



CHAPTER lii.

An Act to enlarge the time for the construction of certain works authorised by the Harrogate Water Act 1901 to confer further powers upon the mayor aldermen and burgesses of the borough of Harrogate in regard to their water undertaking and for other purposes.

A.D. 1911.

[29th June 1911.]

WHEREAS the mayor aldermen and burgesses of the borough of Harrogate (in this Act called "the Corporation") are supplying water within an area comprising the said borough and certain districts in the neighbourhood thereof in pursuance of the powers conferred upon them by the following Acts (which are in this Act called "the recited Acts") and the enactments incorporated therewith (namely):—

- The Harrogate Waterworks Act 1897;
- The Harrogate Corporation (Waterworks Transfer) Act 1897;
- The Harrogate Water Act 1901;
- The Harrogate Water Act 1903; and
- The Harrogate Waterworks Tramroad Act 1904:

And whereas by the Act of 1901 the Corporation were empowered to construct additional waterworks including a reservoir to be called the Roundhill reservoir and although considerable progress has been made in the construction of the said reservoir it may not be possible to complete the same within the time limited by the said Act which expires on the ninth day of August nineteen hundred and eleven and it is expedient to extend that time:

And whereas it is expedient to substitute for the rates and charges which the Corporation are by sections 26 and 27 of the

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Act, 1911.

A.D. 1911. Harrogate Corporation (Waterworks Transfer) Act 1897 authorised to demand and take within the borough the rates and charges specified in this Act and to make further provision in regard to the water undertaking of the Corporation:

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

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

And whereas an absolute majority of the whole number of the council at a meeting held on the fifteenth day of December nineteen hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Harrogate Advertiser a local newspaper circulating in the borough 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 paid out of the district fund and general district rate but ultimately out of money borrowed in pursuance of this Act:

And whereas the said resolution was published twice in the said newspaper 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 sixth day of January nineteen hundred and eleven being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

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

PRELIMINARY.

1. This Act may be cited as the Harrogate Corporation Water Act 1911 and the Harrogate Waterworks Act 1897 the Harrogate Corporation (Waterworks Transfer) Act 1897 the

Short and
collective
titles.

Harrogate Water Act 1901 the Harrogate Water Act 1903 the Harrogate Waterworks Tramroad Act 1904 and this Act may be jointly cited as the Harrogate Corporation Water Acts 1897 to 1911. A.D. 1911.

2. In this Act unless the subject or context otherwise requires— Interpretation.

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

“The borough” means the borough of Harrogate;

“The council” means the council of the borough;

“The town clerk” and “the treasurer” mean respectively the town clerk and the treasurer of the borough;

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

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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

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

“The Act of 1897” and “the Act of 1901” mean respectively the Harrogate Corporation (Waterworks Transfer) Act 1897 and the Harrogate Water Act 1901.

EXTENSION OF TIME.

Extension of
time for com-
pletion of
reservoir.

3.—(1) The time limited by section 16 (Period for completion of works) of the Act of 1901 for the completion of the reservoir authorised by that Act is hereby extended for the period of three years from the ninth day of August nineteen hundred and eleven and the recited Acts shall be read and have effect accordingly.

(2) The agreement dated the fifth day of March nineteen hundred and four and made between the Right Honourable Samuel Cunliffe Baron Masham (then the Honourable Samuel Cunliffe Lister) of the one part and the Corporation of the other part a copy of which is set forth in the schedule to the Harrogate Waterworks Tramroad Act 1904 shall be read and have effect as if the time limited by the said section 16 of the Act of 1901 for the completion of the said reservoir as extended by this Act were mentioned in the said agreement instead of the period named in the Act of 1901 for the construction of the said reservoir.

SUPPLY OF WATER.

Rates for
supply of
water for
domestic
purposes.

