CHAPTER clxxiii.

An Act for empowering the Mayor, Aldermen, and Burgesses of the Borough of Bridgwater to make Waterworks, and to supply the Borough and Neighbourhood with Water; and for other purposes. [2d August 1877.]

A.D. 1877.

WHEREAS the borough of Bridgwater, in the county of Somerset (in this Act called the borough), is a municipal borough under the local management and government, subject and according to the provisions of the Acts relating to municipal corporations and to urban sanitary authorities, of the mayor, aldermen, and burgesses of the borough (in this Act called the Corporation):

And whereas the borough and neighbouring parishes and places are at present without a good and sufficient supply of water, and it is expedient that the Corporation should be authorised to make waterworks and to furnish such supply:

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised, and such estimates are as follows:

In respect of the supply of water to the borough - - - -	£29,500
In respect of the supply of water outside the borough - - - -	3,300

And whereas the several works included in such estimates are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875:

And whereas an absolute majority of the whole number of the members of the council of the borough, at a meeting held on the twenty-first day of November one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of

A.D. 1877.

such meeting, and of the purpose thereof, in the Bridgwater Mercury, a local newspaper published or 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 charged on the borough fund and borough rate:

And whereas such resolution was published twice in the Bridgwater Mercury, a newspaper circulating in the borough, and has received the approval of the Local Government Board:

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

And whereas the owners and ratepayers of the borough, by resolution passed in the manner prescribed by the Public Health Act, 1875 (Schedule III.), have consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and 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 required or which may be taken for the purposes or under the powers of this Act, have been deposited with the clerk of the peace for the county of Somerset, and are in this Act referred to as the deposited plans, sections, and book of reference:

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

Short title.

1. This Act may be cited as the Bridgwater (Corporation) Water Act, 1877.

Provisions of certain general Acts herein named incorporated.

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

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

The Waterworks Clauses Act, 1847 (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);

The Waterworks Clauses Act, 1863;

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, but such provisions shall apply only to the reservoirs hereby authorised, and one hundred yards shall be the prescribed limits;

The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, except sections eighty-four and eighty-five (moneys borrowed on security of rates to be paid off in a limited period, and mode of paying off mortgages).

3. In this Act— Interpretation of terms.

"The borough fund" and "the borough rate" mean respectively the borough fund and borough rate of the borough;

"The Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), "to provide for the regulation "of Municipal Corporations in England and Wales," and Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England;

and the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act (and for the purposes of this Act) have the same respective meanings, unless there is something in the subject or context repugnant to such construction: Provided always, that in the enactments incorporated with this Act, for the purposes of this Act—

"The undertakers" or "the Company" means the Corporation;

"The railway" means any reservoir by this Act authorised to be constructed;

"Centre of the railway" means, with respect to any reservoir by this Act authorised to be constructed, the boundary of such reservoir;

"The Commissioners" and "the clerk to the Commissioners" in the Commissioners Clauses Act, 1845, mean respectively the Corporation and the town clerk of the borough;

and in this Act "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or the Acts incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

A.D. 1877.

Water limits.

4. The limits of this Act for the supply of water shall be the borough and the following parishes, namely, Bridgwater, Cannington, Wembdon, Charlinch, Spaxton, Chilton Trinity, and Durleigh, all in the county of Somerset, and such limits are in this Act referred to as the water limits.

Act to be executed by the council.

5. This Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporations Acts and the Acts for the time being affecting the Corporation as a municipal body and an urban sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation and 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 Municipal Corporations Acts and the Public Health Act, 1875, 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 Municipal Corporations Acts and the Public Health Act, 1875, respectively.

Power to make waterworks.

6. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference, and according to the levels shown on the deposited sections, the several works shown on those plans, among which are comprised the following principal works; namely,

(1.) A conduit or line of pipes (No. 1) situate within the parish of Spaxton, commencing in the leat which conveys water from the Curry Pool stream to the Ashford Mill-dam, and terminating in the subsiding tank next herein-after described;

(2.) A subsiding tank situate within the parish of Spaxton;

(3.) A line of pipes (No. 2) commencing in the subsiding tank lastly herein-before described, and terminating in the engine and pump house next herein-after described;

(4.) An engine and pump house situate within the parish of Spaxton;

