CHAPTER cxix.

An Act authorising the Local Board for the district of Ramsgate, in the county of Kent, to purchase the Undertaking of the Company of Proprietors of the Ramsgate Waterworks, and part of the Undertaking of the Isle of Thanet Gaslight and Coke Company; to supply Water and to make and supply Gas; and for other purposes. A.D. 1877.

[23d July 1877.]

WHEREAS the Local Board for the district of Ramsgate, in the county of Kent, is the urban sanitary authority for that district under the Public Health Act, 1875: 38 & 39 Vict. c. 55. (*Pub.*)

And whereas the Company of Proprietors of the Ramsgate Waterworks (in this Act called the Water Company) are now supplying the parish of Ramsgate and its neighbourhood with water under the provisions of an Act passed in the session of Parliament held in the fifth year of the reign of His late Majesty King William the Fourth, intituled "An Act for the better supplying "with water the parish of Ramsgate, and the neighbourhood "thereof, in the county of Kent:" 5 & 6 W. 4. c. vi.

And whereas the Isle of Thanet Gaslight and Coke Company, in this Act called the Gas Company, by an Act of the session of 1824 (chapter seventy-five, local and personal) were empowered to make gas and to supply gas in the towns of Margate and Ramsgate, and places adjacent, in the county of Kent:

And whereas the supply of water and gas by the said companies respectively is unsatisfactory, and it would be of great advantage to the district of Ramsgate and the neighbourhood thereof if the undertaking of the Water Company and such part of the undertaking of the Gas Company as is specified in this Act were vested in the said Local Board, and all necessary and proper powers for the making of gas, and in relation to the control and management of gas and water supply within the limits of this Act, were conferred upon the said Local Board, subject to the provisions of this Act:

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And whereas the Local Board have entered into agreements with the Water Company for the purchase of their said undertaking, and with the Gas Company for the purchase of the Ramsgate portion of their said undertaking, as herein-after specified, and it is expedient that such agreements respectively be carried into effect as in this Act provided:

And whereas estimates have been prepared by the said Local Board, showing that they may from time to time require to borrow sums of money to be applied for the purposes of this Act, and such estimates are as follows; namely, for waterworks ninety thousand pounds, and for gasworks eighty thousand pounds:

And whereas such works are permanent works within the meaning of the 234th section of the Public Health Act, 1875, and it is expedient that the said Local Board should be authorised to borrow money for those purposes:

And whereas an absolute majority of the whole number of the Local Board, at a meeting held on the thirtieth day of November one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Thanet Advertiser, a local newspaper published or circulating in the said district of Ramsgate, 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 general district rates:

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

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

And whereas the owners and ratepayers of the said district of Ramsgate, by a resolution passed in manner provided by Schedule III. annexed to the Public Health Act, 1875, with respect to the passing of resolutions of owners and ratepayers under that Act, consented to the promotion of the Bill for this Act:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and

with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,) A.D. 1877.

Part I.—Preliminary.

Short title.

1. This Act may be cited for all purposes as The Ramsgate Local Board Act, 1877.

Interpretation of terms.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

The term "the Board" shall mean the Local Board for the district of Ramsgate:

"The district fund" and "the general district rates" shall mean respectively the district fund and general district rates for the district of Ramsgate:

The term "Water Company" shall mean the Company of Proprietors of the Ramsgate Waterworks:

The term "Gas Company" shall mean the Isle of Thanet Gas-light and Coke Company:

The term "special Act" with respect to the Water Company shall mean an Act (local and personal) of the session of Parliament held in the fifth year of the reign of His Majesty King William the Fourth, intituled "An Act for better "supplying with water the parish of Ramsgate, and the "neighbourhood thereof, in the county of Kent," and any Acts altering, amending, or affecting the same; and with respect to the Gas Company, an Act (local and personal) of the session of Parliament held in the fifth year of the reign of His Majesty King George the Fourth, intituled "An Act for "lighting with gas the towns or villages of Margate, Ramsgate, "and Broadstairs, and places adjacent, in the county of Kent," and any Acts altering, amending, or affecting the same:

The term "property" shall, in addition to its ordinary meaning, mean things in action and rights of action:

The term "undertaking" shall mean with respect to the Water Company the waterworks and works connected therewith, and all property, real and personal, of such company within the water limits as defined by this Act, and all easements, rights, powers, authorities, and privileges enjoyed or exerciseable by the Water Company within the water limits under their special Act or otherwise; and with respect to the Gas Company, the several gasworks and works connected therewith, and all pro-

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perty, real and personal, of the Gas Company within the gas limits as defined by this Act, and all easements, rights, powers, authorities, and privileges enjoyed or exerciseable by the Gas Company within the gas limits under their special Act or otherwise:

The term "water undertaking" shall mean the undertaking of the Water Company when transferred to the Board, and all the rights, powers, authorities, and privileges of the Board with respect thereto under this Act:

The term "gas undertaking" shall mean that portion of the undertaking of the Gas Company to be transferred to the Board under the powers of this Act, and all the rights, powers, authorities, and privileges of the Board with respect thereto under this Act:

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

Certain provisions of general Acts herein named incorporated.

3. The following enactments; namely,

The Waterworks Clauses Act, 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit);

The Waterworks Clauses Act, 1863;

The Gasworks Clauses Act, 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit); and

The Gasworks Clauses Act, 1871, so far as the same respectively are applicable for the purposes of and are not inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act, and the same shall apply to the undertaking of the Gas Company, so soon as the same shall be vested in the Board, as if the same had been authorised by this Act.

Limits of Act.

4. The limits of this Act shall be, for the supply of water, the parishes of Ramsgate, Saint Lawrence, and Minster, in the Isle of Thanet, and for the supply of gas, the parishes of Ramsgate and Saint Lawrence aforesaid, all in the county of Kent, and such limits are in this Act respectively referred to as the "water limits" and the "gas limits."

Act to be executed by Board.

5. This Act shall be executed by the Board with the powers and indemnities and according to the provisions of the Public Health

Act, 1875, and that Act shall, in relation to the Board and the several objects and purposes of this Act, be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Act, 1875, so far as the same shall be applicable thereto, and except so far as any of the provisions of the said Act are expressly varied or otherwise provided for by this Act.

