CHAPTER xlvi.

An Act to authorise the Local Board for the district of Fairfield to construct Waterworks and supply Water; and for other purposes. [30th June 1874.] A.D. 1874.

WHEREAS the district of the Local Board for the district of Fairfield, in the county of Derby, (in this Act called "the Local Board,") has been for several years past very inadequately supplied with water from waterworks belonging or reputed to belong to the Fairfield and Buxton Waterworks Company, Limited, consisting of certain reservoirs known as the Water Swallows Reservoirs, together with the streams, springs, drains, pipes, and appurtenances thereto belonging; and the said reservoirs and waterworks have recently been purchased by the Local Board:

And whereas the said reservoirs and waterworks are not situate within the district of the Local Board, and it is expedient that the purchase of the said waterworks by the Local Board should be confirmed, and that the Local Board should be authorised to construct certain other works, and to supply with water the said district:

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

For waterworks to be constructed under the authority of this Act, eight thousand pounds;

For the purchase of the existing waterworks, and other expenses incurred in connexion with such purchase, two thousand pounds:

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 57 of the Local Government Act, 1858:

And whereas two thirds of the whole number of the members of the Local Board, at a meeting held on the seventeenth day of November one thousand eight hundred and seventy-three, after ten clear days notice by public advertisement of such meeting, and of

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the purposes thereof, in the Buxton Herald, a local newspaper published or circulating in the district of the Local Board, such notice being in addition to the ordinary notices required for summoning such meeting, resolved to promote the Bill for this Act, and that the expense in relation to promoting the Bill for this Act should be charged on the general expenditure account and general district rates:

And whereas such resolution was published twice in the said "Buxton Herald," 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 Local Board at a further special meeting held, in pursuance of similar notice, on the twenty-third day of January one thousand eight hundred and seventy-four, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district of the Local Board, by resolution in manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines and levels of the proposed new works authorised by this Act, and also books of reference containing the names of the owners, lessees, or reputed owners and lessees, and of the occupiers of the lands and buildings required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Derby, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

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

Short title.

1. This Act may be cited as "The Fairfield Local Board Waterworks Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Waterworks Clauses Acts, 1847 and 1863," (except the provisions of "The Waterworks Clauses Act, 1847," with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit,) and the provisions of

"The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof (except where expressly varied by this Act), and the provisions of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the Commissioners (except section 84), shall be incorporated herewith, and form part of this Act, and such Acts and parts or provisions of Acts are in this Act referred to as "the incorporated Acts;" and the provisions of "The Railways Clauses Consolidation Act, 1845," shall be read so as to apply only to the construction of the reservoir by this Act authorised, and the works immediately connected therewith, and as if such reservoir and works were therein referred to instead of "the railway," and as if the boundaries of the said reservoir and works were therein mentioned instead of "the centre of the railway;" and the prescribed limits shall be two hundred yards from the margin of the intended reservoir.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the district" shall mean the district of the Local Board; the expression "the Local Government Acts" shall have the same meaning as in "The Public Health Act, 1872." In the provisions of "The Commissioners Clauses Act, 1847," incorporated with this Act, the expression "the Commissioners" shall mean the Local Board; and in the Acts wholly or partially incorporated with this Act, and also in this Act, the expression "the promoters of the undertaking," "the undertakers," or "the company," shall mean the Local Board; and for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression, in this Act, or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Water limits.

4. The limits of this Act for the supply of water (in this Act called "the water limits") shall be the district of the Local Board.

Act to be executed by Local Board.

5. This Act shall be executed by the Local Board, with the powers and indemnities and according to the provisions of the Local Government Acts; and those Acts shall, in relation to the Local Board, and the several objects and purposes of this Act, be

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read and construed as if the purposes and provisions of this Act were purposes and provisions of the Local Government Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Local Government Acts are expressly varied or otherwise provided for by this Act.

Purchase of existing waterworks confirmed.