(5.) A line of pipes (No. 3) commencing at or in the engine and pump house lastly herein-before described, and terminating in the service reservoir next herein-after described;

(6.) A service reservoir situate within the parish of Wembdon;

(7.) A line of pipes (No. 4) commencing in the service reservoir lastly herein-before described, and terminating in the

parish of Bridgwater, at or near the junction of Eastover, Monmouth Street, and Saint John Street;

(8.) A line of pipes (No. 5) situate in the parish of Cannington, commencing by a junction with line of pipes (No. 3), and terminating in the village of Cannington;

together with all necessary or proper embankments, bridges, dams, tanks, weirs, gauges, stand-pipes, bye-washes, sluices, catch-water drains, culverts, tunnels, cuts, shafts, wells, adits, filter-beds, pumps, pumping engines, water wheels, turbines, machinery, approaches, works, and conveniences auxiliary or subsidiary thereto or connected therewith, or necessary or proper for taking, collecting, raising, impounding, and distributing the waters by this Act authorised to be taken or used.

Power to take lands and waters.

7. Subject to the provisions of this Act, the Corporation may enter upon, take, and use such of the lands shown upon the deposited plans and described in the deposited book of reference as they deem necessary for the purpose of their waterworks, and may collect, impound, take, use, and appropriate for those purposes the waters (or so much thereof as they shall from time to time deem necessary) from the Curry Pool stream, the Spaxton stream, the Ashford Mill-leat, the Ashford Mill-dam (or other the leat and dam conveying water from the Curry Pool stream and Spaxton stream respectively to Ashford Mill), and all other streams and waters shown on the deposited plans as intended to be intercepted or taken, and all waters found in, on, or under any of the lands acquired by them, and may stop up all roads and ways within the limits of deviation defined on the deposited plans, and thereon shown as intended to be stopped up, and in all cases in which they acquire the lands on both sides of such road or way they may appropriate the site thereof, and may repair, restore, improve, and maintain any weirs upon or across any lands or streams within such limits of deviation.

Power to deviate.

8. In constructing the works by this Act authorised, or any of them, the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans, and beyond those limits with the consent of the persons through whose lands such deviation is proposed to be made, and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits, and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards in the case of reservoirs, and ten feet upwards or downwards in respect of other works, but the heights of the embankments of the

A.D. 1877.

reservoirs as shown on the deposited sections shall not be increased by reason of any such lateral deviation as aforesaid.

For protection of Great Western Railway Company.

9. For the protection of the Great Western Railway Company (in this Act called the Great Western Company), the several provisions following shall have full effect:

(*a.*) The line of pipes No. 4, shown on the deposited plans and sections, and described in the seventh sub-section of section 6 of this Act, shall, where it crosses the Bridgwater and Taunton Canal of the Great Western Company in the parishes of Bridgwater and Wembdon or one of them, be made and maintained in the roadway or footpath of the bridge shown on the deposited plans and sections; but in making or maintaining the said line of pipes the Corporation shall not (without the consent of the Great Western Company) cut into or injuriously interfere with any of the works of the said bridge, except that they may cut into and interfere with the roadway or footpath on the said bridge for the purposes aforesaid:

(*b.*) The Corporation shall not, without the consent of the Great Western Company testified by writing signed by their secretary, acquire any part of their land or property; but if and when any part of the Corporation works is to be executed in or upon any land of the Great Western Company, the Corporation may acquire an easement or right of making and maintaining the work on that land in such a manner as not to prejudice any part of the Grea Western Company's canal, works, and conveniences:

(*c.*) The Corporation shall make full compensation to the Great Western Company for all loss, damages, costs, and expenses sustained or incurred by them by or in consequence of the bursting of any water pipe or aqueduct, or by or in consequence of the construction, or in the construction or repair of, or want of repair, or the failure, of any of the works by this Act authorised, or otherwise.

For the protection of the Pawlett estate, and in relation thereto.