Board may appoint committees.

6. For more conveniently carrying this Act into execution, the Board may from time to time appoint committees to be called "The Water Committee" and "The Gas Committee," or a committee to be called "The Gas and Water Committee," consisting of such number of members of the Board as they shall think fit, and they may grant to such committees or committee power on behalf of the Board to do any acts which the Board could lawfully do under the provisions of this Act and which they shall from time to time think proper to entrust to them, except the borrowing of moneys and the making of rates. Such committees or committee may meet from time to time and may adjourn from place to place as they think proper for carrying into effect the purposes of their appointment respectively, and such committees or committee shall not exercise the powers entrusted to them except at a meeting at which there shall be present the quorum to be fixed for that purpose by the Board, and at all meetings of any such committee one of the members present shall be appointed chairman, and all questions at any meeting of any such committee shall be determined by a majority of votes of the members present, and in case of an equal division of votes, the chairman shall have a casting vote in addition to his vote as a member of the committee: Provided always, that all proceedings of any such committee shall, as soon as conveniently may be, be submitted for the approval of the Board.

Part II.—Purchase of Undertakings of the Water Company and the Gas Company.

Purchase of Water Company's undertaking.

7. The Water Company shall sell, and the Board shall purchase, the undertaking of the Water Company for the consideration and on and subject to the terms and conditions in this Act stated; (that is to say,)

(1.) The sale shall comprise the undertaking, books (except minute books, registers of shareholders, and registers of transfers), accounts, maps, and documents of the Water Company, and the purchase money shall be the sum of seventy thousand pounds, and the sum of one hundred and twenty pounds for the coal in store on the twenty-fifth day of March one thousand eight hundred and seventy-seven:

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(2.) The sale and purchase shall take effect as on and from the twenty-fifth day of March one thousand eight hundred and seventy-seven, from which day the Board shall be entitled to all water rates, revenue, receipts, assets, and claims of every kind of the Water Company received, accrued, or accruing from that date, and the Water Company on the completion of the purchase shall account therefor accordingly, and for all payments made by them since the said twenty-fifth day of March, but the Water Company shall bear and pay all outgoings of every kind up to the said twenty-fifth day of March:

(3.) The Water Company shall be entitled to interest at the rate of four pounds ten shillings per centum per annum on the said sums of seventy thousand pounds and one hundred and twenty pounds from the said twenty-fifth day of March, and such interest, together with the remuneration of the directors and auditors at the rate of one hundred and ten pounds per annum from the said twenty-fifth day of March till completion of the purchase, may be deducted by the Water Company out of any moneys received or to be received by them in respect of their said undertaking for or on account of the Board after the said twenty-fifth day of March as aforesaid, and such interest shall be due on the first day of June and the first day of December. After deducting from such moneys the interest and directors and auditors remuneration, and all sums properly paid by the Water Company in carrying on the said undertaking since the said twenty-fifth day of March, the balance thereof shall be paid to the Board on the completion of the purchase:

(4.) All debts due to or from the Water Company on the said twenty-fifth day of March shall belong to and be received and paid respectively by the Water Company, such debts to be paid before or on completion of the purchase, or the Board may discharge the same and deduct the amount thereof from the said purchase moneys, as may be arranged by the Board and the Water Company. The Water Company are also to bear and pay all their parliamentary and other expenses incurred or to be incurred incidental to the Ramsgate Water Bill, 1877, and of and incidental to their opposition to the Bill for this Act:

(5.) The Board shall take the lands of the Water Company (all of which are held in fee simple), with the title on which the Water Company purchased the same, free from in-

cumbrances (except quitrents), but no title shall be required to be given to the easements held by the Water Company other than the grant thereof to them; and the Water Company shall convey and assign the undertaking to the Board by proper deeds to be prepared by and at the expense of the Board, but the Water Company shall bear all usual vendors costs of the title, limited as aforesaid, and their costs incident to the conveyance and assignment:

(6.) The purchase shall be completed on or before the first day of February one thousand eight hundred and seventy-eight, and possession shall be given upon payment of all moneys due or to become due to the Water Company under this Act; until the purchase be completed and possession be given, the undertaking and business of the Water Company shall be carried on and conducted by them as heretofore, and they shall provide all necessary funds for that purpose, but the undertaking and business shall be so carried on at the risk and for the benefit of the Board; provided that the Water Company shall not, without the previous consent in writing of the Board under the hand of their clerk, make or enter into any contract, agreement, or other obligation, except such as shall be in the ordinary course of the proper conduct of the undertaking. On and from the transfer the Water Company shall cease to supply water:

(7.) Seven days before the completion of the purchase the Water Company shall furnish to the Board an account in writing of all receipts and payments in relation to the undertaking from the said twenty-fifth day of March to the date of rendering such account, and the Water Company shall on request verify and vouch the same.

Purchase of Ramsgate portion of Gas Company's undertaking.

8. The Gas Company shall sell, and the Board shall purchase, the undertaking of the Gas Company for the consideration and on and subject to the terms and conditions in this Act stated; (that is to say,)

(1.) The sale shall comprise the undertaking, books, accounts, maps, and documents relating exclusively to the undertaking, and the purchase money shall be the sum of sixty-five thousand pounds, and the sum of one thousand five hundred and thirty-one pounds for the coal, cannel, coke, liquor, and tar in store on the Gas Company's premises at Ramsgate on the thirty-first day of December one thousand eight hundred and seventy-six, as stated in the Gas

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Company's balance sheet to the said thirty-first day of December:

(2.) The Board shall be at liberty at all times to inspect and take copies of and extracts from the books and accounts of the Gas Company so far as they relate to the undertaking, and which are not delivered up to the Board on the completion of the purchase:

(3.) The sale and purchase shall take effect as on and from the first day of January one thousand eight hundred and seventy-seven, from which date the Board shall be entitled to all gas and meter rents, revenue and receipts, assets, and claims of every kind in relation to the undertaking of the Gas Company received or accrued or accruing from that date, and the Gas Company on the completion of the purchase shall account therefor accordingly, and for all payments made by them since the said thirty-first day of December in relation to the undertaking, but the Gas Company shall bear and pay all outgoings of every kind up to the said first day of January:

