

**CHAPTER cxix.**

An Act for empowering the Corporation of the City of Rochester to acquire the undertaking of the Strood Waterworks Company, and carry on the same; to construct additional Waterworks and supply Water; to construct Embankment and Sewerage Works; and for other purposes. A.D. 1880.
[2nd August 1880.]

WHEREAS the city of Rochester, in the county of Kent, is a municipal borough, subject to the Acts relating to municipal corporations, and under government of the mayor, aldermen, and citizens thereof (herein-after referred to as the "Corporation"):

And whereas the Corporation by the Council of the city are the sanitary authority for the district of the city, with the powers and obligations of an urban sanitary authority:

And whereas the Strood Waterworks Company are supplying water within the city of Rochester, and it is expedient that the undertaking of the said company should be transferred to the Corporation for the consideration and subject to the conditions by this Act prescribed, and that the Corporation should be empowered to supply water to the said city within the limits in this Act specified, and that for the purposes of such supply the Corporation should be authorised to construct the new and additional waterworks in this Act specified:

And whereas, for the protection of the lands and property upon the banks of the River Medway, it is expedient that the Corporation should be empowered to construct embankments in the manner by this Act provided:

And whereas it would conduce to the health and welfare of the citizens of the city of Rochester if the Corporation were to construct the sewerage works in this Act mentioned, and it is expedient for that purpose that powers such as are in this Act contained should be conferred upon them:

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And whereas it is expedient that the Corporation should have power to alter, enlarge, and improve the Guildhall in the city of Rochester as by this Act provided :

And whereas it is expedient that the powers herein-after in this Act contained should be granted to the Corporation for the acquisition of lands and the borrowing of moneys :

And whereas estimates have been prepared by the Corporation for the purchase of land for and for the execution of the several purposes of this Act, and such estimates are as follows ; (namely,) .

With respect to the construction of the new and additional waterworks, four thousand pounds ;

With respect to the embankments and works connected therewith, three thousand seven hundred pounds ;

With respect to the sewerage works, eight thousand five hundred pounds ;

With respect to the Guildhall and offices, one thousand pounds ; and those several purposes are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875 :

38 & 39 Vict.
c. 55.

And whereas an absolute majority of the whole number of the Council of the city at a meeting held on the thirteenth day of January one thousand eight hundred and eighty, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the Rochester and Chatham Journal local newspaper published or circulating in the city, 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 borough fund and borough rate :

And whereas such resolution was published twice in the said Rochester and Chatham Journal, and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board, and in respect of other matters has received the approval of one of Her Majesty's Principal Secretaries of State :

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 of the city at a further special meeting held in pursuance of a similar notice on the thirtieth day of January one thousand eight hundred and eighty, being held not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the city, by resolution in the manner provided in the Third Schedule of the Public

Health Act, 1875, have consented to the promotion of the Bill for this Act: A.D. 1880.

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and plans showing the lands to be acquired under the powers of this Act, and a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of lands in the line of those works, or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the respective clerks of the peace for the county of Kent and city of Rochester:

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

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

PRELIMINARY.

1. This Act may for all purposes be cited as the Rochester City Improvement Act, 1880. Short title.

2. The following Acts and parts of Acts, as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, but so that such provisions shall not apply beyond a distance of 50 feet from the line of embankment; and for the purposes of such incorporation the expression "the Company" in the said Act shall be construed to mean the Corporation; the expression "the railway" in the said Act shall be construed to mean the waterworks and works connected therewith, or the several embankments and works connected therewith, or the sewerage works by this Act authorised, as the case may be; and the expression "centre of the railway" shall be construed to mean the boundaries of the said waterworks and works connected therewith, or the several embankments and works connected therewith, or of the said sewerage works, as the case may be:

Incorporation of general Acts.

8 & 9 Vict. c. 18.
 23 & 24 Vict.
 c. 106.
 32 & 33 Vict. c. 18.
 8 & 9 Vict. c. 20.

A.D. 1880.
 10 & 11 Vict.
 c. 17.
 26 & 27 Vict.
 c. 93.

The provisions of the Waterworks Clauses Acts, 1847 and 1863, except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit; and for the purposes of such incorporation the expression "the undertakers" in the said Acts shall be construed to mean the Corporation.

Save as herein-before expressly provided, the several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context.

Interpreta-
 tion of terms.
 5 & 6 Will. 4.
 c. 76.

3. In this Act,—

The expression "Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England and Wales :

The expression "Public Health Acts" means the Public Health Act, 1875, and all Acts for the time being in force amending or extending the same :

The expressions "the borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the city of Rochester :

The expressions "the district fund" and "the general district rate" mean respectively the district fund and general district rate for the district of the city of Rochester :

The expression "the Water Company" means the Strood Waterworks Company formed under a deed of settlement bearing date the 9th day of October 1849 :

The expression "undertaking of the Water Company" means the waterworks and works connected therewith, and all property, real and personal, of the Water Company, except moneys and securities for money, and book and other debts due and owing or accruing to the company (including a rateable proportion of water rates to the time of the completion of the sale to the Corporation under the powers herein contained), and all easements, rights, powers, authorities, and privileges enjoyed or exerciseable by the said company :

The expression the "water undertaking" means the undertaking of the Water Company transferred to the Corporation, and the new and additional waterworks and works connected therewith by this Act authorised to be constructed by the Corporation :

In this Act, and (for the purposes of this Act) in enactments incorporated with this Act, the terms "superior courts" or "court of competent jurisdiction," or any other like term, shall have effect as if the debt or demand with respect to which it is used were a common simple contract debt, and not a debt or demand created by statute. A.D. 1880.

