CHAPTER lii.

An Act to empower the Local Board for the district of Padiham and Hapton in the county of Lancaster to construct and maintain additional waterworks and for other purposes. A.D. 1889.

[5th July 1889.]

WHEREAS the Local Board for the district of Padiham and Hapton in the county of Lancaster (in this Act called "the Local Board") supply gas and water within the townships of Padiham and Hapton and the villages of Habergham or Cheapside and Lower Houses or Thornhill Holme in the township of Habergham Eaves and so much of the township of Hapton as lies on the north side of the Leeds and Liverpool Canal all in the parish of Whalley in the county of Lancaster under the provisions of the Padiham Waterworks Act 1854 and the powers conferred upon them by the Padiham Water Act 1874 (herein-after called "the Act of 1874") and the Padiham Local Board Act 1876 (herein-after called "the Act of 1876") respectively:

And whereas by the Padiham Local Board Act 1882 (in this Act called "the Act of 1882") the Local Board were empowered to construct and maintain additional waterworks and by that Act it is provided that the Local Board shall not take collect impound or use any of the streams and waters within the limits of the gathering ground containing one hundred and eighty-seven acres or thereabouts particularly described in the said Act (section 14) until the Local Board shall deliver into such one or more of the brooks below the said gathering ground the compensation water by the said Act provided:

And whereas to enable the Local Board to take collect divert impound and use the streams and waters within the limits of the said one hundred and eighty-seven acres or thereabouts and to otherwise improve their water undertaking it is expedient that the Local Board be empowered to construct additional waterworks:

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And whereas the Local Board require further money to enable them to complete the reservoir and works authorised by the Act of 1882 and to construct the additional waterworks by this Act authorised:

And whereas an estimate has been prepared by the Local Board for the completion of the reservoir and works authorised by the Act of 1882 and for the purchase of land for and the execution of the works by this Act authorised and such estimate amounts to fifty thousand pounds:

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

And whereas it is expedient that the Local Board should be authorised to raise further moneys for the purposes of this Act in manner herein-after provided:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and 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 Lancaster and are herein-after respectively referred to as the deposited plans sections and book of reference:

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

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the tenth day of November one thousand eight hundred and eighty-eight after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Preston Guardian" a local newspaper published or circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rates of the district:

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board at a further special meeting held in pursuance of a similar notice on the tenth day of January one

thousand eight hundred and eighty-nine being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1889.

And whereas the owners and ratepayers of the district by resolution in the manner provided by the Third Schedule to the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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 Padiham Local Board Act 1889.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 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 and Part II. (extension of time) of the Railways Clauses Act 1863 shall (except where expressly varied by this Act) 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 as if the Local Board were therein mentioned instead of the Company and the provisions of the Railways Clauses Act 1863 shall be read as if the same applied to the Local Board and the waterworks of the Local Board instead of to a company and a railway.

Amendment of Waterworks Clauses Act 1847.

3. The Waterworks Clauses Act 1847 as incorporated in the Acts of 1854 1874 1876 and 1882 and in this Act shall be read and 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 from section 44 thereof.

Interpretation.

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

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"The Padiham Acts" means the Padiham Waterworks Act 1854 the Act of 1874 the Act of 1876 the Act of 1882 and this Act;

"The Public Health Act" means the Public Health Act 1875 and any Act amending the same;

The expression "court of competent jurisdiction" or any other like expression shall have effect as if the debt or demand with respect to which that expression is used were a simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

Act to be executed by Local Board.

5. This Act shall be executed by the Local Board with the powers duties and indemnities and according to the provisions of the Public Health Act and as if the purposes and provisions of this Act were purposes and provisions of those Acts and except so far as any of the provisions of those Acts are expressly varied or otherwise provided for by this Act.

Power to construct waterworks and other works.

6. Subject to the provisions of this Act the Local Board may make and maintain the reservoir aqueducts 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 book of reference and for those purposes may enter upon and take such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require and for the purposes of their waterworks may take collect impound divert and use all or any of the streams springs and waters intercepted by any of those works and all springs streams and waters found in or under any of the lands acquired by the Local Board under the powers of this Act.

Reservoir and works.