10. Whereas it has been agreed between the Corporation and the Right Honourable John George Brabazon Ponsonby, Earl of Bessborough, the Honourable Frederick George Brabazon Ponsonby, and the Honourable Charles Alexander Gore, as trustees (herein-after called the trustees), under an indenture of settlement dated the 17th day of May 1864, of certain estates in the county of Somerset (herein-after called the Pawlett estate), that in consideration of the trustees waiving and abandoning all claim (if any) for compensation or otherwise against the Corporation by reason of the exercise of

any of the powers of this Act, the Corporation should waive and abandon any right which they have or claim in respect of an easement for laying a pipe on or under the bed of the River Parrett, for the purpose of carrying water from the Cannington brook to the opposite side of the river, for which easement the trustees have hitherto made a nominal payment to the Corporation: Now, therefore, the following provisions shall apply and have effect; (that is to say,)

(1.) The Corporation shall not hereafter interfere by demand of rent or otherwise with the said existing pipe on or in the bed of the River Parret, or any other pipe which may hereafter, with the consent of the Board of Trade or other lawful authority who for the time being shall represent the Crown, be substituted for the same, and so laid as not to interfere with the navigation of the river:

(2.) The provision contained in the preceding sub-section shall be accepted and taken by the trustees and other the owners for the time being of the Pawlett estate as full compensation for all water the Corporation can collect, divert, and impound under the powers of this Act.

11. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Corporation shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Corporation have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Corporation, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Corporation executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Corporation shall forthwith give notice to the Postmaster General of any such interference, and the reason for the same:

A.D. 1877.

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Corporation shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may, at and for all reasonable times, enter on and into and remain on any of the highways, lands, and works of the Corporation for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Corporation to Postmaster General, and penalty.

(D.) The Corporation shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Corporation, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Corporation shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Corporation to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Corporation:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Power to purchase additional lands.

12. The Corporation may from time to time by agreement, in addition to any land they are hereby authorised to take by compulsion, purchase and hold for the purposes of their waterworks any land not exceeding in the whole ten acres, but no building shall be erected thereon except such as shall be necessary or proper for or in connexion with their waterworks.

Power to take easements, &c. by agreement.

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

Restrictions may be imposed upon the sale of superfluous and other lands.

14. Upon any sale by the Corporation, under the provisions of the Lands Clauses Consolidation Act, 1845, of any superfluous lands, or of any lands or hereditaments purchased by them under the powers of this Act, the Corporation may reserve to themselves all or any part of the water or water rights and other easements thereunto belonging, and may sell such lands and hereditaments, subject to such reservations, and also subject to such special conditions, restrictions, and provisions with reference to the use of water and for preventing the exercise of noxious trades or businesses upon the premises, and for preventing or regulating the discharge and deposit of manure, sewage, and other impure matter and liquids, as they may think fit, and the net purchase money received on any sale of superfluous lands shall be distinguished as capital in the accounts of the Corporation, and shall be applied exclusively for purposes for which money borrowed by them under this Act is applicable, or in discharge of money so borrowed, and any money so discharged shall not be re-borrowed.

Period for compulsory purchase of lands.

15. The powers by this Act granted to the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

16. If the works hereby authorised are not completed within five years from the passing of this Act, then on the expiration of that 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 shall then be 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, conduits, mains, or pipes, at any time or from time to time as occasion requires.

Supply regulated by gravitation.

17. The Corporation shall not be bound to lay on the supply of water at any elevation at which, having regard to the general

A.D. 1877

supply of the district, the water cannot be supplied by gravitation from the service reservoir to be constructed under the powers of this Act, nor need the water be constantly laid on under pressure.

Rates for supply of water for domestic purposes.

18. The Corporation may demand and take for the supply of water for domestic purposes within the water limits any rates and charges not exceeding the rates and charges following; (that is to say,)

Where the annual value of the premises so supplied with water shall not exceed twenty pounds, at a rate per centum per annum not exceeding seven pounds ten shillings:

Where such annual value shall exceed twenty pounds and not exceed forty pounds, at a rate per centum per annum not exceeding seven pounds:

Where such annual value shall exceed forty pounds and not exceed sixty pounds, at a rate per centum per annum not exceeding six pounds ten shillings:

Where such annual value shall exceed sixty pounds and not exceed eighty pounds, at a rate per centum per annum not exceeding six pounds:

Where such annual value shall exceed eighty pounds and not exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds ten shillings:

Where such annual value shall exceed one hundred pounds, at a rate per centum per annum not exceeding five pounds:

For every watercloset beyond one, and in addition to the above rates, the sum of seven shillings and sixpence per annum:

For every bath, and in addition to the above rates, the sum of ten shillings per annum:

Provided always, that the Corporation shall not be compellable to afford a supply of water for domestic purposes for any less sum than eight shillings and eightpence in any one year for every dwelling-house or part of a dwelling-house.