4.—(1) On and after the twenty-fourth day of June nineteen hundred and eleven the following provisions shall apply within the borough in lieu of section 26 (Rates for supply of water for domestic purposes) and section 27 (Rates for waterclosets and baths) of the Act of 1897 Provided that all arrears of rates and charges payable under the said sections and all rates and charges payable thereunder in respect of any period before the said twenty-fourth day of June may be collected and recovered as if this subsection had not been enacted.

(2) The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Harrogate Corporation Water Acts

1897 to 1911 to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say) :— A.D. 1911.

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence ;

Where such rateable value exceeds five pounds a rate not exceeding ten pounds per centum of such rateable value.

(3) The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(4) In addition to the foregoing charges the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of the Corporation for the supply of water a sum not exceeding ten shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

(5) Notwithstanding anything contained in this Act in the Act of 1897 or in the Harrogate Water Act 1903 the rates or charges for the supply of water for domestic purposes or for water-closets or baths within the urban district of Knaresborough and within so much of the rural district of Knaresborough as is comprised within the limits of the Corporation for the supply of water shall not exceed the rates or charges for domestic purposes or for waterclosets or baths specified in the Act of 1897.

5.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus

Detection of
waste.

A.D. 1911. on the service pipes and mains of the Corporation and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus.

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

(3) Provided also that the Corporation shall not under the powers of this section interfere with the access to any passenger or goods station of the North Eastern Railway Company.

Powers in
relation to
water mains.

6.—(1) For the purpose of enabling them to give a supply of water under the provisions of the Harrogate Corporation Water Acts 1897 to 1911 the Corporation shall have and may exercise the powers which a local authority have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the limits of the Corporation for the supply of water shall be deemed to be the district of the Corporation.

(2) Provided that the exercise of such powers shall be subject to the provisions of section 6 (For protection of West Riding County Council) of the Harrogate Waterworks Act 1897 and the said section shall apply mutatis mutandis to the mains pipes and works laid pursuant to the powers aforesaid.

(3) Nothing in this section shall authorise the Corporation to carry any water mains into through or under any lands of the North Eastern Railway Company without the consent in writing of that company which consent shall not be unreasonably withheld. If any difference arises as to whether any such consent is unreasonably withheld that difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers in accordance with the provisions of the Arbitration Act 1889.

(4) Provided also that this section shall not apply to the rural district of Knaresborough in the event of the council of that district exercising their powers of purchase under section 41 of the Act of 1897.

7. Notwithstanding anything contained in section 41 (For protection of Knaresborough Rural District Council) of the Act of 1897 the Corporation shall not be required to sell to the Knaresborough Rural District Council and that council shall not be entitled to purchase from the Corporation any part of the main belonging to the Corporation constructed on the south side of the main road from Harrogate to Knaresborough or any hydrants valves or apparatus of the Corporation in connexion therewith.

A.D. 1911.
Amendment
of Act of
1897 as to
purchase by
Knares-
borough
Rural Coun-
cil.

8. For the protection of the Wetherby District Water Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

For pro-
tection of
Wetherby
District
Water Com-
pany.

- (1) Before executing any works under or in pursuance of the section of this Act of which the marginal note is "Powers in relation to water mains" within the area for the supply of water by the company the Corporation shall give notice to the company and before executing any such works over under or within five feet of any water main or pipe or other work of the company the Corporation shall give to the company fourteen days' notice in writing of their intention to commence the said works together with a plan and section of the works showing the mode and position in which the same are intended to be executed and placed and all such works shall be constructed under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and the Corporation shall take such precautions and do such works for preventing as far as possible any injury or interruption to the works and the water supply of the company as such engineer shall reasonably require:
- (2) The Corporation shall make good all damage done to the property of the company by the disturbance thereof:
- (3) The Corporation shall at all times maintain the said works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer and if and whenever the Corporation fail so

A.D. 1911.

to do the company may make and do all such works repairs and things as they may reasonably think requisite and the reasonable amount of such expenditure shall be repaid to the company by the Corporation :