4. This Act shall be carried into execution, as to the purchase of the water undertaking, the construction and maintenance of water-works and the supply of water, the construction and maintenance of the embankment and sewerage works, and the works connected therewith, respectively by this Act authorised, by the Corporation acting by the Council as an urban sanitary authority according to the Public Health Acts, and as to all other matters by the Corporation acting by the Council according to the Municipal Corporations Acts, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation, or on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Public Health Acts and Municipal Corporations Acts respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Public Health Acts and Municipal Corporations Acts respectively. Act to be executed by Council.

WATER.

5. Within three months after the passing of this Act, the Water Company shall sell to the Corporation the undertaking of the Water Company, and the Corporation shall purchase the said undertaking, and pay by way of consideration for such purchase the sum of six thousand seven hundred pounds, and such expenses of renewal of machinery and otherwise, and also such costs (not exceeding three hundred and fifty pounds) as have been agreed to be paid by the Corporation. Sale to Corporation by Water Company of undertaking of Water Company.

6. The sale and purchase of the undertaking of the Water Company in pursuance of this Act shall be witnessed by a deed of transfer duly stamped, and truly stating the consideration paid by the Corporation for such purchase; and when the same has been executed by the Water Company, and when the receipt for the amount of such consideration has been signed by the directors or any three of the directors of the Water Company, then the under- Transfer of undertaking of Water Company by deed.

A.D. 1880. — taking of the Water Company shall, by virtue thereof and of this Act, be absolutely vested in the Corporation for the purposes of this Act, but subject (except as between the company and the Corporation) to all obligations, debts, charges, and incumbrances affecting the same, and they shall, subject to the provisions of this Act, have absolute control of such undertaking, and such vesting is in this Act referred to as "the transfer."

Effect of
transfer.

7. From and after the transfer the Corporation shall hold the undertaking of the Water Company, and, subject to the provisions of this Act, may exercise and enjoy all the rights, powers, authorities, and privileges of the Water Company, and shall be subject to all the duties, obligations, and liabilities of the Water Company, in every respect as if they were such company.

Books, deeds,
&c. of Water
Company
transferred to
Corporation.

8. Upon the transfer all books, deeds, and documents of title whatsoever of the Water Company relating to the undertaking of the Water Company shall be transferred to the Corporation; and the Corporation, or any person on their behalf, shall have free access to any other books which may be in the possession of the Water Company, and which were used by them in the carrying on of their business, at all reasonable times, for the purpose of inspecting, copying, or making extracts from the same.

Water Com-
pany's debts,
&c. unpaid.

9. When any debt, rentcharge, or sum of money is immediately before the transfer due or owing from the Water Company, and is not paid by them or otherwise discharged previously thereto, then and in every such case the Corporation shall, after the transfer, be liable to satisfy the same, without prejudice to any remedy over against the Water Company in respect of any such debt, rentcharge, or sum so due by them.

Actions, &c.
not to abate.

10. If immediately before the transfer any action, suit, proceeding, or any cause of action is pending or existing against the Water Company, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer, or of anything in this Act; but such action, suit, proceeding, or cause of action may be continued, prosecuted, and enforced against the Water Company as if this Act had not been passed.

Books, &c. "
to continue
evidence.

11. All books and documents which, if the transfer had not been made, would have been evidence in respect of any matter for or against the Water Company shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Application
of considera-
tion by Water
Company.

12. The directors of the Water Company, upon receiving the consideration for the undertaking of the Water Company, shall pay

thereout any moneys for the payment of which the Water Company may be liable, and shall distribute the balance remaining after such payment among the holders of the share capital of the Water Company, their executors, administrators, successors, or assigns, rateably according to their respective interests. A.D. 1880.

13. The persons who appear in the books of the Water Company to be proprietors of share capital of the Water Company shall, unless the contrary is proved, be considered to be holders of the capital of the Water Company for the purposes of the distribution of the Water Company's assets. Water Company's books to be evidence as to proprietors of capital.

14. Where the directors of the Water Company are for twelve months after the transfer unable, after diligent inquiry, to ascertain the person to whom any part of the purchase money of their undertaking is payable, or where any part thereof is payable to a person who or whose committees cannot give an effectual receipt for the same, the directors may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees. Payment into court by directors.

15. The Water Company, when and so soon as their undertaking has been transferred to the Corporation under this Act, and their debts and liabilities have been paid and discharged, and their assets have been realised and distributed, and their affairs have been wound up in manner by this Act directed, shall thereupon be and they are hereby dissolved. Dissolution of Water Company.

16. Subject to the provisions of this Act, the Corporation, after the transfer, may from time to time maintain, continue, and use the waterworks, and works connected therewith, of the Water Company, with all needful pipes, culverts, cuts, conduits, drains, sluices, engines, pumps, meters, and other works connected therewith, and may, in the line and according to the levels shown on the deposited plans and deposited sections, and upon such of the lands delineated in that behalf on the deposited plans and described in the deposited book of reference as may be required for such purpose, make and maintain the following new and additional waterworks and works connected therewith; that is to say, Power to maintain waterworks and to construct new waterworks.

