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An Act to confer further powers upon the Mayor, Aldermen, and Burgesses of the borough of Preston as a Municipal Corporation, and also as the Local Board of Health. A.D. 1869.

[12th July 1869.]

WHEREAS the borough of Preston (in this Act called "the borough") is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act called "the Corporation"), and is regulated by the Acts relating to Municipal Corporations in England and by various Local Acts, and amongst others "The Preston Corporation Markets Act, 1861," (in this Act referred to as the Act of 1861): 24 & 25 Vict. c. vii.

And whereas the Corporation by the council of the borough are the local board of health for the borough (and as such the Corporation are in this Act designated "the local board"), and amongst other Acts have powers conferred upon them by "The Preston Waterworks Act, 1853," (in this Act called "the Act of 1853,") and are thereby authorized to supply the borough with water by the construction and maintenance of the waterworks referred to in the said last-mentioned Act: 16 & 17 Vict. c. xlviii.

And whereas such works are insufficient to meet the increased and increasing demands for water in the borough, and it is expedient therefore that the local board be empowered to extend their waterworks in manner shown upon the plans and sections which, with a book of reference thereto containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands through and upon which the works are proposed to be constructed, and of the brooks to be diverted, were, in the month of November last, deposited with the respective clerks of the peace for Lancashire and the west riding of Yorkshire:

And whereas the local board are by the Act of 1853 authorized to borrow on the security of the rents, rates, and works thereby authorized, and of the works purchased by the local board under the powers of that Act, and of the general district rates, or on all or any of the said securities, such sum as was required for the purchase of

A.D. 1869.

the undertaking of the Preston Waterworks Company (which amounted to one hundred and thirty-five thousand two hundred and twenty-five pounds), and the further sum of eighty thousand pounds:

24 & 25 Vict. c. 39. (*Public.*)

And whereas by "The Local Government Supplemental Act, 1861," the local board are, by a provisional order contained in the schedule to that Act, authorized to borrow or to re-borrow (subject to the provisions of "The Local Government Act, 1858," and of the Act of 1853,) for waterworks purposes such sum or sums of money as with the amount theretofore borrowed by the local board should not exceed in the whole two years assessable value of the premises within the borough:

And whereas it is expedient that the provisions contained in the fifty-sixth section of the Act of 1853 as to setting apart yearly a sinking fund for paying off the monies borrowed, which, according to the said Act, was to commence after five years from the passing of the Act, but which period was by the said provisional order postponed until one thousand eight hundred and sixty-eight, be repealed, and the provision herein-after contained be substituted therefor:

And whereas the Corporation, by section forty-four of the Act of 1861, are authorized to borrow, for market, town hall, and new streets and improvement purposes sums amounting together to ninety-nine thousand five hundred pounds, but this sum is totally inadequate to enable the Corporation to meet their debts and liabilities, and the outlay yet to be incurred by them in respect of the Act of 1861, and the public parks at Preston, and other public improvements there.

And whereas the present debts and engagements of the Corporation in respect of the markets, town hall, new streets, public parks, Ribble navigation, and the quays thereof, and in respect of other borough improvements and purposes, and the purchase of lands and other property in connexion with such improvements and purposes, amount to one hundred and seventy-seven thousand five hundred pounds, or thereabouts, and they will require about seventy thousand pounds more for the markets and street improvements, and seven thousand five hundred pounds for the public parks:

And whereas it is expedient that the present borrowing powers of the Corporation be altered and enlarged, and that the other powers in this Act contained be conferred upon them, and that the provision in the Act of 1861 as to setting apart a sinking fund be repealed and altered:

And whereas the several purposes aforesaid 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; (that is to say,)

Short title.

1. This Act may be cited as "The Preston Improvement Act, 1869."

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 16 & 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 93. incorporated.

2. The following Acts and parts of Acts (as far as they 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 Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860:"

So much of "The Waterworks Clauses Act, 1847," as relates to the construction of the waterworks and the accommodation of lands adjoining the waterworks;

"The Waterworks Clauses Act, 1863," and the provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners.

Interpretation of terms.

