



CHAPTER xxvi.

An Act for conferring further Powers on the Pemberton Local Board in relation to the Construction of Waterworks and the Supply of Water; and for other purposes. A.D. 1879.
[23d May 1879.]

WHEREAS the Local Board for the district of Pemberton in the county palatine of Lancaster (in this Act called the Local Board) were by the Pemberton Local Board Act, 1875, (in this Act called the Act of 1875,) authorised to construct waterworks and to borrow money for that purpose, and to supply their district with water: 38 & 39 Vict. c. xlii.

And whereas by an order made by the Local Government Board, and confirmed by the Local Government Board's Provisional Orders Confirmation (Bournemouth, &c.) Act, 1878, (which order is in this Act called the Order of 1878,) the Local Board were empowered to borrow a sum not exceeding thirty-one thousand pounds, in addition to the sum of thirty-four thousand pounds which they were authorised to borrow under the Act of 1875: 41 & 42 Vict. c. clxii.

And whereas difficulties and unforeseen expense have been occasioned in the construction of the reservoirs and works authorised by the Act of 1875, or some of them, by mining operations and otherwise; and it is expedient that the period limited by that Act for the completion of some of the works thereby authorised be extended:

And whereas in order to facilitate the supply of water by the Local Board it is expedient that they be empowered to make and maintain such further works as are in this Act mentioned:

And whereas the Local Board have borrowed and have expended, or are in course of expending, in the execution of the Act of 1875, the greater part of the sums which they are authorised to borrow under that Act and the Order of 1878:

And whereas estimates have been prepared by the Local Board for the purchase of land for and the execution of the various works

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A.D. 1879. by this Act authorised, and for the completion of the works authorised by the Act of 1875, all being permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875, and such estimates amount to the sum of thirty-nine thousand eight hundred and fifty pounds; and it is expedient that the Local Board be authorised to borrow as in this Act mentioned:

38 & 39 Vict.
c. 55.

And whereas it is expedient that the Local Board be empowered to alter and, if they see fit, increase the scale of water rates and charges prescribed by the Act of 1875:

And whereas it is expedient that the provisions of the Act of 1875 in reference to the supply of water to the Orrell Local Board, and in reference to compensation water and other matters, be amended:

And whereas an absolute majority of the whole number of the Local Board, at a meeting held on the second day of January one thousand eight hundred and seventy-nine, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the *Wigan Observer*, a local newspaper published or circulating in the district of the Local Board, (such notice being in addition to the ordinary notices required for summoning such meeting,) resolved that the expenses in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the *Wigan Examiner*, a local newspaper published or circulating in the district of the Local Board, 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 Local Board at a further special meeting held in pursuance of a similar notice on the sixth day of February one thousand eight hundred and seventy-nine, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district of the Local Board, by resolution in the manner provided in the third schedule to the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands and buildings required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county

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of Lancaster, and are herein-after respectively referred to as the deposited plans, sections, and book of reference: A.D. 1879.

And whereas the purposes 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:

1. This Act may for all purposes be cited as the *Pemberton Local Board Water Act, 1879.* Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and the Waterworks Clauses Acts, 1847 and 1863, (except 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,) are hereby incorporated with and form part of this Act so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act. Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, or by the Act of 1875, have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the word "person" includes a corporation: Provided that for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in any enactment incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute. Interpretation of terms.

4. Section five of the Act of 1875 is hereby repealed, without prejudice to anything duly done or suffered thereunder; and in lieu thereof be it enacted, that the Act of 1875 and this Act shall be executed by the Local Board, with the powers and indemnities and according to the provisions of the Public Health Act, 1875; and the said Public Health Act shall, in relation to the Local Board, and the several objects and purposes of the Act of 1875 and this Act, be read and construed as if the purposes and provisions of the Act of 1875 and of this Act were purposes and provisions of the said Public Health Act, so far as the same shall be applicable thereto, and except so far as any of the provisions of the said Public Health Act are varied or otherwise provided for by the Act of 1875 or this Act. Execution of Acts by Local Board.

A.D. 1879. **5.** The period limited by the Act of 1875 for the completion of the reservoirs No. 2 and No. 3 is hereby extended, as regards reservoir No. 2, to ten years, and as regards reservoir No. 3, to five years from the passing of this Act; and all enactments referring to that period shall be construed and have effect accordingly.