The annual value shall, for the purposes of this section, be the full net annual value of the property ascertained by the valuation list for the time being in force, or, if there is none, by the rate for the relief of the poor made next before the demand for the water rate under this Act.

Incoming tenant not to be liable for arrears of water rate except by

19. If any water consumer leave the premises to which water has been supplied without paying to the Corporation the water rate or charges due from him, the Corporation shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer, unless the incoming tenant shall

have agreed with the Corporation or with the defaulting consumer to pay the arrears, but the Corporation shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act, if required by him so to do.

express agreement.

20. The Corporation shall not be compellable to supply with water any bath if it contain when filled for use more than fifty gallons of water, or any watercloset or bath, or the apparatus connected therewith, unless the same be made to the satisfaction of the Corporation, and used so as to prevent the waste, contamination, or undue consumption of the water of the Corporation.

For preventing waste of water.

21. If and whenever any house, building, or premises which shall have been supplied with water by the Corporation shall be unoccupied, the Corporation, their agents, servants, or workmen, after giving twenty-four hours previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business, or, if the owner or his usual place of abode or business be not known to the Corporation, by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into such house, building, or premises between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Corporation.

Power to remove water pipes.

22. The Corporation may supply water within the water limits, for purposes other than domestic purposes, by meter or otherwise, and on such terms, pecuniary and otherwise, and conditions as shall be agreed on between the Corporation and the person requiring the supply, but so that the terms of supply to all persons within the borough shall be the same under the like circumstances: Provided always, that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Charges for water for other than domestic purposes.

23. Where several houses or parts of houses in the occupation of several persons shall be 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 several houses or parts of houses had been separately supplied with water from the works of the Corporation 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, or for any premises occupied with a

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

A.D. 1877.

dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

Supply to houses partly used for trade, &c.

24. The Corporation shall not be bound to supply with water, otherwise than by measure, any building used as a dwelling-house whereof any part is used as a warehouse, or for any trade or manufacturing purpose for which water is required.

Powers for agreements with sanitary authorities, &c.

25. The Corporation may from time to time agree with any sanitary authority or other local authority, and the trustees of any turnpike or other road, or any highway board, or any surveyors of any highway, and any railway company, and any other companies, bodies, or persons, for the supply by the Corporation within the water limits to the authority, company, or person of water in bulk or otherwise, for public, sanitary, private, or other purposes, but the Corporation shall not under any such agreement supply water so as to interfere with a proper supply for all purposes to the inhabitants of the borough.

Power to borrow on mortgage.

26. The Corporation may from time to time, under the authority of this Act, in addition to any moneys they are authorised to borrow under the Municipal Corporations Acts and the Public Health Act, 1875, borrow at interest, on mortgage of the revenue of their waterworks undertaking and of the borough fund and borough rate, or of any such securities, either together or separately, all such sums as they may from time to time think requisite for any of the purposes of this Act, not exceeding in the whole (except with the consent of the Local Government Board) the sum of thirty-three thousand pounds.

Power to borrow under provisions of Local Loans Act.

27. The Corporation may from time to time, in manner prescribed by the Local Loans Act, 1875, and subject to the provisions thereof, borrow at interest, on the securities described in the last preceding section or any of them, the money therein authorised to be borrowed, and they may raise such money by the issue of debentures, debenture stock, or annuity certificates.

Certain regulations of the Public Health Act as to borrowing not to apply.

28. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section two hundred and thirty-four of the Public Health Act, 1875, and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Receiver for mortgagees under Com-

29. The mortgagees of the Corporation in respect of mortgages issued in accordance with the provisions of the Commissioners

Clauses Act, 1847, may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages 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 four thousand pounds. — missioners Clauses Act.

Payment off of money borrowed.

30. The Corporation shall pay off all money borrowed by them under the powers of this Act, and the interest thereon, within fifty-five years after the same is borrowed, by any one or more of the methods (including a sinking fund) mentioned in the Local Loans Act, 1875, with respect to the discharge of loans borrowed in the manner provided by that Act, but they shall not be bound to commence the payment off of any such moneys until the expiration of four years from the passing of this Act. The annual return provided for by section sixteen of the Local Loans Act, 1875, shall apply and extend to the sinking fund, annual instalments, or other periodical payments to be formed or made for the discharge of loans borrowed under this Act.

