



CHAPTER xxviii.

An Act to confer further powers upon the Mayor Aldermen and Burgesses of the Borough of Loughborough with respect to their Water Undertaking and for other purposes. A.D. 1897.
[3rd June 1897.]

WHEREAS by the Loughborough Local Board Act 1868 (in this Act called "the Act of 1868") the Local Board of Health for the district of Loughborough in the county of Leicester were empowered (amongst other things) to construct and maintain waterworks and to supply water within their district which consisted of the townships of Loughborough Knightthorpe and Woodthorpe forming the parish of Loughborough And under the powers of the Act of 1868 the said Local Board constructed the waterworks thereby authorised and supplied water within the said district :

And whereas by the Loughborough Local Board Act 1886 (in this Act called "the Act of 1886") the said Local Board were empowered to construct certain additional waterworks especially for the purpose of appropriating the waters of the stream or brook in the parishes of Whitwick and Shepshed in the county of Leicester known as the "Black Brook" and the tributaries thereof and the limits of the said Local Board for the supply of water were extended so as to include parts of the parish of Shepshed :

And whereas a district consisting of parts of the said townships of Loughborough and Knightthorpe and parts of the parish of Dishley-with-Thorpe Acre was in the year one thousand eight hundred and eighty-eight created a municipal borough by the name of the borough of Loughborough and is under the government of the mayor aldermen and burgesses thereof (in this Act referred to as "the Corporation") and the Corporation acting by the council of the borough are the urban authority for the district of the borough as the successors of the aforesaid Local Board :

And whereas by the Borough of Loughborough Scheme 1888 the Act of 1868 and the Act of 1886 were declared to extend and

A.D. 1897. apply not only to the parts of the said borough theretofore within the limits of those Acts but to the whole of the said borough :

And whereas the demand for water within the limits of supply of the Corporation as defined as aforesaid is increasing and with a view to enabling the Corporation to more effectually store and utilise the waters of the said Black Brook and its tributaries it is expedient that the Corporation be authorised to construct the reservoir and works by this Act authorised in lieu of the reservoirs constructed under the powers of the Act of 1886 :

And whereas by the Act of 1868 the aforesaid Local Board were authorised to acquire and under the powers of that Act did acquire the rights in the markets and fairs within their district and the markets and fairs within the borough are now held by the Corporation as the successors of the said Local Board :

And whereas corn grain and other similar commodities are now sold and exposed for sale by permission of the Corporation in the Corn Exchange belonging to the Corporation but the tolls authorised to be taken by the Act of 1868 did not include any tolls or payments in respect of corn grain or other similar commodities and it is expedient that provision should be made for enabling the Corporation to demand levy and recover tolls and charges in respect of the sale or exposure for sale of corn grain and other similar commodities :

And whereas it is expedient that the Corporation be authorised to construct the street widening herein-after described and that the other powers in this Act contained be conferred upon the Corporation :

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

And whereas estimates have been prepared by the Corporation of the cost of executing the powers of this Act in connection with the following matters and such estimates are as follows :—

For waterworks sixty-five thousand pounds ;

For street widening one thousand pounds :

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the first day of December one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the *Loughborough Examiner* a local newspaper published or circulating in the borough of Loughborough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill

for this Act should be charged on the district fund and general district rate : A.D. 1897.

And whereas such resolution was published twice in the *Loughborough Examiner* a local newspaper circulating in the said borough and has received the approval of the Local Government Board :

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

And whereas the owners and ratepayers of the borough by resolution in the manner provided by Schedule III. annexed to the Public Health Act 1875 with respect to resolutions of owners and ratepayers under that Act consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands 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 of Leicester and are in this Act referred to as "the deposited plans sections and books of reference" :

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

1. This Act may be cited as the *Loughborough Corporation Act 1897.* Short title.

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

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 as amended by section 57 of the Public Health Act 1875 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit) and the Waterworks Clauses Act 1863 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof :

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Provided that the aforesaid provisions of the Railways Clauses Consolidation Act 1845 shall be read so as to apply only to the construction of the reservoir and works immediately adjoining the same by this Act authorised and sections 30 and 31 of the said Act shall also be read so as to apply to the construction of the aqueduct conduit or line of pipes by this Act authorised.