Extension of period for completion of reservoirs.

Supply of water. **6.** Subject to the provisions of this Act, the Local Board shall have, in relation to the supply of water from the works by this Act authorised, all such rights and powers as they have in relation to the supply of water from the works authorised by the Act of 1875.

Power to construct works. **7.** Subject to the provisions of this Act, the Local Board may make and maintain the service tanks and filter beds, conduits, and other works shown on the deposited plans, together with all necessary works and conveniences connected therewith or incident thereto, in the lines and situation, on the levels, and in, over, or on the lands delineated on the deposited plans and sections and described in the deposited book of reference, and for those purposes may enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference, and may take, impound, and use the waters from the disused Bispham Quarry, and all waters on or under any lands for the time being belonging to the Local Board, or which can or may be intercepted or taken by the works by this Act authorised; subject to the proviso that nothing in this Act shall authorise the Local Board to take water from any river or brook or any other water running in a defined course.

Description of authorised works. **8.** The works by this Act authorised and herein-before referred to are the following; (that is to say)

- (1.) A service tank and filter beds in a field belonging or reputed to belong to Meyrick Bankes:
- (2.) A conduit, watercourse, or line of pipes commencing in the Smethurst Shaft of the disused Bispham Quarry, and terminating in the service tank lastly herein-before described:
- (3.) A conduit, watercourse, or line of pipes, herein-after called conduit No. 2, commencing out of the service tank firstly herein-before described, and terminating in Ormskirk Road opposite to the police station:
- (4.) A conduit, watercourse, or line of pipes commencing by a junction with conduit No. 2 at the point of junction of the three roads called respectively Moorditch Lane, Gantley Lane, and Dark Lane, and terminating in Sand Brook:
- (5.) A conduit, watercourse, or line of pipes commencing by a junction with an authorised conduit or line of pipes,

No. 15 in section eight of the Act of 1875, in Dark Lane, and terminating in the authorised reservoir No. 3 referred to in the Act of 1875: A.D. 1879.

- (6.) A conduit, watercourse, or line of pipes commencing by a junction with the present outlet pipe of the said authorised reservoir No. 3, and terminating at the service tank and filter beds next herein-after described :
- (7.) A service tank and filter beds in a field belonging or reputed to belong to Roger Leigh :
- (8.) A conduit, watercourse, or line of pipes commencing in the service tank lastly herein-before described, and terminating in the Ormskirk Road :

together with all proper embankments, bridges, roads, ways, wells, tanks, basins, gauges, filters, dams, sluices, wastes, weirs, outfalls, syphons, pipes, adits, shafts, tunnels, aqueducts, culverts, cuts, channels, conduits, drains, mains, junctions, valves, engines, pumps, works, apparatus, and conveniences connected with the said works or any of them, or necessary for conducting, inspecting, maintaining, repairing, cleansing, or managing the same.

9. The Local Board in constructing the works by this Act authorised may make deviations from the line of such works, but not exceeding the limits of lateral deviation shown on the deposited plans, and may deviate from the levels delineated on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards, and where on any road no limits of lateral deviation are shown the boundaries of such road shall be deemed to be such limits. Limits of deviation.

10. The powers of the Local Board for the compulsory purchase of lands for any of the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

11. In addition to the lands which the Local Board are by this Act authorised to purchase compulsorily, they may, for any of the purposes of this Act, but subject to the provisions of this Act, from time to time, by agreement, purchase in fee, either absolutely or in consideration of any yearly or other rent, or take on lease, any additional quantity of land not exceeding in the whole five acres, or any easement or right (not being an easement or right to take water in which other than the parties to the agreement have any right or interest) in or over such additional lands which they may from time to time think requisite for any of the purposes of this Act; but no building shall be erected on such additional lands while the same are held by the Local Board, except buildings necessary for or connected with their waterworks or dwellings for Power to acquire additional lands.

A.D. 1879. — officers, servants, or workmen engaged upon or in connexion with such works.

Power to take easements, &c. by agreement.

12. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Local Board any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Period for completion of works.

13. The works by this Act authorised shall be completed within five years from the passing thereof, and on the expiration of such period the powers by this Act granted to the Local Board for making the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed; provided that, subject to the provisions of this Act, the Local Board from time to time may alter, enlarge, extend, or remove their engines, machinery, tanks, filter beds, mains, pipes, and other works in such way and manner as occasion requires.