- (1.) A reservoir to be situate in and on the southern side of an arable field (part of Brompton Farm) belonging or reputed to belong to and in the occupation of Frederick Stunt, and adjoining the northern boundary of the garden of a house belonging (or reputed to belong with such house) to the devisees of the late William Payne, and in the occupation of William Harris:

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(2.) A line of pipes commencing in the existing works of the Water Company, situate in the road known as Strood Hill, and terminating in the intended reservoir herein-before described :

(3.) A line of pipes commencing in the said intended reservoir, and terminating by a junction with the existing line of pipes of the Water Company in the said road known as Strood Hill, at a point immediately opposite to the said existing works of the Water Company :

And the Corporation may collect, take, and divert into the said waterworks, and therein impound and thence distribute, the waters of any springs and streams on the site of the proposed works; the Corporation may also make and maintain, in connexion and together with such new and additional waterworks, and works connected therewith, all necessary and proper embankments, bridges, dams, weirs, gauges, byewashes, sluices, catchwater drains, culverts, tunnels, wells, cuts, adits, filter beds, pumps, pumping engines, approaches, works, and conveniences as shall be necessary for collecting, raising, impounding, and distributing the streams, springs, and water to be appropriated, under the authority of this Act, to the purposes thereof; and the Corporation may from time to time alter, enlarge, and repair the water undertaking, and they may supply water in all places within the city of Rochester within the limits shown on a plan signed in duplicate by the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and such plan shall, within one week after the passing of this Act, be deposited in the Private Bill Office of the House of Commons, and with the town clerk at his office, and the said places shall be the limits of supply of the Corporation for the purposes of this Act.

Power to
deviate.

17. In constructing the new and additional waterworks authorised by this Act the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown upon the deposited plans, and may deviate vertically from the levels of those works shown upon the deposited sections to any extent not exceeding one foot upwards or three feet downwards; provided that the Corporation, in the exercise of the said powers of lateral deviation, shall not make any embankment or wall of the reservoir thereby authorised of a greater height above the general surface of the ground than that shown on the deposited sections, and one foot in addition.

Period for
completion
of works.

18. The new and additional waterworks by this Act authorised shall be completed within seven years from the passing of this Act, and on the expiration of such period the powers by this Act granted

to the Corporation for making the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as are then completed; but nothing in this Act contained shall restrict the Corporation from extending, enlarging, altering, or removing any of their tanks, filters, and engines, machinery, mains, or pipes, at any time or from time to time as occasion requires. A.D. 1880.

19. If any difference arise between the Corporation and any railway, canal, or other company whose land or works the Corporation have power to cross, under the authority of this Act, for the purpose of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. Pipes crossing the works of a railway or other company.

20. 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 this Act to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the yearly rates hereinafter specified; (that is to say,) Rates for supply for domestic purposes.

Where the net rateable value of the house or part of a house or premises supplied shall not exceed eight pounds, the yearly rate of eight shillings and eightpence;

Where such net rateable value shall exceed eight pounds and shall not exceed ten pounds, the yearly rate of twelve shillings;

Where such net rateable value shall exceed ten pounds and shall not exceed fifteen pounds, the yearly rate of eighteen shillings;

Where such net rateable value shall exceed fifteen pounds and shall not exceed twenty pounds, the yearly rate of one pound five shillings;

Where such net rateable value shall exceed twenty pounds and shall not exceed twenty-five pounds, the yearly rate of one pound ten shillings;

Where such net rateable value shall exceed twenty-five pounds and shall not exceed thirty pounds, the yearly rate of one pound fifteen shillings;

Where such net rateable value shall exceed thirty pounds and shall not exceed forty pounds, the yearly rate of two pounds; and

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Where such net rateable value shall exceed forty pounds, at a rate not exceeding five pounds per centum per annum on the amount of such net rateable value :

And for the purpose of this section the net rateable value shall be ascertained by the valuation list in force at the time the demand for the water rates is made.

Rates for
additional
supply.

21. In addition to the rates for the supply for domestic purposes the Corporation may demand and receive for one additional water-closet in any house beyond the first any yearly sum not exceeding eight shillings, and for every additional watercloset beyond such last-mentioned watercloset any yearly sum not exceeding five shillings, and for every bath any yearly sums not exceeding those herein-after specified ; (that is to say,)

Where the net rateable value of the house or part of a house or premises supplied shall not exceed fifteen pounds, the yearly rate of five shillings ;

Where the net rateable value shall exceed fifteen pounds, the yearly rate of eight shillings for the first bath, and five shillings for every additional bath ;

And for every watercloset supplied separately from any house or premises not rated to the water rate, any yearly sum not exceeding one pound.

Water sup-
ply.

22. The Corporation shall not be bound to keep the supply of water constantly laid on under pressure, provided that the Local Government Board may at any time or times hereafter order that the water to be supplied under this Act within the whole or any part of the district shall be constantly laid on under pressure, and the Corporation shall be bound by such order as if the same were herein enacted.

Regulations
for prevent-
ing waste
of water.

