

14. The Corporation if they think fit may enter into agreements with any owner lessee or occupier of any lands within the drainage area of Old Water and New Water above the junction of the same

Agreements
with land-
owners as to
drainage.

A.D. 1898.

who are empowered to make drains for the improvement of such lands for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters flowing upon or from the same in such manner and to such extent as such owner lessee or occupier and the Corporation may agree and the Corporation may apply to the purposes of this section to which capital is properly applicable any part of the moneys raised by them under the authority of this Act.

Period for compulsory purchase of lands.

15. The powers by this Act granted to the Corporation for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

16. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed Provided always that subject to the restrictions and provisions of this Act the Corporation may lay down additional lines of pipes and alter enlarge extend and renew their engines machinery mains pipes and other works as they may think expedient to provide for the requirements of their water supply.

Restriction on taking houses of labouring class.

17. The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last before the passing of this Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

On completion of road diversion site of existing road to vest

18. Upon the completion of the road diversion by this Act authorised the Corporation may stop up and extinguish all rights of way over the portion of the existing road in respect of which such diversion shall have been made and the Corporation may stop up

and discontinue any footpaths shown or stated on the deposited plans as to be stopped up or which it may be necessary to stop up in executing the purposes of this Act and may appropriate to and for their own use and as their own property the sites of so much of the road and footpaths so stopped up as shall be bounded on both sides by lands of the Corporation.

A.D. 1898.
in Corporation.
tion.

19. The road diversion authorised to be constructed under the authority of this Act shall be maintained by and at the cost of the Corporation for one year after the completion of the same of which completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and on the expiration of the aforesaid period of one year such road diversion shall become and the same shall thenceforth be part of the public roads of the parish or district in which the same is situate and shall be repairable as such accordingly.

Maintenance
of road
diversion.

20. The Corporation may discharge water from any of the waterworks by this Act authorised into any streams or watercourses on the line of such works or near thereto or into any streams or watercourses with which such works may be made to communicate by means of works constructed or made under the powers of this Act Provided that in the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Public Health Act 1875.

Corporation
may dis-
charge water
from their
works into
streams or
watercourses.

21. Subject to the provisions of this Act the Corporation may take collect divert impound appropriate and use for the purposes of this Act and of their water undertaking the waters of the tributaries of the River Gelt known as Old Water and New Water and their several streams springs and tributary waters known as Tarnmonath Springs and Beck Slate Sike Coldwell Spring and Beck Graystone Beck Black Sike Deepdale Beck Leach's Springs Crook Burn Great Bleaberry Gill and Eller Beck and also the waters of Priest's Spring and of all other springs streams and waters which will or may be intercepted directly or indirectly by Works No. 1 No. 2 No. 3 No. 4 No. 5 No. 6 No. 7 No. 8 No. 9 No. 10 and No. 11 respectively or any of those works Provided that the Corporation shall not take any of the said waters whenever a less quantity of water shall be passing over the gauge herein-after mentioned than one million five

Power to
take waters
of tributaries
of River Gelt.

A.D. 1898. — hundred thousand gallons in twenty-four hours of any day reckoned from midnight.

Gauge to be constructed on River Gelt at or near Hynam Bridge.

22. Before the Corporation shall be entitled to take any of the waters of the streams springs and other waters mentioned in the last preceding section of this Act they shall cause to be made across the River Gelt at or near Hynam Bridge and shall thereafter maintain at all times a sufficient gauge for measuring the water flowing down the said river and such gauge shall for ever thereafter be maintained in a proper state of repair by and at the expense of the Corporation to the reasonable satisfaction of the several owners lessees and occupiers of any existing mills and works upon or using the waters of the River Gelt the River Irthing and the River Eden for a distance of twenty miles below the junction of Old Water and New Water or of an engineer to be appointed by them or any of them The several owners lessees and occupiers aforesaid of mills and works are herein-after referred to as and intended to be included in the expression "the millowners."