Interpretation.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

“The borough” means the municipal borough of Loughborough ;

“The Corporation” and “the council” mean respectively the mayor aldermen and burgesses and the town council of the borough ;

“District fund” and “general district rate” mean respectively the district fund and general district rate of the borough :

And the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act (except where otherwise expressly provided) have the same respective meanings unless there is something in the subject or context repugnant to such construction. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

“The undertakers” or “the promoters of the undertaking” means the Corporation ;

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

“The railway” means the reservoir and works immediately adjoining the same and the aqueduct conduit or line of pipes by this Act authorised and “the centre of the railway” means the boundaries of such works.

Act to be executed by council.

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

Power to construct works.

5. Subject to the provisions of this Act and in the lines and according to the levels shown on the deposited plans and sections relating thereto the Corporation may make and maintain the following works (that is to say) :—

(1.) A reservoir situate in the township and parish of Whitwick and parishes of Shepshed and Charley or one or more of them

to be formed by means of an embankment or dam across the valley of the Black Brook in the parish of Shepshed :

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- (2.) An aqueduct conduit or line of pipes wholly in the said parish of Shepshed commencing in the reservoir by this Act authorised and terminating by a junction with the existing main of the Corporation leading from their existing Reservoir No. 1 authorised by the Act of 1886 to their Nanpantan Reservoir.

6. The Corporation may in connection with the works by this Act authorised make and maintain all such embankments cuts channels culverts main pipes overflows sluices tanks basins weirs dams filters filter-beds telegraphs telephones and other means of electric communication engines rails apparatus bridges roads and other works and conveniences as may be necessary for and subsidiary to such works or any of them :

Power to make subsidiary works.

Provided that no telegraphs telephones 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 on the Postmaster General by the Telegraph Act 1869.

7. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown on the deposited plans and sections make the diversion and alteration of road herein-after described with all proper works and conveniences connected therewith (that is to say) :—

Power to divert road as shown on deposited plans.

A diversion and alteration of the levels of the road in the county of Leicester leading from One Barrow Lodge situate in the township and parish of Whitwick to a cottage known as Botany Bay situate in the parish of Shepshed commencing in the said parish of Shepshed at a point on the said road seven chains or thereabouts measured along such road in a north-easterly direction from the easternmost corner of One Barrow Plantation and terminating in the said road six chains or thereabouts measured along such road in a south-westerly direction from the bridge which carries the said road over the Black Brook :

And when and so soon as the said diversion shall have been completed to the satisfaction of two justices and open to the public the Corporation may stop up and discontinue for public traffic the portion of road for which the same is substituted and thereupon all rights of way over or along the same shall be and are by this Act extinguished as from the opening of the diversion and the site and soil of the portion of road so stopped up and discontinued and the fee simple and inheritance thereof are by this Act vested (so far as the same is bounded on both sides by lands of the Corporation) in the

A.D. 1897. Corporation and (so far as the same is bounded on opposite sides by lands of different persons) in such persons respectively to the centre of the road in proportion to their frontages.

Provisions as to repair of diverted road.

8. The portion of road to be diverted and altered under the authority of this Act shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads of the same nature within the parishes in which such road will be situate are from time to time liable to be repaired or maintained.

Time for completion of water-works.

9. If the waterworks by this Act authorised are not completed within eight years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making and construction of the said works shall cease except as to such of them as shall be then completed but nothing in this Act shall restrict the Corporation from extending enlarging reduplicating altering reconstructing or removing any of their said works or any mains or pipes of the Corporation from time to time as occasion may require.

Amendment of section 8 of Act of 1886.

10. The powers of the Corporation of collecting impounding taking using diverting and appropriating waters under the provisions of section 8 of the Act of 1886 shall be deemed to include power to collect impound take use divert and appropriate in and by means of the reservoir by this Act authorised all such of the waters of the brooks and streams in that section mentioned as will or may be intercepted by such reservoir.