7. The works by this Act authorised and herein-before referred to are wholly situate in the township of Goldshaw Booth and parish of Whalley in the county of Lancaster and comprise the following (that is to say):—

1. A compensation reservoir of an area of three acres and three roods or thereabouts to be situate on a stream called Woodhouse Brook the embankment of which reservoir will be made or placed forty yards or thereabouts measured in a south-easterly direction along the course of the said brook from the north corner of a field called Coppy otherwise Isles Meadow at which embankment the reservoir will commence and thence extend up such brook in a north-westerly direction for a distance of two hundred and twenty-three yards or

thereabouts measured along the course of that brook from the centre of such embankment and there terminate;

2. An outlet conduit or pipe (called "Conduit No. 1") two hundred and seven yards in length or thereabouts commencing in the said intended reservoir at a point seventy yards or thereabouts measured in a north-westerly direction along the course of Woodhouse Brook from the centre of the said embankment and terminating in Woodhouse Brook at a point measuring in a south-easterly direction fifty yards or thereabouts from the north corner of the field called Coppy otherwise Isles Meadow;

3. A gauge basin to be situate at the terminus of outlet conduit or pipe No. 1 and connected therewith;

4. An aqueduct or conduit (called "Conduit No. 2") commencing in the said gauge basin and terminating in Woodhouse Brook at a point fifty-seven yards or thereabouts from the north corner of the field called Coppy otherwise Isles Meadow;

5. A bye-wash or conduit (called "Conduit No. 3") three hundred and eighty yards in length or thereabouts commencing at a point in the centre of Woodhouse Brook thirty-one yards or thereabouts measured in a north-easterly direction from the north-east corner of a sheepfold in a field called Cheek and thence proceeding in an irregular line firstly in a southerly direction thence in a south-easterly direction and thence in a southerly direction and terminating in Woodhouse Brook at a point sixty-four yards or thereabouts from the north corner of the field called Coppy otherwise Isles Meadow:

Together with all such approaches roads ways embankments bridges dams tanks weirs gauges bye-washes sluices catchwater drains culverts tunnels cuts shafts adits borings filter beds filters bridges and conveniences as may be necessary for collecting taking impounding filtering drawing using and distributing water in connexion with the above works.

Lateral and vertical deviation.

8. 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 three feet upwards and ten feet downwards Provided always that the height of the embankment or retaining wall of the reservoir above the general surface of the ground as shown on the deposited sections shall not be increased by reason of any such lateral deviation as aforesaid.

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Power to purchase additional lands.

9. Subject to the provisions and for the purposes of this Act the Local Board may from time to time enter upon take and use all or any of the lands herein-after mentioned shown upon the deposited plans and described in the deposited book of reference (that is to say):—

A. Fifteen acres or thereabouts of land comprising a field called Set Stone Meadow and parts of three other fields adjoining called Rough Bottom Far Barn Meadow and Banks situate in the township of Goldshaw Booth in the parish of Whalley and county of Lancaster;

B. One acre or thereabouts of land part of Churn Clough Wood situate at the foot of the outside slope of the embankment of Churn Clough Reservoir (part of the water undertaking of the Local Board) in the extra-parochial place or township of Heyhouses adjoining the parish of Whalley and county of Lancaster.

Restriction on taking houses of labouring class.

10. The Local Board shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Period for compulsory purchase of lands.

11. The powers of the Local Board for the compulsory purchase of lands for any of the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

12. The works hereby 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 Local Board for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to acquire additional lands by agreement.

13. In addition to the lands 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 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 but the Local Board shall not create or permit the creation of any nuisance upon such lands and shall not erect any buildings upon such lands other than offices residences for persons in their employ or such buildings and works as may be incident to or connected with the works by this Act authorised.

Power to divert road &c.

14. The Local Board may divert the bridleway and footpath shown upon the deposited plans if the same interferes with the construction use and occupation of the works and lands by this Act authorised to be made and taken and may when the substituted bridleway or footpath has been completed to the satisfaction of two justices and opened to the public appropriate for the purposes of this Act the site of the said bridleway and footpath so diverted so far as they are bounded on both sides by lands of the Local Board.

Power to take easements &c. by agreement.