Disputes as to gauge to be settled by an engineer.

23. In the event of any dispute at any time arising between the Corporation and the millowners or any of the millowners or between their respective engineers as to the sufficiency or accuracy of the said gauge or as to its state of repair or condition such dispute shall be settled and determined by some hydraulic engineer on whom the parties shall agree or in default of agreement by a hydraulic engineer to be appointed by the President of the Institution of Civil Engineers in London on the application of either of the parties.

Millowners and their officers may inspect gauge.

24. The millowners and their officers or servants authorised in writing on producing their authority if required shall at all reasonable times have the right of access to the said gauge for the purpose of ascertaining the state of repair and efficiency thereof and of gauging measuring and ascertaining the quantity of water from time to time passing over or through the same.

Penalty for taking waters of River Gelt in contravention of this Act.

25. If the Corporation shall take any of the waters of Old Water and New Water or their tributary waters herein-before mentioned whenever the quantity of water running over the said gauge is less than one million five hundred thousand gallons in twenty-four hours reckoned as aforesaid they shall forfeit and pay to the occupier of every mill or works below the said gauge and referred to in the section of this Act the marginal reference to which is "Gauge to be constructed on River Gelt at or near Hynam Bridge" who shall sue for the same in any court of competent jurisdiction within one month after such offence shall have been

committed the sum of twenty-five pounds in respect of any one day on which such offence shall be committed. A.D. 1898.

26. The waterworks by this Act authorised to be made by the Corporation shall form part of the water undertaking of the Corporation and the Corporation may use the water obtained by means thereof for the purpose of supplying water.

New water-works to form part of water undertaking of Corporation.

27. For the protection from pollution of the reservoirs and works of the Corporation and of the brooks streams watercourses and waters over which the Corporation for the time being for the purposes of their water supply have any power of user or in which for the like purposes they are for the time being interested in the event of the sanitary authority for the district within which the pollution occurs refusing or neglecting within the space of one month after being requested by the Corporation by notice in writing under the hand of the town clerk so to do to enforce with respect to such pollution the provisions of the Rivers Pollution Prevention Act 1876 the Corporation shall in respect of such pollution have and may if they think fit exercise beyond the city such and the like powers as may for the time being be exercised by a sanitary authority under that Act and the provisions of that Act shall for the purposes aforesaid extend and apply mutatis mutandis to the Corporation.

Provisions for preventing fouling of water.

28. For the protection of the Brampton Rural District Council (in this section called "the council") the following provisions shall unless otherwise agreed between the Corporation and the council have effect (that is to say):—

For supply of water to Brampton Rural District Council.

- (1) The Corporation at any time after they have commenced to supply water from the works by this Act authorised and within six months after receiving a request in writing from the council to that effect shall unless prevented by frost unusual drought or other unavoidable accident or during necessary repairs supply the council free of charge with such daily quantity or quantities of filtered water in bulk as the council shall require not exceeding two hundred and twenty thousand gallons in any one day for the use of any contributory place or part of any contributory place within the district of the council not being within the limits of water supply of the Corporation. And such water shall be delivered to the council at such point or points at or near Faugh and at or near the intended tank to be constructed by the council at their cost at Garth Head respectively as may be agreed upon or failing agreement may be determined by a hydraulic engineer on

A.D. 1898.

whom they shall agree or in default of agreement to be appointed by the President of the Institution of Civil Engineers in London on the application of either of the parties :

The quantities of water to be delivered at the said points respectively shall not exceed in the case of the water to be delivered at or near Faugh one hundred thousand gallons in any one day and in the case of the water to be delivered at or near Garth Head one hundred and twenty thousand gallons in any one day :

The water to be delivered at or near Faugh shall be delivered from the gravitation main (Work No. 15) by this Act authorised and the water to be delivered at or near Garth Head shall be delivered at an elevation of at least six hundred and sixty feet above Ordnance datum :