(4.) The Gas Company shall be entitled to interest at the rate of four pounds ten shillings per centum per annum on the said sums of sixty-five thousand pounds and one thousand five hundred and thirty-one pounds from the said thirty-first day of December, and such interest, together with one half the usual annual remuneration of directors and auditors, may be deducted by the Gas Company out of moneys received or to be received by them for or on account of the Board after the said thirty-first day of December as aforesaid, and such interest shall be due half yearly on the first day of September and the first day of March. After deducting from such moneys the interest and directors and auditors remuneration as aforesaid, and all sums properly paid by the Gas Company in carrying on the undertaking since the said thirty-first day of December, the balance thereof shall be paid to the Board on completion of the purchase. The general balance sheet, showing the assets and liabilities of the Gas Company as prepared for and laid before the last general meeting of shareholders of the company held on the tenth day of April one thousand eight hundred and seventy-seven, shall be adopted for the purposes of the purchase and sale:

(5.) All debts due to or from the Gas Company on the said first day of January shall belong to and be received and paid respectively by the Gas Company, such debts to be paid

before or on completion of the purchase, or the Board may discharge the same and deduct the amount thereof from the said purchase money, as may be arranged by the Board and the Gas Company. The Gas Company are also to bear and pay all their parliamentary and other expenses incurred or to be incurred incidental to the Thanet Gas Bill, 1877, and of and incidental to their opposition to the Bill for this Act:

(6.) The Board shall take the lands of the Gas Company within the gas limits, all of which are held in fee simple, with the title on which the Gas Company purchased the same, free from incumbrances (except quitrents), but no title shall be required to be given to the easements held by the Gas Company other than the grant thereof to them; and the Gas Company shall convey and assign the undertaking to the Board by proper deeds to be prepared by and at the expense of the Board, but the Gas Company shall bear all usual vendors costs of the title, limited as aforesaid, and their costs incident to the conveyance and assignment:

(7.) The purchase shall be completed on or before the first day of February one thousand eight hundred and seventy-eight, and possession shall be given upon payment of all moneys due or to become due to the Gas Company under this Act; until the purchase be completed and possession be given, the undertaking and business of the Gas Company shall be carried on and conducted by them as heretofore, and they shall provide all necessary funds for that purpose, but the undertaking and business shall be carried on at the risk and for the benefit of the Board; provided that the Gas Company shall not, without the previous consent in writing of the Board under the hand of their clerk, make or enter into any contract, agreement, or other obligation, except such as shall be in the ordinary course of the proper conduct of the undertaking. On and from the completion of the purchase the Gas Company shall cease to supply gas within the gas limits:

(8.) Seven days before the completion of the purchase the Gas Company shall furnish to the Board an account in writing of all receipts and payments in relation to the undertaking from the said thirty-first day of December to the date of rendering such account, and the Gas Company shall on request verify and vouch the same.

Transfer to be by deed.

9. The sale and transfer of the undertaking of the Water Company and of the Gas Company to the Board shall be witnessed by

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deeds duly stamped, and in which the consideration shall be fully set forth (in this Act referred to as "the transfer"), and from and after the transfer and payment of the respective purchase and other moneys as aforesaid the Board may, subject to the provisions of this Act, hold the undertakings, and may exercise and enjoy all the rights, powers, authorities, and privileges of the Water Company and Gas Company respectively so transferred, and the liability of the Board with respect thereto, and the provisions of this Act shall be in substitution for all the provisions for the like purposes in the special Act respectively contained.

Receipt of directors a discharge.

10. The receipt of the directors of the Water Company or of the Gas Company, or of any five of such directors respectively, for the amount of the consideration paid for their undertaking shall be a sufficient discharge to the Board for the same, and the Board shall not be bound to see to the application or be answerable for the misapplication or non-application thereof.

Application of consideration by Water Company.

11. The Water Company shall hold all money paid to them by the Local Board and all money for the time being belonging to the Water Company in trust to pay thereout all their debts and liabilities, and any sums the Water Company may in general meeting order to be paid to officers, servants, agents, and others connected with the Water Company, and to distribute the residue among the shareholders of the Water Company, their executors, administrators, or assigns, according to the resolution of the Water Company in general meeting, and for that purpose the persons who at the time of the distribution appear in the books of the company to be proprietors of shares in that company shall, unless in any case the contrary is shown to the satisfaction of the directors of that company, be considered to be shareholders thereof, and the receipt in writing of the committee of the estate of a lunatic shareholder, or of the guardian of the estate of an infant shareholder, shall discharge the Water Company and the directors thereof from the money therein expressed to be received, and from any obligation affecting the share in respect whereof that money is paid.

Mortgages, &c. of companies to continue a first charge on their undertaking.

12. All debts (if any) secured by mortgage or bond on the undertaking of the Water Company shall on and from the transfer become debts of the Board, and such debts and the interest accruing thereon after such transfer as aforesaid shall continue to be a first charge on such undertaking in the hands of the Board.

Application of consideration by Gas Company.

13. The Gas Company shall hold all money paid to them by the Local Board in trust to pay thereout all their debts and liabilities, and any sums the Gas Company may in general meeting order to be paid to officers, servants, agents, and others connected with the Gas

Company, and to distribute the residue among the shareholders of the Gas Company, their executors, administrators, or assigns, according to the resolution of the Gas Company in general meeting, and for that purpose the persons who at the time of the distribution appear in the books of the Gas Company to be proprietors of stock in that company shall, unless in any case the contrary is shown to the satisfaction of the directors of that company, be considered to be shareholders thereof, and the receipt in writing of the committee of the estate of a lunatic shareholder, or of the guardian of the estate of an infant shareholder, shall discharge the Gas Company and the directors thereof from the money therein expressed to be received, and from any obligation affecting the stock in respect whereof that money is paid.

Powers of companies continued until transfer.

14. Save as in this Act is otherwise provided, and until the transfer of the water and gas undertakings respectively under this Act, the powers, authorities, and privileges of the Water and Gas Company respectively, and of the directors of such company, with respect to such undertaking under their special Act shall be enjoyed and be exerciseable by such company and by such directors in every respect as if this Act had not passed, but from and after such transfer the same (save as by this Act expressly provided), so far as regards the undertaking of the Water Company, and so far as regards the gas undertaking, shall absolutely cease to be enjoyed or exercised by them.