3. With respect to the interpretation of terms in and for the purposes of this Act, the following provisions shall have effect; namely,

Terms to which meanings are assigned in the Acts incorporated wholly or in part with this Act, or which have therein special meanings, have in this Act the same respective meanings:

In this Act and for the purposes of this Act or any Act incorporated wholly or in part with this Act, the term "superior court" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute:

The term "the Commissioners" in the provisions of "The Commissioners Clauses Act, 1847," incorporated with this Act, shall for the purposes of this Act mean the Local Board or the Corporation, as the case may require:

The term "the Public Health Acts" means "The Public Health Act, 1848," "The Local Government Act, 1858," and the Acts amending them:

The term "the Municipal Corporation Acts" means the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, "to provide for the "Regulation of Municipal Corporations in England and Wales," and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England:

The expression "the waterworks" means the reservoirs, aqueducts, and works connected therewith by this Act authorized:

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The expression "public improvements" means and refers to the public works, buildings, parks, and other improvements and purposes upon which the before-mentioned one hundred and seventy-seven thousand five hundred pounds, or thereabouts, have been expended.

Application of Public Health Acts.

4. This Act, as far as it is expressed to relate to the powers of the local board, shall (subject to the express provisions of this Act) be executed by the Corporation, acting by the council as the local board, with the powers and indemnities and according to the provisions of the Public Health Acts, which Acts shall, in relation to the Corporation and the purposes of this Act, have effect as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts.

Application of Municipal Corporation Acts.

5. This Act, as far as it is expressed to relate to the powers of the Corporation, shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporation Acts and other laws for the time being affecting the Corporation, and with all the authorities conferred by those Acts and laws 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 Corporation Acts, and as nearly as may be in all respects as if the powers, duties, 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 Corporation Acts.

Local Board may make new waterworks according to deposited plans.

6. Subject to the provisions in this Act contained, and to the powers of deviation hereby given, the local board may make and maintain the waterworks, reservoirs, and aqueducts shown on the deposited plans, with all necessary and proper works and conveniences connected therewith, in the line and situation and upon the lands delineated on the deposited plans, and described in the deposited book of reference, and on the levels defined on the deposited sections; and they may enter upon, take, purchase, and use such of the lands mentioned in the said plans and book of reference as they may deem necessary for all or any of those purposes; and they may take and appropriate such of the waters of the Langden Brook and of Hareden Brook as they may require for the purposes of this Act and of the Act of 1853.

Power to deviate.

7. In constructing the waterworks the local board may, notwithstanding any provisions in the Waterworks Clauses Act or this Act, deviate to any extent not exceeding the limits of deviation shown on the deposited plans, and may also deviate from the levels shown on the deposited sections, to any extent not exceeding ten feet in respect of the conduits and pipes, and three feet in respect of the reservoir.

Power to purchase lands for extraordinary purposes.

8. The local board may from time to time, by agreement, purchase and hold for the purposes of this Act, and of the Act of 1853, any quantity of land not exceeding five acres, in addition to the lands which by this Act they are authorized to take by compulsion, and to the lands which they are by the Act of 1853 authorized to purchase.

Persons authorized to convey lands may grant easements.

9. The persons by "The Lands Clauses Consolidation Act, 1845," authorized to convey lands may, by agreement, and subject to the provisions of such Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the local board for the purposes of this Act, or of the Act of 1853, any lands or the right of user thereof, or any easement (not being an easement for the taking of the water of any brook or stream other than the said Langden Brook and Hareden Brook), liberty, privilege, power, or authority in or over the same.

Application of Lands Clauses Acts to easements.

10. For the purposes of this Act, the several provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to land and rentcharges, so far as the same respectively are applicable in that behalf, extend and apply to easements and rentcharges reserved by grants and leases of easements respectively.

Powers for compulsory purchases limited.

11. The powers by this Act granted to the local board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of four years from the passing of this Act.

Period for completion of works.

12. If the reservoirs, aqueducts, and other works hereby authorized shall not be completed within ten years from the passing of this Act, then and in such case on the expiration of the said period all the powers hereby given to the local board to make the waterworks shall cease to be exercised, except as to so much of the said works as shall then be completed.

For the protection of the Bowland estate of Charles Towneley, Esq.