Power to re-borrow.

31. The Corporation may from time to time re-borrow any amount borrowed by them under this Act, and paid off otherwise than in compliance with the provisions of the last preceding section.

Deficiency of funds of waterworks.

32. If in any year the amount standing to the credit of the water account herein-after mentioned be insufficient for the payment of the charges thereon and the execution of this Act, the deficiency shall be made up out of the borough fund or borough rate by carrying an adequate sum therefrom to the credit of the water account; and the Corporation from time to time, in preparing the estimates of the amount required in their judgment to be raised by means of a borough rate for the purposes of the borough, may include therein such sums respectively (if any) as in the judgment of the Corporation are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account, and shall collect the same as part of such borough rate.

Protection to lenders from inquiry as to application of money.

33. Any person lending money to the Corporation shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss, misapplication, or non-application of such money, or any part thereof.

Application of water revenue.

34. The Corporation shall keep accounts in respect of their waterworks undertaking separate from all their other accounts, and shall apply all money from time to time received by them in respect

A.D. 1877.

of their waterworks undertaking, except borrowed money, as follows:

In payment of the expenses properly chargeable to revenue of establishing, conducting, managing, and maintaining the waterworks, and otherwise carrying on the waterworks undertaking of the Corporation;

In payment of the interest upon money borrowed under the provisions of this Act;

In providing the requisite instalments, sinking fund, or other periodical payments under this Act;

and shall carry to the borough fund any balance remaining in any year.

Application of moneys borrowed.

35. All moneys from time to time borrowed under this Act shall be applied by the Corporation only to the following purposes:

In payment of the costs, charges, and expenses of and incident to the preparing, applying for, obtaining, and passing of this Act, or otherwise in relation thereto;

In the purchase of lands and construction of the waterworks by this Act authorised, and laying of mains and pipes, and other works necessary for affording a supply of water within the water limits;

In the exercise of the powers of this Act with respect to the paying off (otherwise than by means of instalments, sinking fund, or other periodical payments) of moneys borrowed, and of re-borrowing.

Authentication of notices.

36. Any summons, demand, or notice, or other such document to be given by the Corporation under this Act may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Corporation, the signature thereof by the town clerk of the borough shall be sufficient.

Sale of portions of undertaking to sanitary authorities.

37. If at any time after the passing of this Act any rural sanitary district, or any part thereof, within the water limits, shall be constituted an urban sanitary district, and the urban sanitary authority of that district shall give not less than six months notice in writing to the Corporation of their desire to purchase that portion of the undertaking of the Corporation which is contained within such district, and shall have obtained the consent of the Local Government Board to such purchase, it shall be lawful for such sanitary authority (in this section called the purchasing authority) to apply to Parliament or to the Local Government Board for power to purchase such portion of the undertaking of the Corporation (except as herein-before mentioned), and to supply water within such

district, and if such powers be granted the Corporation shall sell, and the purchasing authority shall purchase, such portion of the undertaking (except as herein-after mentioned) within the district of the purchasing authority, at such price as shall be fixed, in default of agreement, by arbitration under the provisions of the Lands Clauses Consolidation Act, 1845.

The purchase shall not include the works, reservoirs, lands, and water rights of the Corporation, the conduits and pipes for collecting or conveying water to the works and reservoirs, and the mains and pipes necessary for supplying water to the borough and other portions of the water limits.

Notwithstanding any purchase under this section, the Corporation may exercise within the district of the purchasing authority the powers conferred by this Act in respect of the taking and impounding of water, and the execution, maintenance, repair, and renewal of works, reservoirs, conduits, mains, and pipes authorised and reserved by this Act.

The Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys borrowed under the powers of this Act.

No purchasing authority shall, until after the completion of the purchase, be authorised to supply water to any part of their district, and after the completion of such purchase all obligation on the part of the Corporation to supply water within the district of the purchasing authority shall cease and determine.

Saving rights of the Crown in river.

38. Nothing in this Act contained shall authorise the Corporation to take, use, or in any manner interfere with any portion of the shore or bed of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown.

39. Nothing contained in this Act shall authorise the Corporation to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on

A.D. 1877.

behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

40. All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Corporation.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1877.