23. The Corporation may from time to time make regulations for the purpose of preventing the waste or misuse or contamination of water, and, amongst other things, may prescribe (with or without reference to models, patterns, or samples) the size, nature, materials, workmanship, and strength of the pipes, cocks, ferrules, valves, soil-pans, waterclosets, baths, cisterns, and other apparatus or receptacles whatsoever to be used, and may forbid any arrangements and the use of the several things before mentioned, or any or either of them, which may lead to such waste or misuse or contamination.

Confirmation
of regula-
tions.

24. No such regulations shall be of any force or effect except within the district which the Corporation is bound to supply with water under constant pressure, and unless and until the same shall

have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to confirm the same; provided that if the said Board do not confirm the regulations so submitted within three calendar months after submission, such regulations shall be deemed to have been confirmed.

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25. All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Corporation. All persons may at all reasonable times inspect such copy without payment, and the Corporation shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same, on payment of a sum not exceeding sixpence for each copy.

Publication
of regula-
tions.

26. A printed copy of any such regulations as aforesaid, dated and purporting to be made as aforesaid, and to have been confirmed by the Local Government Board, shall be evidence, until the contrary is proved, in all legal proceedings of the due making, confirmation, publication, and existence of such regulations, without further or other proof.

Evidence of
regulations.

27. In the event of any such regulations not being complied with by any person being or about to become a customer of the Corporation, they may refuse to supply water, or (as the case may be) may cut off the water supplied by them to him (notwithstanding any contract or otherwise), until the regulations are complied with; provided that, except in cases of accident, emergency, or necessary repairs, the Corporation shall not under this provision cut off the water supplied to any customer of the Corporation until after he has had twenty-four hours notice in writing from the town clerk or other officer of the Corporation of the intention of the Corporation to cut off the same.

Enforce-
ment of re-
gulations.

28. In the event of any dispute between the Corporation and any customer or intending customer as to the fact or extent of any alleged non-compliance with any such regulations, such dispute shall be referred to the determination of two justices, whose decision thereon, and the amount of costs (if any) of or incident to such dispute and the determination thereof, and by whom such costs are to be paid, shall be final and conclusive.

Disputes to
be deter-
mined by
justices.

29. The Corporation may from time to time supply any person, corporation, or company with water for other than domestic purposes, for such remuneration and upon such terms and conditions as may be agreed upon between the Corporation and such person, corporation, or company; but, notwithstanding any such agreement, no person, corporation, or company shall be entitled to such a supply

Water sup-
plied by
agreement.

A.D. 1880. whenever and as long as the Corporation are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Act; and every such agreement shall be, by virtue of this Act, determinable by the Corporation on one month's notice in writing: Provided that the supply under this section shall be afforded to all persons, corporations, and companies, as nearly as may be, on equal terms, having regard to the circumstances of each case.

Amend-
ment of
10 & 11 Vict.
c. 17. s. 44.

30. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the purposes of this Act, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any water rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Where several houses supplied by one pipe, each to pay.

31. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such houses or parts of houses had been separately supplied with water by a distinct pipe: Provided always, that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such house and premises.

Notice respecting meter or water pipes.

32. Any person who connects or disconnects a meter or pipe by which water of the Corporation has been or is intended to be registered or supplied, without giving to the Corporation at least twenty-four hours notice of his intention to do so, shall for every such offence be liable, on summary conviction, to forfeit and pay a penalty not exceeding five pounds.

Supply of water to tenements in a row.

33. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Corporation to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Act for a supply of water.

Misuser where supply to several houses is by a pipe common to all.

34. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Corporation to any other such house or tenement, or wilfully allows the same to be used contrary to the

provisions of this Act, shall for every such offence be liable to a penalty not exceeding five pounds. A.D. 1880.

35. In case any consumer of water supplied by the Corporation leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Corporation shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. Incoming tenant not liable to pay arrears.

EMBANKMENTS.

36. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plans and deposited sections, and upon such of the lands delineated in that behalf on the deposited plans and described in the deposited book of reference as they may acquire for such purpose, the embankments herein-after described, for the protection of the lands and property upon the banks of the said River Medway, with all proper approaches, retaining walls, side roads, rain-water and outfall drains, and other works and conveniences connected therewith. Power to make embankments.

The embankments herein-before referred to are (1) an embankment to be wholly situate in the parish of Strood, and to commence at the southern corner of the pond (belonging or reputed to belong to Charles Roach Smith, and in the occupation of William Collins,) near to the "Cricketer's Arms" beerhouse, thence proceeding in a northerly direction to the north-east corner of the wharf known as the Commercial Wharf, thence in a north-easterly direction to the north-west corner of the garden at the rear of the house known as the Strood Institute, and thence in a south-easterly direction to and terminating at the embankment of the South-eastern Railway at a point two hundred and eighty-five feet or thereabouts from the High Street in Strood aforesaid, measured in a south-westerly direction, the said embankment and the works connected therewith to be in no portion thereof carried farther riverward than the present line of river bank; and (2) an embankment to be situate within the parishes of Strood and Frindsbury, and to commence in the said parish of Strood, on the south-eastern side of the South-eastern Railway, at the north-east abutment of the bridge which carries the railway over the creek known as Elvy's Creek, and proceeding thence in a south-easterly direction to the south-west corner of the esplanade known as the Strood Esplanade, thence in a

A.D. 1880. north-easterly direction to and terminating in the said parish of Frindsbury, at or near the lock or entrance from the River Medway into the canal basin of the South-eastern Railway Company there.