6. The purchase by the Local Board of the waterworks and privileges in connexion therewith from the said company is hereby confirmed, and it shall be lawful for the Local Board to hold and enjoy the same, and to have and exercise all powers, rights, easements, authorities, and privileges in connexion therewith purchased of the said company, notwithstanding that parts thereof are beyond the district, and as fully and effectually as if the same were within the district.

Power for Local Board to supply water.

7. Subject to the provisions of this Act, the Local Board, by means of the waterworks purchased by them, and of the works by this Act authorised to be made, or any of them, may from time to time supply water within the water limits, and may sell and dispose of the water within the water limits, as they from time to time think fit.

Power to construct waterworks and other works.

8. Subject to the provisions of this Act, the Local Board may make and maintain the reservoirs, drains, conduits, and other works shown on the deposited plans, together with all necessary works and conveniences connected therewith or incident thereto, in the lines and situation, upon the levels, and in, over, or upon the lands delineated on the deposited plans and sections and described in the deposited books of reference, and for those purposes may enter upon, take, impound, divert, and use all or any of the lands, streams, springs, and waters delineated on the deposited plans and described in the deposited books of reference, or which can or may be intercepted or taken by the said waterworks or works by this Act authorised in connexion therewith.

Reservoir and works.

9. The works by this Act authorised, and herein-before referred to, are the following; (that is to say,)

(1.) A reservoir near a farm called Black Edge, the embankment of which crosses the Nun Brook three hundred and fifty-two yards or thereabouts from the westerly side of the culvert conveying that brook under the Buxton branch of the London and North-western Railway, and in the township of Fairfield, parish of Hope, district of the Local Board and county of Derby:

(2.) An aqueduct or conduit commencing at a point three hundred and thirty yards or thereabouts in a north-westerly direction from the north gable of the barn at Black Edge Farm,

and terminating in the reservoir firstly described, and in the district of the Local Board and parish and county aforesaid:

(3.) An aqueduct or line of pipes commencing at or in the reservoir firstly described, and terminating at or near the gateway leading into the churchyard in Fairfield, and partly in the district of the Local Board and township of Fairfield, and partly without such district in the township of Wormhill, in the parish and county aforesaid.

Lateral and vertical deviation.

10. The Local Board in constructing the works by this Act authorised may make deviations from the line of such works, but not exceeding the limits of lateral deviation shown on the deposited plans, and may deviate from the levels delineated on the deposited sections to any extent not exceeding two feet upwards and five feet downwards: Provided always, that the Local Board shall not construct the embankment shown on the deposited plans of a greater height than that shown on the deposited sections.

Powers for compulsory purchases limited.

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

Power to acquire additional lands.

12. In addition to the lands, streams, and waters which the Local Board are by this Act authorised to purchase compulsorily, they may, for any of the purposes of this Act, but subject to the provisions of this Act, from time to time, by agreement, purchase in fee, either absolutely or in consideration of any yearly or other rent, or take on lease, any additional quantity of land, not exceeding in the whole five acres, or any easement or right (not being an easement or right to take water in which other than the parties to the agreement have any right or interest) in or over such additional lands, which they may from time to time think requisite for any of the purposes of this Act.

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 Local Board any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid, respectively.

Period for completion of waterworks.

14. If the works herein-before authorised to be constructed shall not be completed within five years from the passing of this Act, then on the expiration of that period the powers of the Local Board under this Act for making such works shall cease to be exercised, except as to so much as is then completed: Provided always, that, subject to the provisions of this Act, the Local Board from time to time may alter, enlarge, and extend their engines, machinery, wells, mains, and pipes in such way and manner as shall be necessary for supplying water within their limits.

Limitation of pressure.

15. The water to be supplied by the Local Board need not, for the period of three years next after the passing of this Act, be constantly laid on under pressure, and need not at any time be laid on under a pressure or supplied to an elevation greater than can be afforded by gravitation from the reservoirs of the Local Board for the time being.

Rents at which water is to be supplied for domestic purposes.

16. The Local Board shall be entitled to demand for a supply of water to any house for domestic purposes a sum not exceeding six pounds per centum per annum upon the annual rateable value of any such house: Provided always, that the Local Board shall not be obliged to supply any house for less than twopence per week: Provided also, that a domestic supply shall include water for one watercloset, but not more.