Amending 38 & 39 Vict. c. xlii. s. 22.

14. Whereas it is enacted by the Act of 1875 (section twenty-two) that the Local Board shall at all times afford to the Orrell Local Board a supply of water in bulk from a service tank therein mentioned, subject as therein mentioned: Be it enacted, that, notwithstanding anything in that section, the Local Board shall not be compelled to supply the Orrell Board with water exclusively from the said service tank, nor within the period therein mentioned, but on the expiration of two months after the Local Board have commenced to supply their district, or any part thereof, with water from the works constructed under the powers of the Act of 1875 and of this Act, the Orrell Board shall be entitled to receive, and shall receive, from the Local Board a supply in bulk (not being less than thirty-five thousand gallons nor more than seventy thousand gallons daily), and the Local Board shall give to the Orrell Board the whole or any portion of such supply either from or by means of the said service tank or any other works authorised by the Act of 1875, or from or by means of any works by this Act authorised, subject to such terms and conditions as are specified in the said section twenty-two, so far as the same are applicable. The water so to be supplied shall be delivered at the meter house mentioned or referred to in the said section, or at such other place or places and in such proportions as shall be agreed upon by the Local Board and

the Orrell Board. The Orrell Board shall, within two months after the Local Board have commenced to supply their district from the works by this Act authorised, give to the Local Board written notice of the quantity of water (not being less nor more than the quantities herein-before mentioned in that behalf) which they require, and the Local Board shall supply that quantity accordingly. And the Orrell Board may from time to time, by a like notice, require the Local Board to supply an increased quantity of water, but so that the total quantity supplied shall not exceed seventy thousand gallons daily. The Orrell Board may demand and take for the supply of water for domestic purposes within their district the rates and charges authorised by this Act to be taken by the Local Board within their district.

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15. Whereas it is enacted by the Act of 1875 (section twenty-three) to the effect that the Local Board shall discharge from the reservoirs by that Act authorised, or some or one of them, during every day of twenty-four hours one hundred and fifty-two thousand gallons of compensation water into Withington Brook: Be it enacted, that the Local Board may discharge from Pingot Well, in the Act of 1875 mentioned, any part of the water of that well (not exceeding during any day of twenty-four hours one hundred thousand gallons) into Withington Brook, and may make and maintain such gauges as may be necessary for the purpose of ascertaining the actual quantity of water so discharged into Withington Brook, and the water so ascertained to be discharged shall for all the purposes of section twenty-three of the Act of 1875 be deemed to be discharged into Withington Brook from the reservoirs therein mentioned, and be reckoned as part of the one hundred and fifty-two thousand gallons therein mentioned.

Amending
38 & 39 Vict.
c. xlii. s. 23.

16. For the protection of the Company of Proprietors of the Canal Navigation from Leeds to Liverpool (hereafter in this Act called the Leeds and Liverpool Canal Company), the following provisions shall have effect; (that is to say,)

For protec-
tion of the
Leeds and
Liverpool
Canal Com-
pany.

- (1.) Before the Local Board shall be entitled to take or use any water under the powers of this Act, they shall (so long as the same is taken for the purposes of this Act) discharge and continue to discharge for every day of twenty-four hours, by a continuous and regular supply, ten thousand gallons of compensation water into Gantley Brook, or in lieu thereof ten thousand gallons of compensation water, in addition to the quantity required by the Act of 1875, from any of the works constructed under the Act of 1875 or this Act, or the Public Health Act, 1875, into Withington Brook or Sand Brook:

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(2.) The provisions as to gauges to be made by the Local Board under sub-section 2 of section 23 of the Act of 1875, and the rights thereby given to the Leeds and Liverpool Canal Company, and the provisions as to damages contained in sub-section 3 of the same section, are hereby made applicable to the quantity of compensation water to be discharged into Gantley Brook, Sand Brook, or Withington Brook under this Act:

(3.) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, alter, or affect any of the rights, privileges, property, powers, or authorities of the Leeds and Liverpool Canal Company with respect to any springs and waters which may be taken or interfered with under the powers of this Act; and all such rights, privileges, property, powers, and authorities shall extend to the compensation water to be discharged under the provisions of this section.