(2) The council shall obtain for and afford to the Corporation all necessary easements licences and authorities to enable the Corporation to lay and maintain pipes and works and to convey water from the works of the Corporation at Castle Carrock into the said tank :

(3) The council shall on the completion by the Corporation of the works for affording such supply pay to the Corporation the sum of five hundred pounds and if such supply or any part thereof is afforded by pumping the works for such pumping shall if required by the Local Government Board be carried out by the Corporation to the satisfaction of that Board If the Corporation fail to afford a supply of water in accordance with the provisions of this section they shall forfeit and pay to the council a sum not exceeding twenty pounds a day during such time as such default continues.

For protec-
tion of Earl
of Carlisle.

29. For the protection of the Right Honourable George James Earl of Carlisle or other the owner or owners for the time being of Naworth Castle Estate (all of whom are in this section included in the expression "the owner") the following provisions shall notwithstanding anything contained in this Act be observed and have effect (that is to say) :—

(1) In the event of either the Corporation or the Brampton Rural District Council not carrying into effect the provisions of the section of this Act of which the marginal note is "For supply of water to Brampton Rural District Council" the Corporation shall deliver to the owner free of charge into a tank or other receptacle to be provided by and at the cost of the owner at or near Garth Head at an elevation of not less than six hundred and sixty feet above Ordnance datum such

A.D. 1898.
—

daily quantity of water as the owner shall require not exceeding eighty thousand gallons in any one day and shall also supply to the owner at the same place such further daily quantities of water for the supply of the said estate as the owner may require at such price as may be agreed upon or determined by arbitration Provided always that the owner shall obtain for and afford to the Corporation all necessary easements licences and authorities to enable the Corporation to lay and maintain pipes and works and to convey water from their works at Castle Carrock into the said tank or other receptacle :

- (2) Notwithstanding anything contained in this Act the Corporation shall not construct any works by which the waters of the Coldwell Spring or Beck will be diverted from their natural course down to the point where the said beck joins the Old Water and the works for taking the waters of the Upper Tarnmonath Spring shall be so constructed as not to divert the whole of such waters but to allow a sufficient quantity of water to flow down the natural course of the stream for the use of cattle sheep and game upon the said estate :
- (3) Notwithstanding anything contained in this Act it shall be lawful for the owner and his lessees and tenants to exercise all such rights as the owner now possesses of working winning and dressing mines and minerals and of using the water of springs and streams for those purposes within such part of the valley of New Water as is situate at a higher elevation than New Water Bridge and of depositing spoil and of constructing roads tramways and other ways therein :
- (4) No telegraph or telephone posts shall be erected without the consent of the owner upon any lands belonging to the owner or upon any lands acquired by the Corporation from the owner under the powers of this Act and any telegraph or telephone wires which the Corporation require to construct across any such lands shall be laid underground at the cost of the Corporation Provided that the owner shall grant to the Corporation free of charge any easements which may be necessary for laying and maintaining such wires :
- (5) Any workman's dwelling-house which the Corporation require to erect upon any lands now forming part of the said estate shall be erected upon such site near the works and convenient for the purposes for which the dwelling is provided as shall be agreed between the Corporation and the owner or

A.D. 1898.

failing agreement be determined by arbitration as herein-after provided and the design of such dwelling-house shall before the erection of it is commenced be submitted to and reasonably approved by the owner :

(6) The owner shall be entitled to the benefit of the provisions of the sections of this Act of which the marginal notes are "Gauge to be constructed on River Gelt at or near Hynam bridge" "Disputes as to gauge to be settled by an engineer" "Millowners and their officers may inspect gauge" and "Penalty for taking waters of River Gelt in contravention of this Act" as if the expression "the millowners" as defined in and for the purposes of those sections had included the owner :

(7) If the Corporation shall take or use for the purposes of this Act any of the waters of the Coldwell Spring they shall if and when required by the owner provide him with a quantity of water equivalent both in regard to quantity and elevation to the waters of the said spring for the purpose of developing and working the mines and minerals within such portion of the said estate as is now situate within the drainage area of the River Gelt above Hynam Bridge or the Corporation may at their option discontinue to take and use the waters of the said spring and thereupon the said spring shall vest in the owner for the same estate and interest as the owner possessed therein before it was acquired by the Corporation :

(8) Any difference which may arise between the Corporation and the owner under this section shall be determined by arbitration under and in accordance with the provisions of the Arbitration Act 1889.