Rates for waterclosets and baths.

17. In addition to the rates before specified, the Local Board may demand for every bath an additional sum not exceeding ten shillings per annum, and for every watercloset beyond one an additional sum not exceeding five shillings per annum, and such additional sums may be received with and as part of, or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that for baths containing, as usually filled for use, a greater quantity of water than fifty gallons, the Local Board may charge an increased rate in proportion to the size of such baths: Provided also, that the Local Board shall not be compellable to supply any watercloset or bath unless the same, and the apparatus and pipes connected therewith, shall be so constructed and used as to prevent the waste and undue consumption of the water of the Local Board, and the return of foul air into the pipes of the Local Board.

Water for other purposes may be supplied by agreement.

18. The Local Board may from time to time supply any person, company, or corporation with water for any purposes, other than domestic purposes, for which such supply may be required, for such remuneration and upon such terms and conditions as shall be agreed upon between the Local Board and the person, company,

or corporation desirous of having such supply of water: Provided, that the Local Board shall not supply water for other than domestic purposes if and so long as the affording such supply would prevent the Local Board from giving a full and efficient supply for domestic purposes.

Notice to Local Board of putting up water meters.

19. Before any person connects or disconnects any water meter by which any of the water of the Local Board has been or is intended to be registered, he shall give not less than twenty-four hours notice in writing to the Local Board of his intention so to do.

Register of water meter to be primâ facie evidence of water consumed.

20. The register of the water meter shall be primâ facie evidence of the quantity of water consumed by any customer of the Local Board, and in respect of which any rate is charged and sought to be recovered by the Local Board.

Power to cut off water in certain cases.

21. If any person supplied with water by the Local Board wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Act, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the Local Board, the Local Board may cut off any of the pipes by or through which water is supplied by them to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied, and may also recover from him the amount of any loss, damage, or injury sustained by the Local Board by or in consequence of any such act or failure, by action at law in any court of competent jurisdiction.

Regulations for preventing waste, &c. of water.

22. For the purpose of preventing the waste, misuse, or undue consumption or contamination of the water of the Local Board, the Local Board may from time to time make such reasonable rules and regulations as they may think necessary to be observed by the persons supplied with such water, and may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for conveying, delivering, and receiving such water, and may thereby interdict any arrangement and the use of any pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus or receptacles which in their judgment will be likely to occasion any such waste, misuse, undue consumption, or contamination, and

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shall not be bound to supply or continue to supply water to any such person unless such rules and regulations be and continue to be duly observed by him; and the pipes, valves, cocks, cisterns, baths, soil-pans, waterclosets, and other apparatus and receptacles used or to be used shall be made of such size, nature, strength, and materials, and shall be so arranged, kept, and repaired, as the Local Board shall from time to time so prescribe or otherwise approve; and in case of the neglect or refusal of any such person to observe such rules and regulations, or any of them, the Local Board may, after twenty-four hours notice in writing, and by or under the direction of their duly authorised officer, repair, replace, or alter, or cause to be repaired, replaced, or altered, any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle of any person supplied by them, and the expense of every such repair, replacement, or alteration shall be paid to the Local Board by the person on whose credit the water is supplied, and may be recovered by them as damages for the recovery of which no special provision is made: Provided always, that no such rules and regulations shall have any effect without the sanction of the Local Government Board, and until the water supplied by the Local Board is constantly laid on under pressure.

Power to Local Board to borrow on mortgage.

23. The Local Board may from time to time, under the authority of this Act, in addition to any moneys they have borrowed or are authorised to borrow under any other Act, borrow at interest on mortgage of the water rates and other revenue of the Local Board arising from their water undertaking, and of the general district rate under the Local Government Acts, or of any of such securities, either together or separately, all such sums as they may from time to time think requisite for all or any of the purposes of this Act, not exceeding in the whole ten thousand pounds, and no person advancing money to the Local Board on mortgage under the powers of this Act shall be bound to see to the application thereof.