Power to
make subsi-
diary works.

37. Subject to the provisions of this Act, the Corporation, in connexion with the said embankments, and as part of the works by this Act authorised within the limits defined on the deposited plans, may make all necessary and convenient junctions and communications with existing streets or roads intersected or interfered with by or contiguous to the intended embankment works, or any of them, and may divert, widen, or alter the lines and levels of any existing streets or roads for the purpose of connecting the same with such works, or any of them, or of crossing under or over the same, or otherwise.

Damage to
buildings to
be compen-
sated for by
Corporation.

38. Where, by reason of the alterations of the level of any street or the execution of any other work by this Act authorised, any house, building, or premises be damaged or otherwise injuriously affected, the Corporation shall, out of the moneys applicable under this Act to the embankments and works connected therewith, make good the damage done, and pay to the owner and occupier of the house, building, or premises such compensation as shall be agreed on between the owner and occupier and the Corporation, or, failing their agreement, such compensation as shall be ascertained in manner prescribed by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation for lands.

Power to
deviate.

39. The Corporation, in making the embankments and works connected therewith by this Act authorised, may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation marked thereon, and vertically from the levels thereof shown on the deposited sections, to such extent as they find necessary, not exceeding one foot upwards and one foot downwards.

Period for
completion of
embankment
works.

40. If the embankments and works connected therewith by this Act authorised are not completed within ten years after the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

SEWERAGE WORKS.

Power to
make sewer-
works.

41. Subject to the provisions of this Act, the Corporation may make and maintain in the lines and according to the levels shown

on the deposited plans and deposited sections, and upon such of the lands delineated in that behalf upon the deposited plans and described in the deposited book of reference as they may acquire for such purpose, the sewerage works herein-after described, and they may enlarge, alter, improve, or discontinue their existing sewers. The sewerage works herein-before referred to are the following:—

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- (1.) Covered sewage tanks, with engine and boiler houses and conveniences, occupying together an area of land one acre or thereabouts, situate on the south-west side of and adjoining an occupation road leading from the main road between Strood and Cuxton (where crossed by the railway bridge of the London, Chatham, and Dover Railway Company) to a landing-stage in a creek of the River Medway, known as Temple Creek, and in a field in the said parish of Strood, partly used as a gravel-pit, belonging or reputed to belong to Charles Gustavus Whitaker and Edward Hoar, and in the occupation of John Wood, the said field being bounded on the north-east by the occupation road leading from the main road between Strood and Cuxton to the old landing-stage in the said creek of the River Medway, known as Temple Creek, on the south-west by another occupation road leading from the main road between Strood and Cuxton to Temple Farm, on the south-east by the railway of the South-eastern Railway Company, and on the north-west by the said railway of the London, Chatham, and Dover Railway Company:
- (2.) A low-level sewer, commencing in the said sewage works and terminating in the Station Road in the parish of Frindsbury, opposite the north-west end of the tunnel pathway under the line of the South-eastern Railway Company there:
- (3.) A high-level sewer, commencing in the said sewage tanks and terminating on Frindsbury Hill in the parish of Frindsbury, at a point one hundred and thirty-three yards or thereabouts from the stone on the road leading from Strood to Frindsbury, marking the parliamentary and municipal boundary of Rochester, and numbered twenty-five, measured in a south-westerly direction:
- (4.) An effluent water drain, commencing in the said sewage tanks and terminating in a creek of the River Medway, in the parish of Strood, occupied with Temple Farm, and known as Temple Creek, at a point one hundred and fifty feet or thereabouts from the centre of the bridge by which the South-

A.D. 1880.

eastern Railway is carried across the said creek, measured in a north-westerly direction :

With all such branches, side cuts, drains, tunnels, bridges, sluices, and conveniences as may be necessary for cleansing the existing and intended new sewers, and carrying off the sewage, and for the collection, distribution, disinfection, filtration, or otherwise dealing with the sewage matter, and the sale thereof for agricultural or other purposes.

Power to
deviate.

42. In making the sewerage works by this Act authorised, the Corporation may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation marked thereon, and from the levels thereof shown on the deposited sections to any extent not exceeding three feet upwards or five feet downwards.

Period for
completion
of sewerage
works.

43. If the sewerage works by this Act authorised are not completed within ten years after the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Works affect-
ing South-
eastern
Railway|
Company.

44. All works to be executed in exercise of the powers conferred by this Act on lands belonging to the South-eastern Railway Company shall be executed under the superintendence and to the reasonable satisfaction of the engineer for the time being of that company, and in the event of any difference between such engineer and the engineer of the Corporation, the same shall be determined by some person to be nominated by the President for the time being of the Institution of Civil Engineers on the application of either party ; and, except for the purpose of executing such works, and during the time of the execution of the same, it shall not be lawful for the Corporation to enter upon, take, use, or interfere with, either temporarily or permanently, any of the lands, works, or property of the South-eastern Railway Company without the consent of that company under their common seal: Provided that nothing in this section contained shall affect or prejudice the claim of the said company to compensation where they would be entitled to the same under the provisions of this Act or of any Act incorporated therewith: Provided also, that any works by this Act authorised shall not, during the execution thereof, so interfere with any approach or approaches to the Strood Station of the South-eastern Railway Company as to obstruct the traffic to or from the said station ; and

if the Corporation, in the execution of any such works, interfere with any such approach or approaches so as to obstruct such traffic, the Corporation shall forfeit and pay to the said Company the sum of twenty pounds for every day during which any such approach or approaches shall be so interfered with. A.D. 1880.