Powers for repair of aqueducts and temporary discharge of water into streams.

11. For the purpose of executing any necessary work of repair or of cleansing or of examining any aqueduct conduit or line of pipes for the time being belonging to them the Corporation may cause the water in any such aqueduct conduit or line of pipes to be temporarily discharged into any available stream or watercourse:

In the exercise of the power 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 power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

Street widening.

12. The Corporation may in the lines and situation and according to the levels shown on the deposited plans and sections make and maintain the street widening shown on those plans and herein-after described (that is to say):—

A widening of the roads in the parish of Loughborough known as Church Gate and Sparrow Hill on the north-west sides thereof from the south-eastern corner of the messuage numbered 36

in Church Gate aforesaid to the southernmost corner of the front of the premises in Sparrow Hill known as the Windmill Inn together with all necessary roadways paths sewers drains pipes walls works and conveniences and junctions and communications with any roads or streets intersected or interfered with by such widening. A.D. 1897.

13. The Corporation may for any purpose in connection with the street widening by this Act authorised upon any lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined upon the deposited plans raise sink or otherwise alter the position of any sewer drain channel water-pipe or gas-pipe belonging to or connected with any house or building adjoining or near to such street widening and also any main or other pipe laid down or used by any company for carrying a supply of water or gas or any pipe tube wire or other apparatus laid down or used for telephonic purposes and any pipe tube wire or apparatus laid down or used for telegraphic or electric lighting purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making full compensation for all damage caused by the exercise of the powers of this enactment Provided that the Corporation shall not raise sink or otherwise alter or interfere with any pipe tube wire or other apparatus laid down or used for telegraphic or telephonic purposes by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 and nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply. As to alteration of position of pipes &c.

14. Subject to the provisions of this Act the Corporation may in the construction of the works by this Act authorised deviate from the lines thereof as shown on the deposited plans to any extent within the limits of deviation defined on those plans and the Corporation may also deviate from the levels of such works as delineated on the deposited sections to any extent not exceeding (a) in the case of the waterworks and works connected therewith (including the road diversion) five feet upwards and any extent downwards and (b) in the case of the street widening two feet upwards or downwards Provided always that the Corporation shall not in the exercise of the power of lateral deviation hereby conferred construct the embankment or dam of the reservoir of a greater height above the surface of the ground than that shown on the deposited sections and five feet in addition. Power to deviate.

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Power to
take lands.

15. The Corporation may enter on take and use for the purposes of this Act all or any of the lands delineated on the deposited plans and described in the deposited books of reference.

As to purchase of
additional
lands by
agreement.

16. Section 11 of the Act of 1886 is hereby repealed and the Corporation may (in addition to the lands by that Act authorised to be taken by compulsion and to the lands shown on the deposited plans and by this Act authorised to be acquired by the Corporation) purchase by agreement for the purposes of their water undertaking any lands not exceeding ten acres in extent but the Corporation shall not use any such lands for any building except buildings required for or used in connection with their water undertaking.

Period for
compulsory
purchase of
lands.

17. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

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

18. 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 parties other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Errors and
omissions in
plans &c. to
be corrected.

19. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Corporation may after ten days' notice to the owners lessees and occupiers of the lands in question apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Leicester and such certificate shall be kept by such clerk of the peace along with the other documents to which the same relates and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

20. 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 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 last but have been or shall be subsequently so occupied :

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Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" includes 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 such persons who may be residing with them.

21. For the purposes of the street widening by this Act authorised the Corporation may and shall be entitled to take and appropriate such portion only of the property numbered on the deposited plans 1 in the parish of Loughborough forming part of the churchyard of the church of All Saints Loughborough as shall be required for the purposes of the street widening and in the construction of the street widening the Corporation shall be bound by and conform to the following provisions (that is to say) :—

Provisions as to street widening and for removal and interment of bodies interred in portion of churchyard adjoining All Saints Church.