Board to be primarily liable for companies debts, &c. unpaid.

15. If at any time after the transfer of the undertaking of the Water Company any claim is lawfully made for any debt, rent, rate, charge, or sum of money which at the time of the transfer is due or owing from such company and is not paid or discharged by them, the Board shall be liable to satisfy such claim without prejudice to any remedy over against such company under any security given by such company to the Board or otherwise.

Pending actions and causes of action against companies.

16. If at the time of the transfer of the undertaking of the Water Company or the Gas Company any action, suit, or proceeding, or any cause of action or proceeding, is pending or existing against such company, the same shall not abate, be discontinued, or be in any manner prejudicially affected by reason of the transfer or of anything in this Act; and in the case of the Gas Company such action, suit, proceeding, or cause of action may be continued, prosecuted, and enforced against such company as if this Act had not been passed, and in the case of the Water Company such action, suit, proceeding, or cause of action may be continued, prosecuted, and enforced against the Board as it might have been against such company if this Act had not passed, but not further or

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otherwise, and without prejudice to any remedy over against such company under any security given by such company to the Board or otherwise.

Water and Gas Companies books evidence as to proprietors of share capital.

17. The persons who appear in the books of the Water Company or of the Gas Company to be proprietors of share capital of such company shall, unless the contrary is proved, be considered to be holders of share capital of such company for the purposes of the distribution of such company's assets.

Documents, &c. continued as evidence.

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

Payment into court by directors.

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

Dissolution of Water Company.

20. The Water Company, when and so soon as their undertaking has been transferred to the Board under this Act, and when their affairs have been wound up in manner by this Act directed, shall thereupon be and is hereby dissolved.

PART III.—WATER.

Part III. not to take effect until after transfer of undertaking of Water Company.

21. The provisions of this part of this Act shall not take effect until after the transfer of the undertaking of the Water Company.

Powers as to maintenance of waterworks and supply of water.

22. Subject to the provisions of this Act, the Board may from time to time continue and maintain the existing waterworks and works connected therewith of the Water Company vested in them by reason of the transfer, with all needful mains, pipes, culverts, cuts, conduits, drains, sluices, engines, pumps, syphons, meters, and other works connected therewith, and they may from time to time alter, enlarge, extend, renew, and repair the same, and they may supply and sell water within the water limits.

Constant pressure.

23. Water supplied under this Act need not be supplied in any case at a level above that at which water can be supplied by gravitation from the waterworks of the company, but, subject thereto,

shall be constantly laid on, except when and so long as it may be necessary to interfere with such constant supply for the purpose of making any connexion with or for extending, repairing, or renewing any main or pipe.

Supply of water for domestic purposes.

24. The Board are hereby authorised to cause either main pipes or service pipes, as circumstances shall require, to be laid down and water to be brought through every street within the water limits, and, save as herein-after mentioned, shall, at the request of the owner or occupier of any house in any street in which such pipes shall have been so laid down, furnish to such person within such house, by means of branch or communication pipes and other necessary and proper apparatus to be provided, laid down, and maintained as herein-after mentioned at the cost of such person, a sufficient supply of water for domestic purposes, and, save as herein-after mentioned, the owner of any house within the water limits shall, when thereunto required by the Board, provide a branch or communication pipe and other necessary and proper apparatus to convey the water into such house from any main or service pipe which now is or hereafter may be laid in any street in which such house may be situate, in such manner as to afford an actual supply of water within such house to the occupier thereof, and, except as herein-after provided, the occupier of such house shall be liable to pay and shall pay the water rates in respect of the same.

For preventing fouling of water.

25. The Board shall not be compelled to supply with water any watercloset or any private fixed bath, or the apparatus or pipes connected therewith respectively, unless the same be constructed and used so as to prevent the waste or undue consumption of the water of the Board and the return of foul air or noisome or impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Board, nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Regulations for preventing waste, &c. of water.

26. For preventing waste, misuse, undue consumption, or contamination of water of the Board, the following provisions shall have effect; namely,

(1.) The Board may from time to time make such regulations as they think necessary for the objects aforesaid to be observed by persons supplied with water, but no such regulation shall come into operation until it has been approved by the Local Government Board:

(2.) By any such regulations the Board may direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes,

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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 water, and may interdict any arrangement and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, or contamination of water:

(3.) The Board shall not be bound under any arrangement or agreement or otherwise to supply or continue to supply water to any person, unless such regulations as are for the time being in force are duly observed by them:

(4.) In case of the failure of any person to observe such regulations as are from time to time in force, the Board may, if they think fit, after twelve hours notice in writing, and by or under the direction of their duly authorised officer, repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the expense of every such repair, replacement, or alteration shall be repaid to the 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:

(5.) If any dispute arises between the Board and any person as to whether any such regulations have been complied with by such person, such dispute shall be referred, on the application of either party, to the determination of two justices, whose decision thereon shall be final and binding on both parties.

Service pipes.

27. All fittings connected with any service pipe to communicate with the mains and pipes of the Board which shall be provided by any person shall be placed and removed under the superintendence of the Board or their officers and at the expense of such person.

Rates for supply of water.

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

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

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

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

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

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

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

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

Rates for watercloseted and private baths.

29. In addition to the rates computed as above specified, the Board may charge for a second watercloset and for any private bath in any private dwelling-house or part of such dwelling-house, or appurtenance thereto, the following rates; (that is to say,)

When the annual rateable value shall not exceed ten pounds, the sum of five shillings per annum;

When the annual rateable value shall exceed ten pounds but shall not exceed twenty pounds, the sum of six shillings per annum;

When the annual rateable value shall exceed twenty pounds but shall not exceed forty pounds, the sum of eight shillings per annum;

When the annual rateable value shall exceed forty pounds but shall not exceed eighty pounds, the sum of ten shillings per annum;

When the annual rateable value shall exceed eighty pounds, the sum of twelve shillings per annum;

And for every additional watercloset beyond the second, and for every additional bath beyond the first, the sum of five shillings a year respectively;

In this and the last preceding section "annual rateable value" shall mean the rateable value of the premises as determined by the valuation list for the time being in force, or if there is none, by the rate for the time being for the relief of the poor.