Existing mortgages to have priority.

24. All mortgages granted by the Local Board in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages granted by virtue of this Act.

General district rates to be increased.

25. After any money is borrowed under this Act, the estimate for and the amount raised by the general district rates leviable by the Local Board shall comprise the sums for the time being required for the payment of interest or repayment of principal on or in respect of the money so borrowed.

Priority of mortgages over other mortgages and debts.

26. All mortgages granted by the Local Board under the provisions of this Act for raising the said sum of ten thousand pounds, or any part thereof, shall have priority over all other mortgages granted by the Local Board, and over all other claims on account of any debt incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Local Board in respect of any rent-charge granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Local Board for the purposes of the waterworks, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Local Board.

Arrears may be enforced by appointment of a receiver.

27. The mortgagees of the Local Board may enforce payment of arrears of interest or principal, or principal and interest, due on their respective 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 one thousand pounds in the whole.

Mortgages, &c. to be under provisions of Public Health Acts but certain restrictions not to apply.

28. Subject to the provisions of this Act, the provisions of the Local Government Act, 1858, with respect to mortgages by the Local Board, and to the payment thereof by means of a sinking fund, shall apply to all money borrowed by the Local Board under this Act, but the powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Local Government Acts; and in calculating the amount which the Local Board may borrow under the Local Government Acts, any sum which they may borrow under the provisions of this Act shall not be reckoned.

Application of moneys borrowed.

29. All moneys from time to time borrowed under this Act on mortgage shall be applied by the Local Board only as follows:

First, in payment of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or such proportion thereof as the Local Board think fit;

Secondly, in paying the purchase money of, and the costs and charges of the purchase of the waterworks confirmed by this Act;

Thirdly, in paying the expenses of and incident to the construction of the reservoir, drains, and waterworks by this Act authorised;

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Fourthly, in providing and laying new main pipes and other conveniences for the supply of water;

Fifthly, in the exercise of the powers of this Act with respect to the paying off of moneys borrowed on mortgage, and of re-borrowing.

Application of water revenue of Local Board.

30. All water rates or sums received by the Local Board for the supply of water, and all other receipts and credits on account of the waterworks of the Local Board, shall in each and every half year be applied as follows:

First, in payment of the expenses properly chargeable to revenue of establishing, conducting, managing, and maintaining the waterworks, and otherwise carrying on the water undertaking of the Local Board;

Secondly, in payment of the interest upon mortgages under the provisions of this Act;

Thirdly, in from time to time providing the instalments or setting apart and appropriating the sinking fund required by this Act for paying off mortgages under the provisions of this Act, as and when each such instalment or such sinking fund is required to be provided or set apart and appropriated;

Fourthly, in maintaining the waterworks; and

Lastly, as to any surplus remaining after the purposes aforesaid are effected, for the public benefit of the inhabitants of the district of the Local Board.

Amount and period for sinking fund and instalments.

31. The Local Board shall pay off the moneys raised by mortgage under the provisions of this Act by means of the sinking fund or by annual instalments, or partly by the sinking fund and partly by annual instalments, as they think fit; and the sum or sums to be yearly set apart for the sinking fund or instalment shall be of such an amount as will enable the Local Board to pay off the amount raised by such mortgages under the powers of this Act in the course of thirty-six years; but the Local Board shall not be bound to commence the formation of the sinking fund, or the payment by instalment, by setting apart or applying any portion of their revenue for the purpose until the expiration of four years from the passing of this Act.

Application of sinking fund.

32. The sums set apart for any sinking fund under the provisions of this Act, and the interest thereon, shall be invested in the purchase of Exchequer bills or other Government securities, or may be applied by the Local Board in paying off mortgages granted under the provisions of this Act; and the Local Board may from time to time, as they think fit, sell all or any Exchequer bills or

securities which shall have been so purchased, and apply the proceeds in paying off mortgages granted under the provisions of this Act.

Separate accounts.