(1.) The Corporation shall cause the remains of any person interred or deposited in such portion of the churchyard to be removed to and interred in any consecrated burial ground in which burials may legally take place in such manner as the Lord Bishop of Peterborough shall direct and shall cause any monuments tablets and tombstones situate in such portion of the said churchyard or which may be interfered with in the construction of the street widening to be removed to and fixed or erected in such other portions of the churchyard or such other burial ground or otherwise as the said bishop may direct :

(2.) It shall be lawful for the heirs executors or administrators or relatives or friends of any person whose remains shall have been interred or deposited in the said portion of the said churchyard or in any grave or vault interfered with in the execution of the said street widening if they so prefer and of such preference give notice to the Corporation at any time subsequently to the taking and appropriation of such portion of the churchyard by the Corporation and prior to the com-

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mencement of the street widening (subject however to the regulations of the Lord Bishop of Peterborough for the time being) to cause such remains without any faculty for that purpose to be removed to and interred in any consecrated burial ground in which burials may legally take place or any unconsecrated ground in any cemetery and to remove the monument tablet or tombstone erected to the memory of such person to any place they think fit :

- (3.) The expense of such removing and interment not exceeding in any one case the sum of ten pounds shall be defrayed by the Corporation :
- (4.) The removal of remains shall in all cases be carried out under the supervision and to the satisfaction of the medical officer of health of the borough :
- (5.) Notice of the intention of the Corporation to commence works affecting the said churchyard shall be affixed to the door of the church of All Saints Loughborough for two successive weeks prior to the commencement of such works and such notice shall state the effect of the foregoing provisions of this section.

Market
tolls for
corn &c.

22. The provisions of the Act of 1868 and of the first schedule thereto shall be read and have effect as if the following had been inserted in the first schedule (that is to say) :—

For every person selling or offering or exposing for sale any corn grain or similar commodity per day or fraction of a day two pence :

And such articles shall be deemed to be marketable commodities within the meaning of the said Act and schedule.

Power to
borrow.

23. The Corporation may from time to time borrow at interest—

- (A.) On the security of the district fund and general district rate and of the revenue of their water undertaking for the purposes of their waterworks such sums as they may deem requisite not exceeding sixty-five thousand pounds ;
- (B.) On the security of the district fund and general district rate for the purposes of the street widening by this Act authorised any sum not exceeding one thousand pounds ;
- (C.) On the security of the district fund and general district rate for payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" such sum as may be ascertained as herein-after provided :

Provided always that in case further moneys may be required for any of the aforesaid purposes the Local Government Board may from time to time at the request of the Corporation authorise them to borrow such further sums for all or any of such purposes as the Local Government Board may from time to time think fit and the provisions of this Act shall mutatis mutandis apply to the further sums so borrowed :

And in calculating the amount which the Corporation may borrow under the provisions of any other enactment the amount which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts :

The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act.

24. A person lending money to the Corporation shall not be bound 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.

25. All moneys borrowed by the Corporation under the authority of this Act without the sanction of the Local Government Board may be borrowed for any terms not exceeding the terms hereinafter respectively mentioned from the date of the original loan (that is to say) :—

As to repay-
ment of
borrowed
money.

As regards moneys borrowed for the purpose of paying the costs charges and expenses aforesaid five years ;

As regards moneys borrowed for the purposes of waterworks sixty years ;

As regards moneys borrowed for the street widening thirty years ;

And all moneys borrowed by the Corporation under the authority of this Act with the consent of the Local Government Board may be borrowed for such term not exceeding sixty years as the Local Government Board may prescribe :

And subject as aforesaid all moneys borrowed by the Corporation under the authority of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the

A.D. 1897. instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum but it shall not be obligatory on the Corporation to commence such repayment by instalments or to set apart or appropriate any moneys to or for a sinking fund under this Act until the expiration of one year from the time or respective times of borrowing such moneys nor in the case of moneys borrowed for the purposes of waterworks until the reservoir by this Act authorised has been brought into use for purposes of supply or the expiration of the time by this Act limited for the completion thereof whichever shall first occur.

Sinking
fund.