Incoming tenant not to be liable for

30. If any water consumer leave the premises to which water has been supplied without paying to the Board the water rate or

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arrears of water rate except by express agreement.

charges due from him, the Board shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer, unless the incoming tenant shall have agreed with the Board or with the defaulting consumer to pay the arrears, but the Board shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act if required so to do.

Rate for water may be ascertained by meter.

31. The Board and any person desirous of having a supply of water may agree that the rate or remuneration for such supply shall be determined by the quantity of water consumed, to be ascertained by a meter to be provided or approved by the Board, and may agree on the amount of the rate or remuneration to be paid for such supply; provided that such rate or remuneration be charged to all persons equally under similar circumstances.

Public drinking fountains.

32. The Board from time to time, when and as they think expedient, may put up and continue, and from time to time remove or discontinue, drinking-places, with proper conveniences for the gratuitous supply of water to the public (but for drinking only), in such public places within the water limits as the Board think fit, but not against any private dwelling-house, warehouse, counting-house, or shop, except with the consent of the owner and occupier thereof, or against any public building, unless the building shall be the property of the Board.

Charges for supply of water for other than domestic purposes.

33. The Board may supply water within the water limits for purposes other than domestic purposes by meter or otherwise, and on such terms, pecuniary and otherwise, and conditions as shall be agreed on between the Board and the person requiring the supply, and the moneys payable for the supply shall be water rates, and recoverable accordingly: Provided always, that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Where several houses supplied by one pipe each to pay.

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

Proviso as to consent of owner of house.

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

Rate payable by owner for small houses, &c.

36. Where a house supplied with water is let to monthly or weekly tenants, or tenants holding for any other period less than a quarter of a year, the owner instead of the occupier shall pay the rate for the supply, but the rate may be recovered in the first instance from the occupier, and may be deducted by him from rent from time to time due from him to the owner.

Board not bound to supply several houses by one pipe.

37. The Board shall not be bound to supply more than one house by means of the same pipe, and they may, if they think fit, require that a separate pipe be laid into each house supplied by them with water.

Supply to houses partly used for trade, &c.

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

For preventing frauds and waste of water.

39. If any person supplied with water under this Act wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, contamination, or undue consumption of water, the Board may cut off or stop any pipe by or through which water is supplied to him, and may cease to supply him with water as long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof, and the remedies of the Board under this enactment shall be in addition to their other remedies in this behalf.

Power for Board to supply pipes, &c.

40. The Board may, if requested by any person supplied or about to be supplied by them with water, furnish to him, and from time to time repair or alter, any such pipes, valves, cocks, cisterns, soil-pans, waterclosets, apparatus, and receptacles as are required or permitted by their regulations, and may provide all materials and do all work necessary or proper in that behalf, and the costs of providing such material and executing such works shall be paid by the person requiring the same, and shall be recoverable from such person in the same manner as the water rates or rents.

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Power to sell or let meters.

41. The Board may from time to time sell and dispose of meters or let meters on hire upon and subject to such terms (pecuniary or otherwise) and conditions as the Board think fit, and any money due to the Board for the hire of meters shall be recoverable in the same manner as rents or sums due to the Board for water. No meter belonging to the Board shall be subject to distress for rent, nor to be taken in execution under any process of any court or under any proceeding in bankruptcy against the person in whose possession the same may be.

Notice to Board of putting up meters, &c.

42. Before any person connects or disconnects any meter through which any of the water of the Board is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Board of his intention to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repair of meter.

43. Every consumer of water of the Board shall at all times at his own expense keep all meters belonging to him whereby any water of the Board is registered in proper order for correctly registering such water, in default whereof the Board may cease to supply water through such meters; and the Board shall at all reasonable times have access to, and be at liberty to take off, remove, test, inspect, and replace, any meter belonging to a consumer, and such taking off, removal, testing, and inspecting and replacing, shall be done at the expense of the Board if the meter should be found in proper order, but otherwise at the expense of the consumer.

Application of certain provisions of Gasworks Clauses Act, 1871, to waterworks.

44. The following provisions of the Gasworks Clauses Act, 1871, namely,

Section 17 (Consumer to keep his meter in proper order);
Section 20 (Register of gas meters to be primâ facie evidence);
Section 22 (Power to remove meters and fittings);
Section 23 (Recovery of charges for gas);
Section 38 (Penalty for injuring meters);
Section 40 (Recovery of rents, &c.);
Section 42 (Contents of summons or warrant);
Section 43 (Warrant of distress shall include costs);
Section 45 (Service of notices by undertakers);
Section 46 (Liability to gas rent not to disqualify justice from acting),

shall extend and apply, mutatis mutandis, to the like purposes with respect to the waterworks and water supply, and to the Board.

Part IV.—Gas.

Part IV. not to take effect until after transfer of undertaking of Gas Company.

45. The provisions of this part of this Act shall not take effect until after the transfer of the undertaking of the Gas Company to the Board.

Powers as to maintenance, &c. of gas-works and supply of gas.

46. Subject to the provisions of this Act, the Board may from time to time upon the lands upon which the same are erected, and which lands (A.) and (B.) are respectively described in the Schedule to this Act, continue and maintain the existing gasworks and works connected therewith of the Gas Company vested in the Board by reason of the transfer, and they may from time to time alter, improve, enlarge, extend, and renew or discontinue such gasworks and other works and conveniences respectively upon such lands as aforesaid, or upon any part of such lands, and may do all such acts as they may think proper for making and storing gas, and may make and store gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, tar, pitch, asphaltum, ammoniacal liquor, and all other products or residuum of any materials employed in or resulting from the manufacture of gas and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit, but, except the said lands (A.) and (B.), no land shall be used by the Board for the purposes of manufacturing gas or products or residuum, and they may manufacture, sell, let on hire, provide, supply, and deal in meters, lamps, lamp-posts, burners, fittings, stopcocks, machinery, and other works and apparatus and conveniences, and may, subject to the provisions of this Act, do all such acts as they may think proper for the supplying gas within the gas limits, and may supply and sell gas accordingly.