15. 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 or right to take water in which other than the parties to the agreement have any right or interest) 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.

Reservation of water rights &c. on sale.

16. The Local Board on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of sale of surplus lands to be treated as capital.

17. The proceeds of the sale of any surplus lands of the Local Board under the powers of this Act shall be distinguished as capital in the accounts of the Local Board and shall be applied in discharge

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of any moneys borrowed for waterworks purposes by the Local Board and any moneys so discharged shall not be re-borrowed Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Compensation water to be given by Local Board.

18. The Local Board shall not take collect divert impound or use by means of their waterworks any of the streams and waters within the limits of the gathering ground of one hundred and eighty-seven acres of land or thereabouts described in the Act of 1882 unless and until the reservoir by this Act authorised shall be so far completed and so far filled with water as that not less than one hundred and fifteen thousand eight hundred gallons of water in every day of twenty-four hours shall be delivered into the said Woodhouse Brook in a regular and continuous flow in manner provided by section 14 of the Act of 1882 and the quantity of water so to be discharged as aforesaid shall be for the use of and by way of full compensation to all persons interested in the streams and waters which the Local Board may under the provisions of this Act and the Act of 1882 take get or appropriate within the limits of and flowing from the one hundred and eighty-seven acres of land or thereabouts described in the Act of 1882 or found on the site of the reservoir by this Act authorised.

As to discharge of water into Woodhouse Brook.

19. The compensation water provided for by this Act shall be discharged as shown on the deposited plans into the Woodhouse Brook immediately below the reservoir by this Act authorised.

Further provision as to Woodhouse Brook.

20. Nothing in this Act shall authorise the Local Board to take appropriate or use any water flowing into or which would or might but for the works and operations of the Local Board flow into the Woodhouse Brook which they are not by or under the Act of 1882 authorised to take appropriate or use save and except such water as may be found on the site of the reservoir by this Act authorised and the Local Board shall by Conduit Number 3 by this Act authorised collect gather and divert into the Woodhouse Brook below the reservoir by this Act authorised all the waters outside the limits of the gathering ground of one hundred and eighty-seven acres of land or thereabouts described in the Act of 1882 which flow or but for the works or operations of the Local Board would or might flow into the said Woodhouse Brook.

Local Board to maintain gauge.

21. The Local Board shall construct and for ever thereafter maintain the gauge (Work Number 3) to be constructed under the authority of this Act over or through which it is intended the said quantity of compensation water shall flow or be discharged in a fit and proper

state of repair for the purpose for which it is intended and such gauge shall be open to the inspection and examination of the several persons for the time being interested in the water so to be discharged or to flow through or over the same.

Local Board to repair gauge.

22. If at any time the gauge to be constructed and maintained by the Local Board as aforesaid shall be in an unfit state of repair or condition for the purpose for which it is intended the same shall be forthwith put in proper repair and condition by and at the expense of the Local Board and in the event of any difference or disagreement between the Local Board and the parties or any of them interested in the water to be discharged or to flow over or through the said gauge with respect to such unfit state of repair or condition or as to the deficiency in the flow of water through or over such gauge which may have arisen from such unfit state of repair or condition such difference or disagreement shall from time to time be settled and determined by an engineer to be agreed upon by the parties in difference or failing him by an engineer to be nominated on the application of either party after seven days notice in writing to the other by the President for the time being of the Institute of Civil Engineers and the costs of reference in each case shall be in the discretion of the referee.

Compensation on failure to supply the stipulated quantity of water.

23. In case the Local Board shall wilfully or negligently fail to discharge the quantity of water so to be discharged as aforesaid into the said Woodhouse Brook they shall for and during every day on which such failure shall occur pay by way of liquidated damages to the several owners of the estates for the time being interested in the said water and also to the several occupiers for the time being of mills or works affected thereby (such estates mills or works being situated on or adjoining to or deriving water from the said Woodhouse Brook or the Sabden Brook) the sum of five pounds and every such sum may be recovered in any court of competent jurisdiction.

Provisions of previous Acts as to waterworks to extend to this Act.