For pro-
tection of
Lord Lecon-
field.

30. Notwithstanding anything in this Act it shall be lawful for Henry Baron Leconfield his sequels in estate and his and their lessees and tenants to exercise all such rights as the said Henry Baron Leconfield now possesses of working winning and dressing mines and minerals and of using the water of springs and streams within the manor of Croglin for those purposes and of depositing spoil and of constructing roads tramways and other ways within the manor aforesaid.

Corporation
may dis-
continue
existing
waterworks
and dispose
of the sites.

31. At any time after the waterworks by this Act authorised have been constructed the Corporation may discontinue their existing waterworks at Stoney Holme and Harraby or Gallows Hill and may sell and dispose of the sites or any part of the sites thereof or they may appropriate and use the lands forming the said sites or any part thereof for such purposes as they may determine.

A.D. 1898.

32.—(1.) The Corporation may borrow at interest for the purpose of executing the powers of this Act any sum or sums of money not exceeding in the whole one hundred and fifty thousand pounds and for paying the costs charges and expenses of this Act as defined by the section of this Act the marginal reference whereof is “Costs of Act” the sum requisite for that purpose. And in order to secure the moneys so borrowed they may mortgage the revenue of their water undertaking and the district fund.

Power to
borrow.

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

(3.) All moneys borrowed under this section (other than moneys borrowed for the purpose of paying the costs charges and expenses of this Act) shall be repaid within sixty years from the borrowing of the same and all moneys borrowed for paying those costs charges and expenses shall be repaid within ten years from the date of borrowing the same.

(4.) If having borrowed any money under the provisions of this Act the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or by the application of any money in the nature of capital other than borrowed money they may re-borrow the same and so on from time to time. Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

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

As to mort-
gages of
Corporation.

(2.) The provisions contained in sections 236 to 239 of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term “local authority” in the said provisions shall be construed to mean the Corporation and the term “rates” shall be construed to include the revenue of the water undertaking of the

A.D. 1898. Corporation and the district fund Provided that any application for the appointment of a receiver shall be made to the High Court and not to a court of summary jurisdiction.

Repayment
of borrowed
moneys.

34. The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or principal and interest or by means of a sinking fund or partly by such instalments and partly by such sinking fund Provided that it shall not be obligatory on the Corporation to commence to pay off any money borrowed under this Act (other than moneys borrowed for paying the costs charges and expenses preliminary to and of and incident to the preparing for obtaining and passing of this Act) or to make any appropriation for the sinking fund in respect thereof before the completion of the Castle Carrock Reservoir.

Regulations
as to sinking
fund

35. 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 revenue of the water undertaking and if and so far as such revenue proves insufficient for the purpose out of the district fund into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off the moneys borrowed within the periods by this Act prescribed in relation thereto respectively:
- (2) All sums paid into the sinking fund shall as soon as may be be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stocks Corporation stocks or other securities (not being annuities or securities payable to bearer) duly created and issued by any municipal corporation in Great Britain other than the Corporation or by any local authority within the meaning of section 34 of the Local Loans Act 1875 other than the Corporation :
- (3) The Corporation shall apply the sinking fund in or towards the discharge or redemption of the principal moneys for the discharge whereof it was created until thereby or otherwise the whole of such principal moneys has been discharged or redeemed :
- (4) Whenever any of such principal moneys have been paid off by means of the sinking fund the Corporation shall until the whole of the principal moneys has 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. 1898.