45. Any works to be constructed, laid down, or executed in exercise of the powers conferred by this Act, crossing or otherwise interfering with any railway, or the stations, bridges, or works thereof, at any time belonging to or worked or occupied by the London, Chatham, and Dover Railway Company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer having the charge of such railway, stations, bridges, and works respectively, and according to plans to be reasonably approved by him before any such works are begun. Works affect-
ing London,
Chatham,
and Dover
Railway
Company.

GUILDHALL.

46. Subject to the provisions of this Act, the Corporation, upon any lands now belonging to them or which they may hereafter by agreement acquire, may alter, enlarge, and improve their existing Guildhall, and may erect and maintain convenient offices, buildings, and conveniences in connexion with the said Guildhall for the more convenient transaction of the business of the city. Power to
improve
Guildhall
and erect
offices, &c.

ACQUISITION OF LANDS.

47. Subject and according to the provisions of this Act, the Corporation may, for any of the purposes of this Act, from time to time enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for such purpose. Power to
take lands.

48. The powers of the Corporation for the compulsory purchase of lands, or any estate in lands, for any of the purposes of this Act, shall not be exercised after the expiration of three years after the passing of this Act. Limitation
of time for
compulsory
purchase of
lands, &c.

49. 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 Corporation 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

A.D. 1880. in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to
acquire addi-
tional lands
by agree-
ment.

50. The Corporation may (in addition to the lands they are authorised to acquire and hold by the other powers of this Act) from time to time, for all or any of the purposes of this Act, by agreement, acquire in fee, either by purchase or by way of exchange or otherwise, any land not exceeding in the whole ten acres, or any easement, power, or privilege therein, thereunder, thereover, or thereupon (not being an easement or privilege of water), which may be deemed necessary by the Corporation, and the Corporation may appropriate all or any part thereof for all or any of the purposes of this Act.

Considera-
tion for such
acquisition.

51. The consideration for any such acquisition of lands, easements, privileges, or rights may be either money or land, or any yearly sum or rentcharge or other rent, or a mixed consideration of money and land; and on any exchange the Corporation may give or take any money for equality of exchange.

Errors and
omissions in
plan, &c. to
be corrected.

52. If any omission, mis-statement, or erroneous description has been made of any lands, or of the owners, lessees, or occupiers of any lands, described in the deposited plans or books of reference, it shall be lawful for the Corporation, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, to apply to two justices for the correction thereof, and if it appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, or erroneous description, and in what respect any such matter has been mis-stated or erroneously described, and such certificate shall be deposited with the clerk of the peace for the city of Rochester, and shall be kept by the said clerk of the peace along with the documents to which they relate, and thereupon the said plan and book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Corporation to make the works by this Act authorised in accordance with such certificate.

Copies of
plans, &c. to
be evidence.

53. Copies of the deposited plans and books of reference, or of any alteration or correction thereof or extracts therefrom, certified to be true by the clerk of the peace for the time being for the city of Rochester (which certificate such clerk of the peace shall give to all parties interested when required), shall be received in

all courts of justice or elsewhere as *prima facie* evidence of the contents thereof. A.D. 1880.

54. Subject to the provisions of this Act, the Corporation from time to time, if and when they think fit, may sell or exchange all or any part of any lands acquired by them under the powers of this Act, and not required for the purposes thereof, or they may lay out the same for building purposes, and sell or exchange the same, or otherwise, at their option, they may demise or grant upon lease for any yearly rent, with or without fine, for such estate, term, and interest, not exceeding a term of ninety-nine years, and to such persons, and with, subject to, on, and under such reservations, covenants, terms, and conditions as the Corporation think fit, (and in case of sale, in consideration of a gross sum or of an annual rent, or of both, or of any payment in any other form,) all or any part of such lands; and the Corporation may make any such sale or lease by public auction, public tender, or private contract, and with or without special conditions and stipulations as to evidence or commencement of title or otherwise, and may fix reserved biddings and prices, buy in at auctions, and alter or rescind, on terms or gratuitously, any contract or agreement for sale or lease, and the consideration or rent fixed thereby, and accept surrender of any lease, and, either before or after such conveyance or lease is granted, may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning such lands) of any such lands, and may execute and do all deeds and things necessary to effect the several purposes aforesaid, and may convey any lands so sold or exchanged, and the fee simple thereof, free from all incumbrances.

Corporation
may sell or
lease lands
not required
for purposes
of Act.

FINANCIAL.

55. All costs, charges, and expenses from time to time incurred by the Corporation in or about the execution of the purposes of this Act with respect to the water undertaking (including the payment of the purchase money for the undertaking of the Water Company, and of all costs and expenses of the purchase of such undertaking or incidental thereto,) shall be a charge on the revenues of the water undertaking, and on the district fund and general district rate; with respect to the embankments and works connected therewith, and to the sewerage works by this Act authorised, shall be a charge on the district fund and general district

Costs of
execution of
Act,

A.D. 1880. rate ; and with respect to the other purposes of this Act, shall be a charge on the borough fund and borough rate.

Power to borrow.