Power to take water from any of the authorised sources upon giving the compensation water applicable to that source.

17. Notwithstanding anything in the Act of 1875, the Local Board may supply water taken and collected from any of the sources of supply authorised by the Act of 1875 and this Act, if they shall have previously given the compensation water provided for by the Act of 1875 and this Act in respect of the source from which such water shall be taken; (that is to say,) one hundred and fifty-two thousand gallons of compensation water in the manner by the Act of 1875 and this Act provided, every day in respect of waters taken from the Withington Brook, twenty-four thousand gallons of compensation water every day in respect of water taken from the Sand Brook in the manner by the Act of 1875 provided, and ten thousand gallons of compensation water every day in respect of water taken under the powers of this Act.

For the protection of the Billinge Local Board.

18. For the protection of the Local Board for the district of Billinge in the county of Lancaster (in this section called the Billinge Board) the following provisions shall have effect; (that is to say,)

(1.) Before executing any works by this Act authorised over, under, or within ten feet of any sewer or drain of the Billinge Board the Local Board shall give to the Billinge Board notice in writing of their intention to commence the said works, and such notice shall be accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Local Board:

- (2.) The Billinge Board may require such reasonable alteration in the said plan, sections, and particulars as they shall deem expedient to secure the least possible interference with their sewers and drains :
- (3.) The Local Board shall not execute the said works until the Billinge Board shall have approved the said plans, sections, and particulars ; provided that if they do not express their disapproval thereof in writing within one month after they shall have received such notice, plans, and sections as aforesaid, they shall be deemed to have approved of the same :
- (4.) The Local Board shall execute the said works according to the said plans, sections, and particulars so approved or altered, as the case may be, and under the superintendence and to the reasonable satisfaction of the surveyor to the Billinge Board :
- (5.) If by reason of the execution of the works by this Act authorised, or the failure of any such works when executed, any sewer or drain of the Billinge Board be injured, or any additional or increased length of sewer or drain, or any variation in the levels or position of any sewers or drains, become requisite, the Billinge Board, at the expense of the Local Board in all things, may make such repairs, connexions, additions, and variations as may be required ; provided that if the Billinge Board neglect after reasonable notice to make the same, they may be made by the Local Board, but to the reasonable satisfaction of the surveyor of the Billinge Board :
- (6.) All expenses incurred by the Billinge Board by reason of the execution by the Local Board of any of the works by this Act authorised, or of any works or repairs rendered necessary by the acts or default of the Local Board, their officers, contractors, workmen, or servants, together with the expenses of such superintendence by the Billinge Board, shall be paid by the Local Board to the Billinge Board :
- (7.) The Billinge Board shall not be liable for, or to make good to the Local Board or any consumer, any damage or injury occasioned by the fracture of the mains or pipes of the Local Board not arising from the negligent act of the Billinge Board :
- (8.) If any difference arise between the Local Board and the Billinge Board touching this section, or anything to be done or not to be done, or any money to be paid thereunder, such difference shall be determined by an arbi-

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trator to be agreed upon between the parties, or, in default of agreement, to be appointed (on the application of either of the parties) by the Local Government Board.

For protection of London and North-western and Lancashire Union Railway Companies.

19. Section seventeen (for protection of London and North-western Railway Company) of the Act of 1875 is incorporated with this Act, and shall apply to the exercise of the powers of this Act with respect to any works crossing or affecting the railways, works, or lands of the London and North-western Railway Company, and of the Lancashire Union Railways Company, or in which those Companies are respectively interested, as fully in all respects as if that section was in the first instance enacted in this Act with reference to the exercise of such powers, and as if the Lancashire Union Railways Company was therein named as well as the London and North-western Railway Company.

For protection of Lancashire and Yorkshire Railway Company.