33. The Local Board shall keep a separate account of all their receipts, credits, payments, and liabilities in respect of their water undertaking, to be called the "Water Account;" and such account shall be subject to the same provisions as to audit, examination, report, inspection, copies and extracts, and production of vouchers, as other accounts of the Local Board under the Local Government Acts.

Apportionment of items.

34. In all cases in which the Local Board keep separate accounts for separate purposes, they may apportion between those accounts, or carry to any of them, any receipts, credits, payments, and liabilities which from time to time it appears to them ought to to be so apportioned or carried.

Audit of accounts.

35. Section 60 of the Local Government Act, 1858, relating to the audit of accounts, shall apply to the water account under this Act, except that any additional remuneration payable for audit of the water account shall be charged to the water account.

Annual return to Local Government Board with respect to sinking fund.

36. The clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or paid off by instalment 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 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 the amount paid off by instalment, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to set apart the sum required by this Act for the sinking fund, or to pay any instalment, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may, by order, direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund; and such order shall be enforceable by writ

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of Mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Recovery of water rates, &c.

37. In case default shall be made by any person in payment of any water rate or sum for the supply of water due to the Local Board under the authority of this Act, it shall be lawful for the Local Board to separate the pipe supplying with water the person so making default, and communicating with the waterworks of the Local Board, and to stop the water from flowing or passing into the premises of such person; and if any person shall neglect or refuse to pay the amount due from him to the Local Board in respect of water rates or rents, or the sale or hire of water meters, meters, mains, pipes, or tubes, for the space of fourteen days after the demand thereof by the Local Board, their agent or collector, it shall be lawful for any justice to issue his summons to such person, requiring him to appear at a time and place therein named, and then and there to show cause why the amount so demanded should not be paid; and if on the appearance of such person, or in default of appearance, after proof of service of the summons, either personally or at the last known place of abode or business of such person, no sufficient cause can be shown to the contrary, it shall be lawful for any justice to issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the water, if the same shall have been cut off by the Local Board, as to such justice shall seem just and reasonable; or the Local Board may recover such rents in any manner in which private improvement expenses may be recovered by local boards.

Incoming tenant not to be liable for arrears.

38. In case any person supplied with water by the Local Board shall leave the premises where such water has been supplied to him without paying to the Local Board the water rent or meter rent due from him, the Local Board 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 shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Power for Local Board to remove water pipes from unoccupied premises.

39. If and whenever any house, building, or premises which shall have been supplied with water by the Local Board shall be unoccupied for the space of three months, the Local Board, 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 Local Board after inquiry, 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 eight o'clock in the forenoon and eight o'clock in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Local Board.

Settlement of disputes as to compensation, &c. not otherwise provided for.

40. Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount thereof is not provided for, such amount shall, in case of dispute, be ascertained and determined as provided by the Lands Clauses Consolidation Act, 1845, for settling cases of disputed compensation.

Mode of arbitration.

41. For the determining of any question by this Act directed to be referred to arbitration, the sections numbered 25 to 37 (both inclusive) of the Lands Clauses Consolidation Act, 1845, shall apply, provided that the umpire to be appointed under the provisions of that Act shall, unless chosen by the two arbitrators, be appointed by the Local Government Board.

Application of penalties.

42. Every penalty imposed by this Act or by any byelaw under this Act (except where the Local Board shall be the party by whom the penalty has to be paid) shall be paid to the treasurer of the Local Board, and shall be carried by him to the credit of the waterworks account or of the general district account, as the case may require.

Penalties not cumulative.

43. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the incorporated Acts and the Local Government Acts shall be deemed several Acts.

Authentication of notices.

44. Any summons, demand, or notice, or other such document to be given by the Local Board under this Act or under the Local Government Acts, or any of them, may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the Local Board, the signature thereof by the clerk of the Local Board shall be a sufficient authentication.

Contents of summons or warrant.

45. Any summons, warrant, notice, demand, or other process issued for any of the purposes of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Contract for supply of water not to disqualify

46. No person shall be disqualified from being, continuing, or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a

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member of Local Board.

supply of water, or other matters, articles, or things under this Act, or for the sale of any land for the purposes of this Act, or of his being interested in any contract with any newspaper in which advertisements are inserted for the Local Board, but no such person shall vote in any matter affecting the contract in which he is interested; and no mortgagee of rates to be levied under this Act shall be disqualified as a member of the Local Board by reason of his being a mortgagee.