24. Such of the powers and provisions of the Padiham Acts relating to the supply of water by the Local Board the protection of the waters and waterworks of the Local Board the prevention of waste of water the dealing summarily with persons wrongfully wasting or improperly taking water the opening of streets and laying down of mains pipes apparatus and works for supplying water within the water limits and the application of penalties as are in force at the passing of this Act shall extend and apply to this Act and to the waterworks by this Act authorised and the supply of water therefrom.

For the protection of Nicholas Grimshaw.

25. For the protection of Nicholas Grimshaw or other the owner or owners for the time being of the Woodhouse Estate situate in the

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township of Goldshaw Booth (all of whom are herein-after referred to as "the owner") the following provisions shall be observed and have effect (that is to say):—

1. Conduit Number 3 by this Act authorised shall be constructed in such manner and shall only be used to collect gather and divert into the Woodhouse Brook below the reservoir by this Act authorised the waters outside the limits of the one hundred and eighty-seven acres of land or thereabouts described in the Act of 1882 which would but for the works or operations of the Local Board flow into the Woodhouse Brook and the portion of the said conduit from the point of overflow to the commencement of such conduit as shown on the deposited plans shall if so required by the owner be fenced off from his adjoining land;

2. In lieu of the provisions contained in section 18 of the Act of 1882 (which section is hereby repealed) the following provisions shall be observed and have effect namely:—

In order to wash the sheep kept on the Woodhouse Estate the Local Board shall for twelve hours in each of two consecutive days in each and every year after taking the waters of the said one hundred and eighty-seven acres of land or thereabouts permit the whole of the water flowing into or which would or might but for the operations of the Local Board have flowed into the Woodhouse Brook to flow into the pit in the sheepfold situate on the said estate and numbered 74 on the deposited plans referred to in the Act of 1882 but such water shall be used for sheep washing only and no enlargement of the said pit shall take place without notice to and with the consent of the Local Board The tenant for the time being of the said estate shall give forty-eight hours previous notice at the least to the clerk to the Local Board of the days on which in each year he desires the said pit to be supplied with water in manner herein-before mentioned such notice to be given in the ordinary course of post Provided always that nothing in this sub-section contained shall be construed to authorise the commission of a nuisance;

3. The owner shall be entitled to the sole and exclusive right of shooting and sporting upon the said reservoir and upon any lands of the owner taken by the Local Board under the powers of this Act with power to carry away and appropriate all game taken or killed thereon and the Local Board shall not let or dispose of the right of fishing in the said reservoir

to any person other than the owner without first giving to the owner the option of treating with them for the same;

4. The Local Board shall not in the execution of the works by this Act authorised interfere with the well situate in the field numbered 1 on the deposited plans in the parish of Whalley or with the water in the said well and shall make full compensation to the owner and his tenants for any injury thereto or any interference with the supply of water therefrom to the house and farm buildings of the owner occasioned by or in consequence of the works or operations of the Local Board.

Revival and extension of powers of Act of 1882 for compulsory purchase of certain lands.

26. The powers granted to the Local Board by section eight of the Act of 1882 for the compulsory purchase of lands for the purposes of the waterworks by that Act authorised to be constructed are hereby revived and extended with respect to the lands numbered 71 and 72 on the deposited plans and described in the deposited book of reference for the said township of Goldshaw Booth and parish of Whalley for the Act of 1882 and may notwithstanding anything in the Act of 1882 be exercised with respect to those lands at any time within six months from the commencement of this Act.

Extending period for completion of works authorised by the Act of 1882.

27. The period limited by section 12 of the Act of 1882 for the completion of the waterworks by that Act authorised is by this Act extended for a period of five years from the passing of this Act and on the expiration of such period the powers of the Local Board for making the waterworks authorised by the Act of 1882 or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to erect public slaughter-houses.

28. For the purpose of providing public slaughter-houses the Local Board may upon the land held by the Local Board on lease for the term of nine hundred and ninety-nine years from Le Gendre Nicholas Starkie situate in the said township of Hapton erect slaughter-houses and other necessary buildings in connexion therewith and may for that purpose borrow a sum of not exceeding two thousand pounds.

Power for Local Board to borrow.