56. The Corporation may from time to time borrow at interest such moneys as they may think requisite for the purposes of this Act, to an amount not exceeding in the aggregate the amounts by this Act authorised.

Limitation of borrowing powers.

57. The moneys to be borrowed by the Corporation under the authority of this Act shall not, in connexion with the following purposes, exceed the following sums ; that is to say,

With respect to the purchase of the undertaking of the Water Company, the sum of six thousand seven hundred pounds, and the amount of the expenses and costs payable by the Corporation to the Water Company as aforesaid, and the costs and expenses of such purchase and incidental thereto, when taxed and ascertained ;

With respect to the construction of the new and additional waterworks, four thousand pounds ;

With respect to the embankments and other works connected therewith by this Act authorised, three thousand seven hundred pounds ;

With respect to the sewerage works by this Act authorised, eight thousand five hundred pounds ;

With respect to the Guildhall and other offices connected therewith by this Act authorised, one thousand pounds ;

With respect to the payment of the expenses of preparing, applying for, obtaining, and passing this Act, in accordance with the provisions of the last section of the same, the amount taxed and ascertained in the manner thereby prescribed :

Provided that in case any further moneys shall be required for any of the aforesaid purposes the Local Government Board may, at the request of the Corporation, authorise them to borrow such further sums as the Local Government Board may from time to time think fit.

Power to mortgage.

58. For securing the repayment of moneys borrowed under the authority of this Act for any of the purposes of this Act, the Corporation may mortgage the rate or fund, or rates or funds, or revenues, upon which the costs, charges, and expenses from time to time incurred by the Corporation in the execution of such purpose are made a charge by this Act ; and in case the Corporation secure the repayment of such moneys by mortgage, the provisions of the Commissioners Clauses Act, 1847, with respect to the

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mortgages to be executed by the Commissioners shall apply to the mortgages to be executed by the Corporation, except where the same are herein-after expressly altered or varied; and for the purposes of such application the term "the Commissioners" in the said provisions shall be construed to mean the Corporation, and the term "clerk to the Commissioners" shall mean the town clerk.

- (1.) The Corporation may from time to time, if they think fit, issue to holders of their mortgages coupons for the interest from time to time to fall due thereon, in such form as the Corporation think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half year's interest to fall due on the principal moneys secured by the mortgage, and be authenticated in such manner as may be authorised by the Corporation (which authorisation shall be presumed until the contrary is shown); and on presentation to the treasurer of a coupon, he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable; and on the audit of the treasurer's accounts, the coupons shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the treasurer shall not be bound to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf.
- (2.) All moneys borrowed or re-borrowed by the Corporation by mortgage under the authority of this Act may be borrowed and re-borrowed for any term not exceeding sixty years from the date of the first borrowing of the same, and, subject as aforesaid, shall be repaid by yearly or half-yearly instalments, or by means of a sinking fund; provided that when the payments shall not be made by equal instalments, the 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.
- (3.) The Corporation shall, within twelve months after borrowing any moneys under this Act, and thenceforth annually on the same days, set apart as a sinking fund for the payment of such moneys borrowed on mortgage under this Act, out of the rate or fund, or the rates or funds, or revenues, upon the security of which such moneys have been borrowed, such a sum as will be sufficient to pay within a period (not exceeding sixty years from the time of borrowing) such portion of the principal moneys so borrowed as shall not be repayable

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by yearly or half-yearly instalments, to be accumulated in the way of compound interest, by investing in any securities in which trustees are for the time being authorised to invest trust funds; and the Corporation may from time to time apply the said sinking fund respectively in repayment of such portion of the principal moneys until thereby or otherwise the whole of such portion has been fully paid off: Provided always, that whenever any of such principal moneys have been so paid off, the Corporation shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off: Provided also, that whenever and so long as the yearly income arising from the sinking fund is equal to the annual interest of the principal moneys then due and outstanding, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto: Provided that the said sums to be from time to time set apart and paid into the sinking fund by the Corporation shall be such as the Local Government Board shall from time to time approve: Provided further, that where from time to time any moneys received in respect of the sales of land acquired under and not required for the purposes of this Act have been applied in reduction of debt, carried to the sinking fund, the Local Government Board shall, on the application of the Corporation, determine the extent to which the subsequent payments into the sinking fund shall be reduced, and thereupon such payments shall, notwithstanding anything herein-before contained, be reduced accordingly.

- (4.) The town clerk shall, within twenty-one days after the first day of January 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 town clerk shall be liable to a penalty of not exceeding twenty pounds. 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 other 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 has been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus, to be obtained by the Local Government Board out of the High Court of Justice.

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- (5.) With respect to a receiver the following provisions shall have effect; namely, the mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal, or principal and interest, by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds.
- (6.) If the Corporation pay off any part of any money borrowed by them by mortgage under this Act otherwise than by instalments or by means of a sinking fund, they may re-borrow the same, and so from time to time: Provided always, that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid, and shall be deemed to form part of the original loan by means of which the same were raised.
- (7.) A person lending money to the Corporation secured by mortgage shall not be bound or entitled to inquire as to observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application or mis-application of the money lent, or any part thereof.

59. The Corporation, if they think fit, in lieu of borrowing on the security of mortgages as herein-before provided, may borrow the moneys which they are by this Act authorised to borrow, or

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

A.D. 1880. — 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.