13. With respect to the estate of the Forest of Bowland, in the west riding of the county of York, belonging or claimed to belong to Charles Towneley, of Towneley, in the county of Lancaster, esquire, and herein-after referred to as "the Bowland estate," the following provisions shall have effect; namely,

(1.) In this section the term "the tenant in possession" means the said Charles Towneley, his heirs and assigns, or other the person or persons for the time being entitled in possession to the receipt of the rents and profits of the Bowland estate, and the words "points of abstraction respectively" mean the points at which the local board are by this Act empowered to take water from the Langden and Hareden Brooks:

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(2.) The local board shall not at any time take or use more than one half the gross volume of the water of the Langden Brook, nor more than one half the gross volume of the water of the Hareden Brook, nor more water in the aggregate from those two brooks than twelve cubic feet of water per second:

(3.) All the water which the local board shall take from the Hareden Brook shall be taken immediately above and none of it at or below the confluence with that brook of the stream known as the Lane Foot Brook:

(4.) The local board at their own costs and charges shall, to the satisfaction of the tenant in possession, cause every conduit which shall be made under the provisions of this Act in the Bowland estate to be arched over or otherwise properly covered in at the time of the making thereof from the points of abstraction respectively throughout the whole length thereof in the Bowland estate, with a good and substantial arch or other covering, and at all times maintain such arch or other covering in good and sufficient repair, and shall fill in and level the soil above such arch or other covering as the same is made, and at all times keep the soil so filled in and levelled above the same, so as to interfere as little as possible with the level of the land through which the respective conduits pass:

(5.) At or near to the entrances of such conduits at the respective points of junction thereof with the Langden and Hareden Brooks respectively, and (except as to the gratings hereinafter mentioned) if necessary at the point of junction of the conduits with each other, the local board at their own costs and charges shall, prior to the taking or using of any of the waters of the said brooks respectively, erect and fix and for ever afterwards maintain in good repair, and in a condition effectual for the purposes next mentioned, such gauges and works as shall be sufficient and effectual for preventing the passing into such conduits respectively of any greater quantity of the waters of either of the said brooks than the local board are by this Act authorized to take therefrom, and such grating or gratings as shall be sufficient and effectual for the purpose of preventing the descent of salmon or the young of salmon into such conduits respectively, and every such gauge, work, and grating shall be of such form and shall be erected and fixed in such manner as shall be approved by and shall be erected and fixed to the satisfaction, to be certified in writing, of John Frederic Bateman, Esquire,

civil engineer, or failing him, of William Shelford, Esquire, civil engineer, or failing him, of some other civil engineer to be appointed by the tenant in possession:

(6.) The tenant in possession, and his agents and engineers, and the board of conservators of the Ribble fishery district, and their water bailiffs respectively shall at all times have free access to any such gauge, work, and grating as aforesaid:

(7.) Notwithstanding anything in this Act, or any Act incorporated therewith contained, the tenant in possession shall at his own costs at all times hereafter have all such right and power as he would have had if this Act had not been passed of making, maintaining, altering, or discontinuing reservoirs upon the Langden and Hareden Brooks respectively, above the points of abstraction respectively, and of diverting into and impounding in any such reservoirs the waters of the said brooks respectively, and of making gauges for dividing the waters of the said brooks respectively, in such manner as that either upon or instead of his making a reservoir or reservoirs he may take, divert, and use the portions, or any portion of the waters of the said brooks respectively to which he will after the passing of this Act remain entitled:

(8.) In case the tenant in possession shall exercise any such last-mentioned right or power, and if the local board in that case claim that a diminution is thereby occasioned of the quantity of water which the local board are by this Act empowered to take from the Langden and Hareden Brooks, and if any difference shall thereupon arise between the tenant in possession and the local board as to whether any such diminution has been thereby occasioned, or as to the extent of such diminution, or as to what ought to be done, or what works ought to be made to prevent the continuance of any such diminution, or as to any modification of the means or manner of dividing the waters of the said brooks respectively between the parties in difference, for the purpose of securing to the local board the enjoyment of an equal quantity of water to that which they are by this Act empowered to take out of the said brooks respectively, or as to the necessity of any alteration in the gauging of the said waters, every such question shall be referred to the arbitration of a civil engineer to be agreed upon between them, or in case they shall not agree, then to a civil engineer to be appointed by the president for the time being of the Institution of Civil Engineers,

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upon the application of the parties in difference, or in case either party refuses to join in such application for seven days after having been requested by the other party by writing so to do, then upon the application of either party in difference, and the award of such arbitrator of and concerning the matters referred shall be final, and the provisions of the Common Law Procedure Act, 1854, with respect to references to a single arbitrator shall apply to references under this section, and all works ordered by the said arbitrator to be done shall be done by and at the costs and charges of the local board within such time as shall be fixed by the award of the arbitrator, and the costs, charges, and expenses of the tenant in possession of and incident to every such arbitration and award shall be paid by the local board; provided always, that no arbitrator shall award the removal or alteration of any reservoir, and that the local board shall not have awarded to them any of the water at any time impounded in any such reservoir:

(9.) Notwithstanding anything in this Act or in any Act incorporated therewith contained, no such right or power as is in paragraph 7 of this section mentioned shall be so exercised, and no such award as is in paragraph 8 of this section provided for shall be so made as to occasion any diminution of the quantity of water which the local board are by this Act empowered to take from the Langden and Hareden Brooks:

(10.) Notwithstanding anything in this Act or in any Act incorporated therewith contained, the tenant in possession shall at all times have and enjoy all such rights and power as he would have had if this Act had not been passed of opening and working any mines and quarries whether hereafter to be opened or already opened, and of searching for minerals, mineral ores, stone, and clay above the points of abstraction respectively, and of using for the purpose of working the same mines and quarries, and for any purposes connected therewith, which he may require or think proper, such and so much of the waters of the Langden and Hareden Brooks respectively as he may be entitled to store for his own use or uses in any reservoir or reservoirs (whether he shall so store the same or not), or otherwise to take, divert, or use above the points of abstraction respectively; provided always, that if and whenever the tenant in possession shall use any of the said waters above the points of abstraction respectively for the

purpose of working any such mines or quarries as aforesaid, or for any purpose in connexion therewith, and if and whenever any water shall be discharged from any of such mines and quarries as aforesaid, the local board may, if they so choose, and shall if required by the tenant in possession, by notice in writing, and in the latter case within a reasonable time after receiving such notice, and in either case in such manner as the tenant in possession shall approve by writing under his hand, and at the costs and charges of the local board, make, and at all times maintain in good repair all such reasonable works as shall be effectual for carrying off the waters which shall have been so used or discharged from or in connexion with such mines and quarries as aforesaid, to and discharging them into either the said brooks respectively at some point or points to be approved of by the tenant in possession, by writing as aforesaid, immediately below the points of abstraction respectively, or at the option of the tenant in possession such other place or places as the tenant in possession shall by writing require for the purpose of being utilized by him, but so that in the latter case the local board shall not be required to incur any greater expense than would suffice for the works for discharging such waters into the said brooks immediately below the points of abstraction respectively; provided also, that the tenant in possession shall afford to the local board all reasonable facilities for executing and maintaining such last-mentioned works, and shall not be entitled to claim from the local board any compensation in respect of any of the land which may be necessarily used for the making of such last-mentioned works, but that the local board shall from time to time pay to the occupiers of any such lands compensation for all damages occasioned to them by the execution and maintenance of such works, such compensation to be ascertained and recovered in manner prescribed by "The Lands Clauses Consolidation Act, 1845;" provided also, that no such right or power as is in this paragraph mentioned shall be so exercised as to occasion any diminution of the quantity of water which the local board are by this Act empowered to take from the Langden and Hareden Brooks; provided also, that every difference which shall arise between the parties as to what works ought to be done by the local board under the provisions of this paragraph shall be referred from time to time to a civil engineer, to be appointed as in paragraph 8 of this section is provided,

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and to every such reference the provisions of that paragraph with respect to reference shall apply:

(11.) Save and except as is provided in or by this Act, nothing in this Act shall take away, prejudice, or affect any right, title, or claim of the tenant in possession to any compensation under "The Waterworks Clauses Act, 1847."

Expense of waterworks may be defrayed by local board out of monies they have power to borrow.

14. The local board may defray the expense of constructing the waterworks by and out of any of the monies which they are already authorized to borrow for the completion of works for supplying water to Preston, and they may exercise for the purposes aforesaid such borrowing powers accordingly; and all monies received or expended by them under this Act for waterworks purposes shall be included in "the water account," referred to in the fifty-fourth section of the Act of 1853.

Certain provisions of provisional order as to Preston repealed.

15. Section fifty-six of the Act of 1853, and section three of the provisional order relating to Preston, contained in the schedule to "The Local Government Supplemental Act, 1861," are hereby repealed.

Power to reborrow money.

16. The local board may from time to time borrow at interest on mortgage any money necessary for repaying any principal money borrowed on the same becoming repayable, and so toties quoties.

Sinking fund as to monies borrowed for waterworks.