26. The Corporation in case they borrow any moneys on mortgage under this Act repayable by means of a sinking fund shall subject to the provisions of the section of this Act of which the marginal note is "As to repayment of borrowed money" within twelve months after borrowing the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys out of the funds and rates on the security of which such moneys shall have been borrowed such equal annual sum or sums as will with accumulations by way of compound interest after a rate not exceeding three per centum be sufficient to pay within such a period as they may think fit (not exceeding the period in each case prescribed for the repayment thereof) the amount of the principal moneys so borrowed:

All sums so set apart and the income thereof shall from time to time be invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or on the security of mortgages bonds debentures debenture stock or other security (not including annuity certificates or certificates payable to bearer) of any municipal corporation in Great Britain (other than the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875:

If and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any deficiency shall be made good out of the funds and rates which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any such excess may be applied as part of such equal annual payments:

The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys for which such sinking fund is set aside in such order and manner as they deem proper Provided that in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based Provided also that whenever and so long as the securities in which such sinking fund is invested shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

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

Annual return to Local Government Board with respect to repayment of moneys borrowed on mortgage.

If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which

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Sinking fund may be adjusted.

28. If the Corporation out of the proceeds of the sale exchange or disposition of any lands acquired by the Corporation under the powers of this Act or out of moneys received by them by way of fine or premium on any lease of any such lands or other moneys received on capital account other than borrowed moneys repay any principal moneys borrowed by the Corporation under the powers of this Act the payments to the sinking fund may be reduced to such extent and on such terms as may from time to time be approved by the Local Government Board.

Power to re-borrow.

29. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under the foregoing provisions of this Act on the same becoming repayable or for paying off any part of any of such principal moneys as they can borrow at a lower rate of interest Provided as follows:—

- (1.) The time for repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed:
- (2.) For the purpose of repayment all moneys so re-borrowed and the moneys originally borrowed shall be deemed the same loan:
- (3.) The Corporation shall not re-borrow any money paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of surplus lands or out of premiums or fines on leases or other moneys received on capital account not being borrowed moneys.

Power to borrow under Local Loans Act 1875.

30. The Corporation if they think fit 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 as amended by the Local Loans Sinking Fund Act 1885 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:

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall

be paid out of the same funds and rates as they would be charged upon and paid out of if raised by mortgage under this Act and such funds and rates shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875 :

Every such loan shall be discharged within the respective periods prescribed by or under this Act :

The section of this Act of which the marginal note is "Sinking fund" shall apply to any sinking fund provided by the Corporation for the repayment of any moneys borrowed by them under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

31. All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Application
of money
borrowed.

32. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act the moneys so received by the Corporation shall be applied in or towards paying off any other moneys for the time being owing by the Corporation Provided that any moneys so received by the Corporation when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Application
of moneys
from sale
&c. of land.

33. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time 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 on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be

Corporation
not to re-
gard trusts.

A.D. 1897. answerable or accountable for any loss misapplication or non-application of any such money.

Application of water revenue to payments in respect of moneys borrowed.

34. The interest upon money borrowed for waterworks purposes under this Act and the requisite instalments appropriations or sinking fund in respect of money so borrowed shall be provided and paid out of the money from time to time received by the Corporation in respect of their water undertaking (other than borrowed money and money properly applicable on capital account) *pari passu* with the like payments in respect of money borrowed under the Act of 1886 and section 42 of that Act shall be read and have effect accordingly.

Application of Municipal Corporations Act 1882 as to accounts.

35. The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act and the Act of 1868 and the Act of 1886.

Power to Local Government Board to direct inquiries.

36. The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875 :

The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Powers of Act cumulative.

37. All powers rights and authorities given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other powers rights or authorities conferred on them by the Public Health Acts and the Municipal Corporations Act 1882 or any Act amending the same or any of them and the Corporation may exercise such other powers and authorities and shall be entitled to such other rights as if this Act had not been passed.

Costs of Act.

38. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act (including the costs incurred by the Corporation in or with the object of complying with the provisions

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of the Borough Funds Act 1872 with respect to the Bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of any moneys borrowed under the authority of this Act. A.D. 1897.

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