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 rate or fund, or rates or funds, or revenues, upon which the costs, charges, and expenses from time to time incurred by the Corporation in the execution of such purpose are made a charge by this Act, and such rate or fund, or rates or funds, or revenues, 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 sixty years from the date thereof, and such discharge, or any part thereof, shall be effected by means of a sinking fund, if the Corporation shall so think fit; and if the Corporation 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 Corporation in any manner in which trustees are by law for the time being authorised to invest moneys.

Power to
re-borrow.

60. The Corporation, for the purpose of paying off any moneys borrowed or raised by them by the issue of debentures, debenture stock, or annuity certificates under and subject to the provisions of the Local Loans Act, 1875, may from time to time, during the period prescribed by this Act for the repayment of the moneys so borrowed, re-borrow such amounts as they may require by the issue of debentures, debenture stock, or annuity certificates under and subject to the provisions of the Local Loans Act, 1875, or by any two or more of such methods: Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made, and that the moneys shall, for the purposes of sections 14 and 15 of the Local Loans Act, 1875, be deemed to form the same loan; and the obligations of the Corporation with respect to the sinking fund to be set aside for repayment of such moneys, and, save as herein-before provided, with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys, shall not be in any way affected by reason of such borrowing. If the Corporation elect to pay off any moneys borrowed by them under this Act by the appropriation of an annual sum as provided by section 14 of the Local Loans Act, 1875, and any moneys in respect of which the annual sum is appropriated are paid off by means of moneys re-borrowed at a different rate of

interest than that payable on the moneys paid off by means of such re-borrowing, the annual sum shall be reduced or, as the case may be, increased by the subtraction therefrom or addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Corporation in consequence of such repayment and re-borrowing. A.D. 1880.

61. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Act, 1875; and in calculating the amount which the Corporation may borrow under the Public Health Act, 1875, any sums which they may borrow under this Act shall not be reckoned. Certain regulations of 38 & 39 Vict. c. 55. as to borrowing not to apply.

62. The Corporation shall keep separate accounts with respect to the water undertaking, showing the receipts and expenditure on account of capital and revenue, with respect to the embankments and works connected therewith, and with respect to the sewerage works, showing all moneys from time to time expended thereon or received in respect thereof respectively. Separate accounts.

63. All moneys from time to time borrowed by the Corporation under this Act, and all moneys from time to time received by or for the use of the Corporation, shall forthwith after the receipt thereof be paid to the treasurer of the Corporation. Income of Corporation under this Act.

64. All moneys borrowed under this Act shall be appropriated to the purposes for which they are authorised to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended, and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment; and all moneys received by the Corporation under this Act, either as purchase money of lands sold, or for equality of exchange, or as a consideration for a lease, shall be applied towards the reduction of the debt owing by the Corporation in respect of the purposes for which such lands were acquired, or towards the increase of the sinking fund for the repayment of the same. Application of moneys borrowed.

65. Nothing in this Act shall prejudicially affect any charge on the property of the Corporation, and the borough fund and borough rate, and the district fund and general district rate, or any of them, by way of mortgage or otherwise, subsisting at the time of the passing of this Act, and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge, and all the like remedies and rights in respect of the property subject to the charge, as if this Act had not been passed; and all such charges created before the time of

A.D. 1880. the passing of this Act shall, during the subsistence thereof, have priority over any mortgage, certificate, debenture, or debenture stock granted under this Act.

Application
of revenue
of water un-
dertaking.

66. All moneys from time to time received by the Corporation by way of revenue in respect of the water undertaking shall be applied for the following purposes; (that is to say,)

First, in payment of the establishment charges, that is to say, of the expenses properly chargeable to revenue, of maintaining, conducting, and managing the water undertaking:

Secondly, in payment of the interest on the money for the time being due on account of any moneys borrowed or raised under the authority of this Act in respect of the water undertaking:

Thirdly, in providing for the instalments or sinking fund for the discharge of any moneys borrowed or raised under the authority of this Act in respect to the water undertaking, in accordance with the provisions in that behalf of this Act, or of the Local Loans Act, 1875, according as such moneys so borrowed or raised have been secured by mortgage under this Act, or in the manner provided by the Local Loans Act, 1875:

Fourthly, in aid of the district fund, and in reduction of the general district rate.

Deficiency
in water
revenue.

67. In case the revenue of the Corporation from the water undertaking shall in any year be insufficient for the purpose of defraying the costs, charges, and expenses of the Corporation with respect thereto under this Act, the Corporation may in such year defray the same out of the borough fund or borough rate.

MISCELLANEOUS.

Several
names in one
summons.

68. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof, or in the schedule thereto, several names and several sums.

Warrant of
distress to in-
clude costs.

69. Any justice who issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Liability to
water rate
not to dis-
qualify jus-
tices.

70. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate or other charge under this Act.

71. Nothing in this Act shall extend to prejudice, alter, or take away any of the rights, privileges, or powers vested in the London, Chatham, and Dover Railway Company under or by virtue of any Act or Acts of Parliament relating to that company, or otherwise howsoever.

A.D. 1880.
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Saving rights
of London,
Chatham,
and Dover
Railway
Company.
Expenses of
Act.

72. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing this Act shall be paid by the Corporation out of moneys borrowed under the authority of this Act, or out of the borough fund or borough rate, and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.