- (5) Whenever and so long as the value of the securities in the sinking fund for the discharge of the principal moneys borrowed or becoming payable under this Act shall be equal to the amount of the principal moneys then outstanding the Corporation may in lieu of investing the yearly income arising from such securities apply the same in payment of the interest on the said principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

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

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

37. Except as herein otherwise expressly provided all mortgages and securities created by the Corporation before the passing of this Act and charged upon the district fund and revenue of the water undertaking and subsisting at the passing hereof shall during the continuance of such mortgages and securities have as regards the said fund and revenue priority over any mortgages and other securities granted under this Act.

Priority of principal moneys secured by existing mortgages.

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

Protection of lender from inquiry.

39. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security given by them under this Act may be subject but the receipt of the person in whose name any loan or security for a loan stands in the register of mortgages stock or other security of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in the register.

Corporation not to regard trusts.

A.D. 1898.

Annual
return to
Local
Government
Board.

40. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required by this Act to be paid as an instalment or set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by such Board and verified by statutory declaration if so required by them showing the amount which has been paid by instalment or invested or applied for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount (if any) remaining uninvested at the end of the year. In the event of wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act they may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application
of moneys
from sale
&c. of land.

41. The Corporation shall apply all moneys from time to time received by them in respect of any sales or dispositions of land and premises 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 water
revenue.

42. The Corporation shall keep separate accounts of their receipts and expenditure from or in respect of their water undertaking on capital and revenue account and shall apply their water revenue in the manner and order following (that is to say):—

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

Secondly In payment of the working and establishment expenses and cost of maintenance of their water undertaking: A.D. 1898.

Thirdly In payment of the interest on money borrowed for the purposes of their water undertaking before the passing of this Act:

Fourthly In payment of the interest on money borrowed for the purposes of their water undertaking after the passing of this Act:

Fifthly In providing for the repayment of moneys borrowed for the purposes of their water undertaking before the passing of this Act:

Sixthly. In providing for the repayment of moneys borrowed for the purposes of their water undertaking after the passing of this Act:

Seventhly In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing and accumulating the same at compound interest in any securities in which they are authorised to invest the sums paid into the sinking fund until the reserve fund so formed amounts to three thousand pounds which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from their water undertaking or to meet any extraordinary claim or demand or charge at any time, arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of three thousand pounds and so from time to time as often as such reduction happens Provided that when and so often as the said fund shall reach the sum of three thousand pounds the interest thereon shall be carried to the water revenue Provided also that resort may be had to the reserve fund for any of the purposes aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of three thousand pounds:

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

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

A.D. 1898.

current expenses connected therewith including the carrying out of improvements and extensions.

Provision
in case of
deficiency
of water
revenue.

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

Audit of
accounts.

44. The accounts of the receipts and expenditure of the Corporation in respect of their water undertaking shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published.

Justices not
disqualified.

45. No person shall be incapable of acting as a justice in any proceedings taken under the provisions of this Act by reason of his being a member of the Corporation or an annuitant stockholder or mortgagee of the Corporation or of his being liable to the payment of any water rent or rate to the Corporation but no person who is an annuitant stockholder or mortgagee of the Corporation shall so act if objection is taken by any party to the proceedings.

Application
of penalties.

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

Powers of
Act to be
cumulative.

47. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressed or implied) 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.

A.D. 1898.

48. No telegraph telephone or other means of electric communication constructed under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

For protection of postal telegraphs.

The Corporation may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or otherwise) in any rural district in connexion with the works authorised by this Act and any expenses incurred by the Corporation under such undertaking may be defrayed out of the revenue of the water undertaking.

49. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Recovery of demands under fifty pounds.

50. All the costs charges and expenses of and incident to the applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund or out of moneys borrowed for the purpose by the Corporation under this Act.

Costs of Act.

Printed by EYRE and SPOTTISWOODE,
FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.