17. The local board shall, after the expiration of ten years from the passing of this Act, commence and thenceforth continue to set apart annually from the rates leviable under the authority of the Act of 1853 and of the Public Health Acts a sum equal to one pound per centum on the aggregate amount of the principal monies which shall have been borrowed by them at the time of the passing of this Act under the powers of the Act of 1853 and the said Local Government Supplemental Act, or either of those Acts, for the purposes of the waterworks authorized by the Act of 1853, as a sinking fund for the repayment of those principal monies, and shall from time to time apply the sums so set apart in repayment of the principal monies so borrowed, and shall from time to time invest such sinking fund in the purchase of any of the parliamentary stocks or funds, or of exchequer bills or other government securities, or at interest on real securities, or on the security under any Act of Parliament of any tolls or rates or other property, and increase the same by accumulation in the way of compound interest or otherwise, and shall, when opportunity offers, apply the same or part thereof in paying off the said money borrowed, or any part thereof; and when and so soon as by such means the said principal monies

shall have been paid off, or a fund sufficient for payment thereof has thereby been provided, the local board shall commence and thenceforth continue to set apart annually from the said rates a sum equal to one pound per centum upon the aggregate amount of the principal monies from time to time borrowed by them after the passing of this Act for the purposes of this Act as a sinking fund for such last-mentioned principal monies, and shall apply the same accordingly; and the provisions in this enactment contained, with respect to the investment of the first-mentioned sinking fund, shall extend and apply to the other sinking funds, and the local board shall not reborrow any principal monies which shall have been paid off by means of such sinking funds, or any or either of them; but the borrowing powers of the local board shall be reduced by the amount so from time to time paid off.

Power to include money required in the general district rates.

18. The local board in estimating the amount required to be raised by means of general district rates for the purposes of the borough, and in making such rates, shall include the money required for the purposes of this Act (as far as it relates to the local board) in one and the same rate or assessment as the money authorized by the Public Health Acts to be levied by means of general district rates, and shall collect the same as part thereof, and in like manner as if the same were expressly charged by the said Acts on those rates, and the local board may make any such general district rates payable by half-yearly, quarterly, or other instalments, as they think fit.

Power to let for hire meters.

19. The local board may let for hire to any consumer of water supplied by them any meter or instrument for measuring any quantity of water consumed and supplied, and any pipes and apparatus for the conveyance, reception, or storage of such water, for such remuneration in money as is agreed upon between the local board and the person to whom the same is so let for hire; and such remuneration shall be recoverable in the same manner as water rates or rents are recoverable under this Act; and such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be attached or taken in execution under any process of any court of law or equity, or under or in pursuance of any adjudication or order in bankruptcy, or under or in pursuance of any other legal proceeding against the person or goods of the person in whose possession the same shall be.

Power for ascertaining quantity consumed by

20. The officers of the local board may enter any house, building, or lands to, through, or into which water is supplied by them by measure, in order to inspect the meters, instruments,

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meter, and for removing meters, &c.

fittings, apparatus, and works for conveying, regulating, and measuring the supply of water, and for the purpose of ascertaining the quantity of water consumed or supplied, and may from time to time enter any house, building, or lands for the purpose of removing or carrying away any meter, instrument, pipes, fittings, apparatus, or other works the property of the local board; and if any person hinder any such officer from entering and making such inspection, or effecting such removal, every person so offending shall for every such offence forfeit to the local board any sum not exceeding five pounds: Provided always, that otherwise than with the consent of a justice such power of entry shall not be exercised except between the hours of ten in the forenoon and four in the afternoon.

Regulations for preventing the waste &c. of water.

21. For preventing the waste, misuse, or undue consumption or contamination of the water of the local board they from time to time may make such rules and regulations as they think necessary to be observed by the persons supplied with the water of the local board; 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, soilpans, waterclosets, and other apparatus and 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, soilpans, waterclosets, and other apparatus and receptacles which in the judgment of the local board will be likely to occasion any such waste, misuse, undue consumption, or contamination; and the local board 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, soilpans, 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 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 authorized officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus, or receptacle of any person supplied by them, and the expenses of every such repair, replacement, or alteration shall be repaid to the local board by the person to whom or 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.

Penalty for waste, &c. of water by non-repair of pipes.

22. If any person supplied with water by the local board shall wrongfully cause or suffer any pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle to be out of repair, or to be so used or contrived as that the water supplied to him by the local board is wasted, misused, unduly consumed, or contaminated, such person shall for every such offence be liable to a penalty not exceeding five pounds, and shall forthwith remove, replace, or alter, or permit to be removed, replaced, or altered any such pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle to the satisfaction of the local board or their duly authorized officer.