Power to acquire additional lands by agreement.

47. In addition to any lands which may become vested in them by reason of the transfer of the undertaking of the Gas Company under this Act, the Board may from time to time by agreement purchase any lands, and, subject to section five of the Gasworks Clauses Act, 1871, may hold the same for the purposes of this Act, except the manufacture of gas or residual products, but the lands held under the authority of this section shall not at any one time exceed six acres.

Limiting price of gas.

48. The price to be charged by the Board for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed five shillings per one thousand cubic feet.

Pressure of gas.

49. All gas supplied by the Board to any consumer of gas shall be supplied at such pressure as to balance a column of water from sunrise to sunset of not less than six tenths of an inch, and from

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sunset to midnight of not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to the testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure; provided that on each occasion of such testing two hours notice in writing shall be given to the Local Board of the times and place at which the same shall be conducted.

Quality of gas.

50. The prescribed number of candles shall be fourteen.

Testing place.

51. Within six months after the transfer, a testing place shall be provided at the gasworks of the Board.

Burner.

52. The prescribed burner shall be Sugg's London Argand burner Number One, with a six-inch by one-and-three-quarters-inch glass chimney, but if at any time the gas flame tail over the top of that glass a six-inch by two-inch chimney shall be used.

Board to pay interest on deposit.

53. Where any money is deposited by any person by way of security with the Board for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Board shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands; provided that the Board may, if they think fit, invest any money so deposited by them in any Government security of the United Kingdom, and in that case the Board shall pay no higher rate of interest than they themselves receive thereon.

Rebates on gas rents.

54. The Board may allow discounts or rebates to consumers of gas, in consideration of prompt payment of gas rents or of large consumption, upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Board, or their clerk or manager on their behalf, and such consumer; provided that such discounts or rebates shall be of equal amount under like circumstances to all consumers.

Power to refuse to supply to persons in debt for

55. If a person requiring a supply of gas from the Board has previously quitted premises at which gas was supplied to him by them without paying to them all gas and meter rent due from him

in respect thereof, they may refuse to furnish to him a supply of gas until he pays the same. other property.

56. Where any dispute arises between the Board and any consumer of gas respecting any payment to be made to them, if such consumer deposits with them by way of security the amount claimed by them it shall not be lawful for them to discontinue a supply of gas to such customer by reason of the dispute, but nothing in this section shall authorise them if such deposit is not made to discontinue a supply of gas to him in any case in which they would not have been authorised to do so if this section had not been enacted. Deposit in case of dispute.

57. Before any person connects or disconnects, or allows any other person to connect or disconnect, any meter by which any of the gas of the Board is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Board of his intention so to do, and if any person fail to give such notice, he shall for every such offence forfeit a sum not exceeding five pounds. Notice to Board of connecting or disconnecting meters.

Part V.—Financial.

58. The Board may from time to time borrow at interest such moneys as they may think requisite for the purposes of this Act to an amount not exceeding in the aggregate in respect of the water undertaking ninety thousand pounds, and in respect of the gas undertaking eighty thousand pounds. Power to borrow.

59. Whereas in the session of 1876 the Board incurred certain costs, charges, and expenses in promoting a Bill for the purchase of the Gas and Water Companies undertakings, and also in opposing the Thanet Gas Bill, 1876, and the Ramsgate Water Bill, 1876, which costs, charges, and expenses, as taxed, amount to the sum of one thousand eight hundred and fifty pounds one shilling and tenpence, and it is expedient that the Board be authorised to borrow the sum of one thousand pounds in respect of such costs, charges, and expenses: Therefore, in addition to the sums the Board are herein-before authorised to borrow under the authority of this Act and the Public Health Act, 1875, or otherwise, they may also borrow at interest, on mortgage of the general district rate or other rates leviable by them under the Public Health Act, 1875, or otherwise, a sum not exceeding the sum of one thousand pounds for the purpose of paying and discharging that amount of the said taxed costs, charges, and expenses so incurred by the Board as aforesaid; and all the powers of this Act with respect to the borrowing of money on mortgage, so far as the same are applicable, shall, mutatis mutandis, apply to the borrowing of the said sum of one thousand Power to borrow to pay costs of promoting and opposing Bills in 1876.

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pounds hereby authorised, provided that the sum so borrowed shall be repaid by equal annual instalments of principal and interest within a period of ten years from the passing of this Act; and in the event of the whole or any portion of such costs, charges, and expenses having been paid by the Board out of the general district rate or other rates, the amount so paid shall be recouped to the accoun tof such rate out of the moneys borrowed under this section of this Act, so far as such moneys will extend.

Certain regulations of Public Health Act, 1875, as to borrowing not to apply.

60. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public Health Act, 1875; and in calculating the amount which the Board may borrow under the Public Health Act, 1875, any sums which they may borrow under this Act shall not be reckoned.

Receipts of guardians, &c.

61. If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind so found by inquisition, the receipt of the guardian or committee of his estate shall be a discharge to the Board for the same.

Mortgages.

Power to mortgage water undertaking or gas undertaking and district fund and general district rates.

62. For securing the repayment of moneys borrowed under the authority of this Act with respect to the water undertaking or with respect to the gas undertaking, the Board may from time to time mortgage the revenue of the water undertaking, or the revenue of the gas undertaking, and also the district fund and general district rates, and, after having paid off otherwise than by instalments or by the sinking fund any moneys so secured, may re-borrow the amount so paid off.

Commissioners Clauses Act, 1847, to apply to mortgages.

63. The sections of the Commissioners Clauses Act, 1847, with respect to mortgages to be executed by the Commissioners, shall be applicable to the mortgages to be made by the Board under this Act; provided that they may pay off such mortgages by equal annual instalments of principal, or of principal and interest, spread over eighty years, or by a sinking fund: Provided also, that the sum to be set apart yearly by the Board as a sinking fund for the repayment of the moneys raised on mortgage shall be such sum as will, with accumulations at compound interest, be sufficient to pay off the moneys so raised within eighty years, but it shall not be obligatory to commence such repayment by instalments, or to set apart or appropriate any moneys to or for the purposes of the said sinking fund, until the expiration of five years from the passing of this Act.