- (4) The company shall at all times have full power on giving reasonable notice to the Corporation to pass over or under any work of the Corporation constructed under the authority of this Act for the purpose of such extensions repairs or alterations of their works as they may from time to time think necessary but any such extensions repairs or alterations where the same cross the works of the Corporation or shall be situate within five feet of such works shall be carried out to the reasonable satisfaction of and under the superintendence of the Corporation or their officers and shall be so constructed and maintained by the company as not to interfere with the said works of the Corporation :
- (5) If any difference arise between the Corporation and the company touching this section or anything to be done or any money to be paid thereunder such difference shall be referred to and determined by an arbitrator 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 President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

FINANCE AND MISCELLANEOUS.

Power to
borrow.

9.—(1) The Corporation may independently of any other borrowing power borrow at interest the sum requisite for paying the costs charges and expenses of this Act as herein-after provided and in order to secure the repayment of such sum and the payment of the interest thereon the Corporation may mortgage or charge the revenue of their water undertaking and the district fund and the general district rate or either of those securities :

Provided that the provisions of this section shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

(2) The Corporation shall repay all money borrowed by them under this section within the period (in this Act referred to as "the prescribed period") of five years from the date of the passing of this Act.

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(3) The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sum which they may borrow under this Act shall not be reckoned.

10. The following sections of the Act of 1901 (except the proviso to section 44 of that Act) shall apply to moneys authorised to be raised under this Act (namely):—

Application of provisions of Harrogate Water Act 1901.

Section 42 Provisions as to mortgages.

Section 44 Mode of payment off of money borrowed.

Section 45 Sinking fund.

Section 47 Protection of lender from inquiry.

Section 48 Corporation not to regard trusts.

Section 51 Inquiries by Local Government Board.

Section 52 Audit of accounts.

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

Power to re-borrow.

(A) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

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Act, 1911.

A.D. 1911.

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

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

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(C) Out of moneys derived from the sale of land; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) The following provisions are hereby repealed but without prejudice to anything done or suffered to be done thereunder (namely):—

Harrogate Corporation Act 1893—section 77;

Harrogate Corporation (Waterworks Transfer) Act 1897—section 52;

Harrogate Water Act 1901—section 46;

Harrogate Corporation Act 1901—section 93;

Harrogate Water Act 1903—so much of section 18 as applies to moneys authorised to be raised under that Act the provisions of section 46 of the Act of 1901.

Power to invest all sinking funds in statutory securities.

12. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to use one form of mortgage for all purposes.

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

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode

of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the schedule to this Act or to the like effect.

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

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

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

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

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according

A.D. 1911. to the form contained in the schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere, the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

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

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

Power to use
sinking fund
instead of
borrowing.

14.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

A.D. 1911.

(B) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

15.—(1) The treasurer shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in

Returns to Local Government Board as to sinking funds.

A.D. 1911. respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board may require and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

Expenses of
execution of
Act.

16. Any expenses of the execution by the Corporation of this Act with respect [to which no other provision is made shall

be defrayed by the Corporation out of the revenue of the water A.D. 1911.
undertaking of the Corporation or out of the borough fund and
borough rate or out of the district fund and general district
rate as the Corporation may having regard to the object of the
expenditure deem just.

17. The costs charges and expenses preliminary to and of Costs of Act.
and incidental to the preparing applying for obtaining and
passing of this Act as taxed and ascertained by the taxing
officer of the House of Lords or of the House of Commons shall
be paid by the Corporation out of the revenue of the water under-
taking of the Corporation or out of the district fund and the
general district rate or out of both of them in such proportions
as the Corporation may by resolution determine or out of
money to be borrowed under this Act for that purpose.

THE ENDORSEMENT WITHIN REFERRED TO,

A.D. 1911.

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

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

FORM OF TRANSFER OF MORTGAGE.

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

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

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