20. In the exercise of the powers of this Act with respect to any works crossing or affecting the railways, sidings, works, lands, or property of the Lancashire and Yorkshire Railway Company (herein-after called the Company), the Local Board shall be subject to and shall observe and fulfil the following conditions :

- (1.) All such works shall be executed and maintained at the expense of the Local Board, under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Company, and according to plans, sections, and specifications previously submitted to and approved by him in writing :
- (2.) If the engineer of the Local Board and of the Company differ concerning the said plans, sections, and specifications, or concerning the execution of the said works or operations, every such difference shall be settled by an engineer to be appointed by the said two engineers, or if they cannot agree on such appointment, then by an engineer to be appointed by the Board of Trade on the application of either party :
- (3.) The said works shall be constructed and maintained so that the traffic upon the railways, stations, and sidings of the Company shall not be in anywise impeded or interfered with :
- (4.) If by reason of the construction or maintenance of the works by this Act authorised, or any act or operation of the Local Board, the railways, stations, and sidings of the Company, or any of the works connected therewith, shall be damaged or injured, or the traffic thereon impeded, the Local Board shall compensate the Company for any loss or expense occasioned thereby :

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(5.) The Local Board shall acquire only an easement in and upon such of the lands, stations, sidings, works, and property of the Company as may be used or interfered with :

(6.) The amount to be paid to the Company for the acquisition of any such easement, and for compensation for damage or injury (if any) to the said railways, stations, sidings, lands, or property of the Company, or impediment to or interference with the traffic of the Company by the construction and maintenance of the works of the Local Board, shall from time to time be settled, in case of difference, in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.

21. The provisions of section 19 (for the protection of the Duke of Bridgwater's trustees and Henry Blundell Hollinshead Blundell) of the Act of 1875 shall extend and apply to the works, mains, and pipes authorised by this Act; and the benefit of that section as hereby amended shall extend and apply to all other owners or workers of mines within the townships of Pemberton, Orrell, and Billinge.

For the protection of the Duke of Bridgwater's trustees and H. B. H. Blundell and others.

22. For the protection of the Right Honourable Robert Tolver Baron Gerard, his heirs, sequels in estate, and assigns, the following provisions shall have effect; that is to say,

For the protection of Lord Gerard.

(1.) The Local Board shall not, except with the previous consent in writing of Baron Gerard, his heirs, sequels in estate, or assigns, take any water from the quarry in his land known as Stocks Quarry :

(2.) Anything in this Act, or in any Act wholly or partially incorporated therewith, shall not take away, lessen, or interfere with any rights, powers, or privileges of Baron Gerard in relation to his estates or to any waters in or under the same :

(3.) The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the works during the construction thereof, shall not apply to lands of Baron Gerard near or adjoining the site of reservoir No. 2.

8 & 9 Vict. c. 20.

23. The Local Board may from time to time enter into and carry into effect contracts and agreements with any sanitary authority or person for the supply by the Local Board, without their district, of water in bulk to or for such sanitary authority or person respectively, and such contracts and agreements may be for such times and for such remuneration and on such terms and conditions as the contracting parties think fit :

Contracts for supplying water in bulk.

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Provided that the powers of this section shall not be exercised by the Local Board so as to impair or be likely to impair the sufficiency of the supply of water for domestic purposes within their water limits.

Power to increase water rates and charges.

24. Notwithstanding anything in the Act of 1875, the Local Board may, if they see fit, demand and take for the supply of water rates and charges exceeding the maximum rates and charges specified in the Act of 1875, so that the increased rates and charges do not exceed the said maximum rates and charges by more than threepence in every shilling: Provided that the Local Board shall not be compellable to afford a supply of water for domestic purposes for any less sum than threepence a week for every dwelling-house or separate tenement; and the rates authorised by or in pursuance of the Act of 1875 and this Act (including the minimum rate of threepence a week) shall, for the purposes of section sixty-two of the Public Health Act, 1875, be deemed to be the rates authorised by the Local Act in force within the district.

Power to borrow.

25. For the purposes of the execution of the Act of 1875 and of this Act, and of defraying the costs, charges, and expenses of and incident and preparatory to the applying for and obtaining this Act, the Local Board may from time to time, in addition to any moneys which they have borrowed or are authorised to borrow, under any other Act or Order confirmed by Parliament, borrow at interest such sums as they may from time to time think requisite, not exceeding (except with the consent of the Local Government Board) the sum of forty thousand pounds.

Power to mortgage water rates, &c.