Repeal of certain sections of Act of 1861 as to borrowing.

23. Sections forty-four and forty-five of the Act of 1861 are hereby repealed, but the repeal of the said section forty-four shall not in anywise prejudice or affect the holders of any mortgages or other securities given by the Corporation in respect of monies borrowed by them under or for the purposes of the Act of 1861, and all such monies shall be recoverable from the Corporation.

Corporation's powers of borrowing

24. The Corporation may under this Act from time to time borrow for "public improvements," on security of the income from their markets, and the borough fund, and of any of their property, any sum not exceeding in the whole two hundred and fifty-five thousand pounds, but in such sum the amounts at the time of the passing of this Act due and owing by the Corporation as aforesaid in respect of "public improvements" shall be included.

Application of Commissioners Clauses Act to mortgages.

25. For the purposes of such borrowing as aforesaid the provisions of "The Commissioners Clauses Act, 1847," incorporated with this Act, shall have effect.

Power to Corporation to borrow for paying off.

26. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed as aforesaid on the same becoming repayable, and so toties quoties.

Sinking fund.

27. The Corporation shall after five years from the passing of this Act commence and thenceforth continue to set apart annually as a sinking fund such a sum as will, with the interest to accrue thereon, be sufficient within the period of fifty years to be computed from the said five years to pay off the whole of the principal monies which at the time of the passing of this Act shall have been borrowed by the Corporation for "public improvements," and shall from time to time apply the sums so set apart in repayment of the principal monies so borrowed, and when and so soon as by such means the said principal monies shall have been paid off, or a fund sufficient for payment thereof has thereby been provided, the Corporation shall commence and thenceforth continue to set apart

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annually such a sum as will, with the interest to accrue thereon, be sufficient within a period of fifty years to pay off the whole of the principal monies borrowed by them after the passing of and under this Act as a sinking fund for such last-mentioned principal monies, and shall apply the same accordingly; and the Corporation shall not reborrow any principal monies which shall have been paid off under this enactment, but the borrowing powers of the Corporation shall be reduced by the amount from time to time so paid off; and every such annual sum shall be a charge on the borough fund, and shall be provided for as a debt of the Corporation, and shall be either invested at interest upon such securities as are mentioned in section seventeen of this Act, or be applied in paying off a portion of such respective principal monies owing on mortgage as the Corporation think expedient.

Priority of mortgages.

28. Nothing in this Act shall prejudice or affect any existing mortgages, debentures, or other securities on the property, funds, rates, or revenue of the Corporation, but the same shall have priority over any mortgages, debentures, or securities on the same property, funds, rates, or revenue granted under any of the powers or provisions of this Act.

Receiver.

29. The mortgagees of the local board or of the Corporation may enforce payment of the arrears of interest or principal, or principal and interest, due on their respective mortgages, by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees applying for a receiver shall not be less than thirty thousand pounds.

Monies borrowed to be paid to credit of borough fund.

30. All monies from time to time borrowed by the Corporation under this Act shall from time to time after the receipt thereof be paid to the credit of their borough fund.

Receipts, &c. under this Act to be carried to markets account.

31. All receipts, credits, payments, and liabilities of the Corporation under this Act for "public improvements" shall be included in the account which by section fifty-one of the Act of 1861 they are required to keep.

Saving other powers of Corporation for selling, &c. corporate estates.

32. This Act shall not take away, lessen, or prejudice any power of the Corporation irrespective of this Act with respect to selling, exchanging, mortgaging, leasing, or otherwise alienating or disposing of their corporate estates, or any part thereof, or of borrowing money.

As to rating of railways, &c.

33. The owner of any tithes, or of any tithe commutation rent-charge, or the occupier of any land used as arable, meadow, or

pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water or used only as a canal or towing-path for the same, or as a railway constructed or used under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same for any of the purposes of this Act and the Acts of 1853 and 1861 respectively, in the proportion of one fourth part only of the net annual value thereof.

Saving rights of Corporation.

34. Except as by this Act expressly provided nothing in this Act shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, privileges, or authorities of the Corporation in their capacity either of a municipal corporation or of a local board of health.

Expenses of Act.

35. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Corporation and local board respectively, and shall be debited by them to the water account and to the borough fund and borough rate of the borough in such proportions as they deem just.

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