Pipe crossing Buxton branch railway of London and North-western Company.

47. The aqueduct or line of pipes number three, where the same will cross the Buxton branch railway of the London and North-western Railway Company, shall be carried under that branch railway by means of an iron main or pipe, and the same shall be carried through and in the line of the culvert conveying the Nun Brook under the said railway, and in all respects to be approved by the principal engineer of that company; and all such works, as also any other works to be constructed and executed by the Local Board in any way affecting the said branch railway, or any of the bridges or works thereof, or any lands or property of that company, and all maintenance and renewals thereof respectively, shall be done and executed by the Local Board to his satisfaction in all respects, and under his superintendence, and in all things at the expense of the Local Board; and when the works for such crossing, maintenance, and renewals are commenced, they shall be executed and completed with all due despatch; and all such works shall be so constructed, executed, and maintained that the said branch railway or its works shall not be injured, nor the traffic upon such railway in anywise impeded.

Maintenance of such works.

48. In case the Local Board shall not at all times so duly maintain and keep renewed the said main or pipe and works, or in case of any accident happening to, or defect appearing in, or there being any leakage from or bursting of such main or pipe at or near such crossing of the said Buxton branch railway, the London and North-western Railway Company may effect such maintenance, repairs, and renewals, and all works necessary to stop such leakage or bursting, and recover from the Local Board the amount of their expenditure in that behalf, certified by their engineer, with full costs, in any court of competent jurisdiction; and if by reason of or of the failure of any works, operations, or proceedings of the Local Board, or any their contractors, or their respective agents, servants, or workmen, the said branch railway or its works shall be injured, the Local Board shall forthwith make good the same; or in case they shall make default in that behalf, then that company may make

good the same, and recover as aforesaid from the Local Board the amount of their expenditure in that behalf, certified as aforesaid, with full costs; and if any interruption shall be occasioned to the traffic of that company by reason of or of the failure of such works, operations, or proceedings, the Local Board shall pay to that company all costs and expenses to which they may be put, as also compensation for all loss and inconvenience to be sustained by them by reason of any such interruption, such costs, expenses, and compensation to be recovered as aforesaid, with full costs.

Local Board to acquire easement only in property of London and North-western Company.

49. The Local Board shall not, in the exercise of the powers conferred by this Act, enter upon, interfere with, take, or purchase any of the works, lands, or property from time to time belonging to or in the possession or under the power of the London and North-western Railway Company, or any right, interest, or estate therein, except only an easement in so much thereof and so far as shall be necessary for carrying and maintaining the aqueduct or line of pipes number three under the said branch railway of that company in manner aforesaid, which easement that company may and shall sell and grant accordingly.

As to works affecting the Midland Railway Company.

50. Any works to be constructed or executed by the Local Board, in the exercise of the powers conferred by this Act, across or in any way affecting any railway belonging to or worked by the Midland Railway Company, or any of the bridges or works thereof, or any lands or property belonging to that company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that company, and according to plans to be reasonably approved by him, but in all things at the expense of the Local Board, and so as not to cause any injury to any such railway, bridges, works, lands, or property, or interruption to the passage or conduct of traffic over any such railway or at any station thereof; and if any injury shall arise to any such railway, bridges, works, lands, or property, or interruption to such traffic, the Local Board shall make full satisfaction to that company in respect of such injury or interruption.

Saving rights of Local Board.

51. Except as is by this Act expressly provided, this Act or anything herein contained shall not take away, lessen, alter, or prejudice any of the estates, rights, powers, or privileges of the Local Board, or of the Local Government Board under the Sanitary Acts as defined by the Public Health Act, 1872.

Expenses of Act.

52. 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 Local Board out of any

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funds belonging to them, and may be charged by them to the water account or the general expenditure account, or to two of such accounts, and in such proportions as the Local Board think fit.

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