Annual return to Local Government Board with

64. The clerk to the 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 to be paid as an instalment under

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this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid off by instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund, and any interest which may have accumulated on such fund, during the year 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 Board have failed to pay any instalment 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 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.

Return in respect to sinking fund.

65. The amount of principal or principal and interest in arrear to authorise the appointment of a receiver of the gas undertaking under the eighth section of the Gasworks Clauses Act, 1871, shall not be less than one thousand pounds.

Receiver for mortgages.

66. The mortgagees of the waterworks undertaking may enforce the payment of arrears of interest or of principal, or of principal and interest, due to them by the appointment of a receiver. The amount of principal in arrear to authorise the appointment of a receiver of the waterworks undertaking shall not be less than two thousand pounds.

Appointment of receiver for waterworks.

Loans under Local Loans Act, 1875.

67. The Board, if they think fit, may borrow any moneys which they are by this Act authorised to borrow, and which they have not borrowed and secured in manner herein-before provided, under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the local rate as defined by the Local

Power to borrow under Local Loans Act, 1875.

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Loans Act, 1875, and also the district fund, and the revenue of the water undertaking or of the gas undertaking in respect of which the same shall be borrowed. Every such loan shall be discharged within eighty-five years from the date thereof, and such discharge, or any part thereof, shall be effected by means of a sinking fund if the Board shall so think fit: Provided always, that if the Board at any time think fit to form any such sinking fund, the first payment to be made into the same need not be made until the expiration of five years from the date of the loan in respect of which or part of which the same is formed, and all sums paid into the same shall be as soon as may be invested by the Board in any manner in which trustees are by law for the time being authorised to invest any trust moneys.

GENERAL.

Existing mortgages to have priority.

68. All mortgages granted by the Board prior to the passing of this Act, and which shall be in force at the time of the passing of this Act, shall, during the continuance thereof, and as to the rates or property comprised therein, have priority over all mortgages or other securities to be granted by virtue of this Act.

Income of Board under Act.

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

Application of moneys borrowed.

70. All moneys from time to time borrowed under this Act in respect of the water undertaking or gas undertaking respectively shall be applied by the Board to the following purposes on behalf of the water undertaking or gas undertaking in respect of which the same are borrowed:

Firstly. In payment of one half of the costs, charges, and expenses of and incident to authorising the application for and the preparing, applying for, obtaining, and passing of this Act, or otherwise in relation thereto, including therein the costs and expenses incurred by the Board in opposing the Thanet Gas Bill, 1877, and the Ramsgate Water Bill, 1877:

Secondly. In completing the purchase of the water undertaking and gas undertaking respectively, and in payment of the costs, charges, and expenses of and incident to the purchase by the Board of such undertakings respectively, and in payment of the costs, charges, and expenses of and incident thereto, and (after the completion of such purchase by the Board) in the purchase of land and construction of the waterworks, gasworks, or other works connected therewith respectively autho-

rised by this Act, and in the extension and improvement of the same:

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

Power to Board to form depreciation funds.

71. The Board, in order to defray and provide for the expenses attendant upon or occasioned by any sudden breach or accident to the gasworks, waterworks, gas mains, water mains, engines, plant, or otherwise in relation thereto, and for the purpose of maintaining such gasworks, waterworks, gas mains, water mains, engines, and plant in efficient condition and repair, may appropriate and set apart annually in equal amounts such proportion of their revenue arising from the sale of gas and water, not exceeding one per centum on the aggregate amount expended by them for capital purposes on their gas undertaking and water undertaking respectively, as they think fit, and shall carry the sums so set apart to the credit of funds called respectively "The Waterworks Depreciation Fund" and "The Gasworks Depreciation Fund," but the said depreciation funds respectively shall not at any time exceed in the aggregate one tenth of the aggregate amount of capital expended by the Board upon the water undertaking and the gas undertaking respectively, and so soon as such funds respectively shall reach that amount, such appropriation and setting apart as aforesaid shall be suspended as regards that fund until such fund shall from any cause fall below such one tenth; and any interest arising from the said depreciation funds respectively shall be carried from time to time to the credit of the gas and water accounts respectively, and all sums paid into the said fund shall be as soon as may be invested by the Board in any manner in which trustees are by law for the time being authorised to invest any trust moneys, or in any securities issued under this Act.

Water account.

72. The Board shall keep a separate account of all their receipts, credits, payments, and liabilities in and about the execution of this Act so far as it relates to the supply of water, and from or on account of the receipts for water supplied under this Act, to be called "The Water Account," which account shall be subject to the same provisions as to audit, examination, report, inspection, copies and extracts, and production of vouchers, as the other accounts of the Board.

Gas account.

73. The Board shall keep a separate account of all their receipts, credits, payments, and liabilities in and about the execution of this Act so far as it relates to the supply of gas, and from or on account of the receipts for gas supplied under this Act, to be called "The

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Gas Account," which 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 Board.

Application of revenue.

74. All moneys from time to time received by the Board by way of revenue under this Act in respect of their water undertaking and gas undertaking respectively shall be applied for the following purposes on behalf of the water undertaking or gas undertaking in respect of which such moneys were received:

Firstly. In payment of the establishment charges, that is to say, of the expenses properly chargeable to revenue of conducting, managing, and maintaining the waterworks or gasworks and works connected therewith respectively:

Secondly. In payment of the annuities (if any) granted to the holders of shares in respect of the consideration for such undertaking:

Thirdly. In payment of the interest on the moneys borrowed for the purposes of such undertaking under the authority of this Act and from time to time owing:

Fourthly. In making provision for the repayment of moneys borrowed under the authority of this Act in respect of such undertaking, in accordance with the provisions in that behalf of this Act or of the Local Loans Act, 1875, according as such moneys have been secured in manner by this Act prescribed or by the Local Loans Act, 1875:

Fifthly. In payment of the sums by this Act authorised to be applied to the formation of the depreciation fund in respect of such undertaking:

Provided always, that if such undertaking has been transferred to the Board subject to any mortgage debts, the interest on the same, according to their several priorities, shall be paid out of the revenue of the Board from such undertaking immediately after payment of the establishment charges, and in priority to all the other purposes in this enactment specified, and the balance (if any) of any moneys received on behalf of such undertakings respectively shall be applied in equal moieties in reducing to the consumer the cost of the water and gas respectively supplied under the authority of this Act, and in increasing the district fund.