29. The Local Board may from time to time independently of any other borrowing power borrow at interest on the security of the district fund and general district rate (and in relation to moneys borrowed for waterworks purposes upon the security of that fund and rate and also upon the revenue of their waterworks undertaking or any of such securities) as follows (that is to say):—

For the purpose of paying the costs of this Act as herein-after defined the sum requisite for that purpose;

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For the completion of the waterworks authorised by the Act of 1882 and for the construction of the waterworks by this Act authorised and for other the purposes of the waterworks undertaking of the Local Board any sums not exceeding in the whole the sum of fifty thousand pounds:

And the Local Board may mortgage the district fund and general district rate and (as the case may be) the revenue of the waterworks undertaking to secure the repayment of the moneys borrowed with interest.

Power to re-borrow.

30. If the Local Board pay off any moneys borrowed by them under this Act otherwise than by instalments or appropriations or by means of a sinking fund or out of the proceeds of the sale of land acquired under the powers of this Act they may re-borrow the same and so from time to time 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 originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall be deemed to form the same loan and the obligations of the Local Board with respect to the repayment of such moneys shall not be in any way affected by reason of such re-borrowing.

Mortgages under Act to be in accordance with Public Health Act.

31. The mortgages from time to time granted by the Local Board under this Act shall be in the form of mortgage of rates given in the Fourth Schedule to the Public Health Act or to the like effect and the powers and provisions of that Act with respect to mortgages (save as varied by this Act) and transfer of mortgages the appointment of a receiver and otherwise shall apply and have effect with respect to the mortgages granted under this Act.

Power to borrow under Local Loans Act 1875.

32. The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow 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 shall be a charge upon and shall be paid out of the same rates and securities as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rates and securities shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act.

Certain regulations of Public

33. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of

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the Public Health Act and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Health Act as to borrowing not to apply.

34. The Local Board shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

Period for repayment of money borrowed.

As to moneys borrowed for the purpose of providing slaughter-houses and for the payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing this Act within twenty years from the date of the borrowing of the same; and

As to moneys borrowed for waterworks purposes within sixty years from the respective dates of borrowing the same.

How repayments to be effected.

35. The repayment of moneys borrowed under this Act shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the sinking fund shall be provided as follows :—

1. The Local Board in every year shall appropriate and set apart out of the district fund and general district rate as the case may require such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed within the prescribed periods;
2. The first payment by instalments or to the sinking fund as the case may be shall be made as to moneys borrowed for the purpose of providing slaughter-houses and to pay the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining this Act on the twenty-fifth day of March following the time of the borrowing of such moneys and as to moneys borrowed for waterworks purposes at the expiration of two years from the respective dates of borrowing the same;
3. (A.) The yearly sum so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof in such securities as trustees are by law for the time being authorised to invest trust moneys in or on the security of mortgages stock debentures debenture stock or stock of any local authority as defined by the Local Loans Act 1875 (other than of the Local Board) granted or issued under any Act or sanction

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under which such local authority is authorised to borrow money;

(B.) The Local Board may at any time apply the whole or any part of the sinking fund set apart by them in or towards the repayment of borrowed moneys in such order and manner as they deem proper Provided that in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate of three pounds per centum per annum:

Provided also that whenever and so long as the yearly income arising from the sinking fund when invested at the same rate of interest as the borrowed moneys then outstanding shall be equal to the annual interest of such borrowed moneys then outstanding the Local Board 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 such sinking fund of the yearly sums required to be so paid thereto.

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 any instalment repayment or appropriation is required to be paid or made under this Act or the Local Loans Act 1875 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 repayment or appropriation 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 and the interest thereon have been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof 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 the said clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay or make any instalment repayment or appropriation or to set

apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which 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 of Mandamus to be obtained by the Local Government Board out of the High Court of Justice The provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Application of money borrowed.

37. Money borrowed by the Local Board under this Act shall be applied only for the purposes of this Act to which capital is properly applicable.

Saving for existing charges.

38. Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate or the estates and property of the Local Board subsisting at the passing of this Act and every mortgagee 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 rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same rate and property.

Expenses of Act.

39. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the district fund and general district rates of the district or out of moneys borrowed under the powers of this Act and such costs shall include the costs incurred by the Local Board 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.

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