26. For securing the repayment of any moneys borrowed under this Act, the Local Board may mortgage their water rates and other revenue arising from their water undertaking and the district fund and general district rates, either together or separately; and if the Local Board shall secure the repayment of such moneys by mortgage, sections two hundred and thirty-six to two hundred and thirty-nine (inclusive) of the Public Health Act, 1875, with respect to mortgages to be executed by sanitary authorities, shall apply to the mortgages to be executed by the Local Board under this Act, subject to the following provisions; (that is to say,)

- (1.) All moneys borrowed or re-borrowed by the Local Board by mortgage under this Act may be borrowed and re-borrowed for any term not exceeding eighty years, and, subject as aforesaid, may be repaid by equal yearly or half-yearly instalments or by means of a sinking fund:
- (2.) If the Local Board form a sinking fund they shall pay into such fund such equal yearly or half-yearly sums as,

being invested in any securities in which trustees are by law for the time being authorised to invest trust moneys, and being accumulated at compound interest, will be sufficient to discharge the moneys repayable by means of such sinking fund within a period not exceeding eighty years from the date of borrowing the same :

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- (3.) And where any part of the sinking fund is applied in paying off any part of the loan before the expiration of the said period, the interest which would otherwise be payable on such part of the loan shall be paid into the sinking fund and invested in manner provided by this Act.

27. A person lending money to the Local Board secured by mortgage shall not be bound or entitled to inquire as to the observance by them of any provisions of this Act, or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Protection of lenders from inquiry.

28. The Local Board, if they think fit, in lieu of borrowing by mortgage as herein-before 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.

Power to borrow under 38 & 39 Vict. c. 83.

Any moneys borrowed in manner by this section authorised may be charged by the Local Board on their water rates and other revenue arising from their water undertaking, and on the district fund and general district rates, either together or separately; and such rates or revenue shall be the local rate within the meaning and for the purposes of the Local Loans Act, 1875.

Every such loan shall be discharged within eighty years from the date of the same, and such discharge or any part thereof may be effected by any of the means provided by the said Local Loans Act (including a sinking fund); and if the Local Board at any time think fit to form any such sinking fund, all sums paid into the same shall, as soon as may be, be invested by the Local Board in any manner in which trustees are by law for the time being authorised to invest trust moneys.

29. Moneys borrowed by the Local Board under this Act shall be applied for the purposes for which they were borrowed, and generally for objects to which capital money is properly applicable, and for no other purposes.

Application of money borrowed.

30. The following sections of the Act of 1875 shall apply to all moneys received or paid by the Local Board under this Act in

Extension of certain

A.D. 1879. the same manner as those sections apply to the moneys received and paid under the Act of 1875; that is to say,

sections of
38 & 39 Vict.
c. xlii. to
this Act.

Section 47.—Application of moneys borrowed.

Section 48.—Application of water revenue of Local Board.

Section 51.—Separate accounts.

Deficiency
in water
account to
be made up
from district
fund, &c.

31. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon and the execution of the Act of 1875 and this Act, the deficiency shall be made up out of the district fund or general district rate by carrying an adequate sum therefrom to the credit of the water account; and the Local Board 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, may include therein such sums respectively (if any) as in the judgment of the Local Board 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.

Priority of
existing
mortgages.

32. All mortgages granted by the Local Board before the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages or other securities granted or issued under any of the provisions of this Act.

As to
estimates for
general dis-
trict rates.

33. The estimates for the general district rates leviable by the Local Board shall show the sums for the time being required for the payment of interest or the repayment of principal or for sinking fund purposes in respect of any moneys borrowed on the security of those rates.

Annual re-
turn to Local
Government
Board with
respect to
sinking
fund.

34. The clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be paid by 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 that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid by 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 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 not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Local Board 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 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 may be enforced by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

A.D. 1879.

35. The time limited by the Act of 1875 and the Order of 1878 for repayment of moneys borrowed by the Local Board under that Act and Order is hereby extended to eighty years; and the provisions of that Act and Order with respect to annual instalments and a sinking fund shall be read and have effect accordingly.

Repayment of moneys borrowed under 38 & 39 Vict. c. xlii. and 41 & 42 Vict. c. clxii.

36. All rights and powers by this Act conferred on the Local Board shall be deemed to be in addition to and not in derogation of any other rights or powers which they from time to time possess under any other general or local Act of Parliament, law, or custom.

Powers of Act cumulative.

37. All the costs, charges, and expenses of and incident and preparatory to the applying for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Local Board out of moneys borrowed under this Act, or out of any funds belonging to them, and may be charged by them to their water account or general account, or either or both, and in such proportions as the Local Board think fit.

Expenses of Act.