Waterworks and gasworks rates for expenses of carrying powers of Act into execution.

75. In case the revenue of the Board from their water undertaking or their gas undertaking shall in any year be insufficient for the payment of the moneys payable in respect of the same and chargeable on revenue, the Board may in such year, according to the powers and provisions of the Public Health Act, 1875, make and levy a general district rate, to be called "The Waterworks Rate"

or "The Gasworks Rate," for defraying the charges and expenses of carrying this Act into execution, but the Board shall not levy such rates respectively, or any part thereof, in any year in which they charge less than the maximum price of water or gas respectively authorised by this Act.

Waterworks and gasworks rates may be collected with general district rates.

76. For the purpose of diminishing the expense of assessing, making, levying, and collecting the waterworks rate or the gasworks rate under this Act, the Board may include the same in any general district rate under the Public Health Act, 1875, and make, levy, collect, and recover such waterworks and gasworks rate as part of any such general district rate.

Amount of rate to include expenses of recovering it.

77. The amount of any rate made by the Board under this Act may, if they think fit, be of such amount as in their judgment will be sufficient to raise or discharge not only the sum or sums in respect of which the rate is made but also such a sum as will meet the expenses of what is in their judgment a due proportion of the expenses incurred in and about making and recovering the rate.

Partial exemption for rating for London, Chatham, and Dover Railway Company.

78. For the purpose of any waterworks rate or gasworks rate by this Act authorised, any land used by the London, Chatham, and Dover Railway Company as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed in respect of the same in the proportion of one-fourth part only of the net annual value thereof.

Part VI.—Miscellaneous.

Powers for agreements with sanitary authorities, &c.

79. The Board when supplying water or gas under the authority of this Act may from time to time agree with any sanitary authority or public body within the water limits for the supply by the Board to that authority or body of water or gas in bulk or otherwise for public, sanitary, private, or other purposes, but the Board shall not under any such agreement supply water or gas so as to interfere with a proper supply for all purposes of water and gas within the water limits and gas limits respectively.

Provisions for sale of portions of undertakings to urban authorities hereafter constituted.

80. If at any time after the passing of this Act any urban sanitary district shall be constituted beyond the district of the Board but within the water limits or the gas limits, and the urban sanitary authority of such district shall give not less than six months notice in writing to the Board of their desire to purchase those portions of the water and gas undertakings of the Board which are contained within such district, and shall obtain the consent of the Local Government Board to such purchase, and

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shall apply to Parliament or the Local Government Board for power to purchase such portions of the undertakings of the Board (except the lands, wells, streams, adits, waters, waterworks, gasworks, mains, and pipes, or other apparatus which shall be necessary for supplying with water or gas any other part of the Board's limits of supply), and to supply water and gas within such district, then it shall not be lawful for the Board to oppose such application (except as to the details thereof); and if such powers of purchase be granted, the Board shall sell, and such urban sanitary authority shall purchase, such portions of the undertakings of the Board (except as aforesaid) within the district of such urban sanitary authority at such price and upon such terms and conditions as shall be fixed, in default of agreement, by arbitration under the provisions of the Lands Clauses Acts, and the Board shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys borrowed under the powers of this Act: Provided always, that the Board shall not be required to sell any of their lands, buildings, waterworks, and apparatus situate at Southwood and Whitehall respectively, nor any gasworks, buildings, and apparatus for the time being upon the lands described in the schedule to this Act, nor any part of such lands; and any arbitrator or umpire, in determining the sum to be paid by such urban sanitary authority for such portions of the water and gas undertakings, shall have regard to the price, terms, and conditions upon which the Board acquired the water and gas undertakings under the provisions of this Act: Provided further, that no such urban sanitary authority shall be authorised until after the completion of such purchase to supply water or gas to any part of such district, and that after the completion of such purchase all obligations on the part of the Board to supply water or gas within such district shall cease and determine.

As to proceedings in bankruptcy on behalf of the Board.

81. If any person against whom the Board have any claim or demand under this Act for water or gas rents or otherwise becomes bankrupt or enters into any liquidation by arrangement or composition with creditors, any person appointed for that purpose by the Board may represent the Board and act in their behalf in all respects as if the claim or demand of the Board were the claim or demand of such person and not of the Board.

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

Restriction on works affecting Post Office

(A.) The Board shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work

telegraph system.

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

Power for Postmaster General to annex conditions.

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

Power of entry for Postmaster General.

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

Compensation by Board to Postmaster General, and penalty.

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

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on behalf of the Postmaster General as a penalty is recoverable from the Board:

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

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

Expenses of Act.

83. All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, including therein the costs and expenses incurred by the Board in opposing the Thanet Gas Bill, 1877, and the Ramsgate Water Bill, 1877, shall be paid by the Board; and such costs shall include the costs incurred by the Board in or with the object of 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 the said Thanet Gas and Ramsgate Water Bills, and all matters relating thereto, as respectively taxed by the taxing officer of the House of Lords or of the House of Commons.

The SCHEDULE to the foregoing Act.

The Gasworks Lands.

Ramsgate Works.

(A.) Lands situate in the parish of Ramsgate, in the county of Kent, belonging or reputed to belong to the Isle of Thanet Gaslight and Coke Company, and occupied by gasworks bounded on the north by the Boundary Road, on the south by the road of Alfred Cottages, on the east by Hardres Street, and on the west by the parish graveyard.

(B.) Lands situate in the parish of Saint Lawrence, in the county of Kent, also belonging or reputed to belong to the Isle of Thanet Gaslight and Coke Company, and occupied by gasworks bounded on the north and west by land belonging or reputed to belong to William Farley and others, on the south by the Boundary Road, and on the east by land belonging or reputed to belong to John Kelly or his representatives.

The said lands (A.) and (B.) together contain two acres three roods and thirteen perches or thereabouts.

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