CHAPTER li.

An Act to vest in the Rawmarsh Local Board the gas mains and pipes within their district now belonging to the Corporation of Rotherham; to enable the Local Board to supply Gas within their district, and also to supply Gas and Water within certain parts of the adjoining township of Greasbrough; and for other purposes. [3d July 1879.] A.D. 1879.

WHEREAS the Local Board for the District of Rawmarsh, in the west riding of the county of York, (commonly called "the Rawmarsh Local Board," and in this Act called "the Local Board,") are the urban sanitary authority for the said district, which is co-terminous with the parish of Rawmarsh:

And whereas previously to the passing of the Rotherham and Kimberworth Local Board of Health Act, 1870, (in this Act called "the Act of 1870,") the parish of Rawmarsh, and the township of Greasbrough, in the parish of Rotherham, in the said west riding, were with other places supplied with gas by the Rotherham Gaslight and Coke Company: 33 & 34 Vict. c. cxxxiv.

And whereas by the Act of 1870 the Local Board of Health for the District of Rotherham and Kimberworth were authorised to acquire and have subsequently acquired the undertaking of the said Company:

And whereas by an agreement dated the 17th day of December 1869, and made between the Local Board of Health for the District of Rotherham and Kimberworth of the one part, and the Local Board of the District of Rawmarsh of the other part, scheduled to and confirmed by the Act of 1870, the Rotherham and Kimberworth Local Board of Health agreed to supply water in bulk to the Rawmarsh Local Board upon certain terms and conditions, and by the Act of 1870 the Rawmarsh Local Board were authorised to supply water within their district and also within certain parts of the township of Greasbrough aforesaid:

And whereas the district of the Local Board of Health for Rotherham and Kimberworth was in the year 1871 by Royal

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Charter constituted a municipal borough by the name of "the Borough of Rotherham," and the powers, rights, and privileges of that Local Board of Health were transferred to and vested in the mayor, aldermen, and burgesses of that borough (in this Act called "the corporation"), and the corporation are now supplying gas within the district of the Local Board and the township of Greasbrough, and are also supplying water in bulk to the Local Board on the terms and conditions provided for by the said agreement of the 17th day of December 1869:

And whereas it is expedient that the gas mains and pipes within the district of the Local Board now belonging to the corporation be vested in the Local Board, and that the Local Board be authorised to supply gas within their district, and also to supply gas and water within the portion in that behalf in this Act mentioned of the township of Greasbrough:

And whereas it is expedient that the Local Board be authorised to purchase or acquire by agreement or otherwise for the purposes of this Act the lands secondly described in the schedule to this Act, and that they be authorised to make and maintain the road in this Act described for affording access to their gas lands:

And whereas by the Act of 1870 the Local Board were authorised to borrow on mortgage of the water rents and other revenue of the Local Board under the provisions of that Act, and of the improved waterworks rate under that Act, and of the general district rate within the district of the Local Board, such sums as they might from time to time think requisite, not exceeding in the whole twenty thousand pounds, for all or any of the purposes of that Act, so far as it related to the supply of water by the Local Board, and from time to time to re-borrow any amount so borrowed and from time to time paid off by the Local Board, unless it was paid off by means of annual instalments or a sinking fund, in which case, and to the extent of the amount paid off by means of annual instalments or a sinking fund, their powers of borrowing and re-borrowing should cease, and the Local Board were required, after the expiration of seven years from the passing of the Act, either to pay off the sums so borrowed by annual or other instalments within forty years after the expiration of the said term of seven years, or else to appropriate and set apart every year a sum equal to one-fortieth part of the said sums so borrowed as a sinking fund, to be applied in paying off the said moneys so borrowed:

And whereas the Local Board have, since the passing of the Act of 1870, from time to time borrowed, under the powers of that Act, moneys amounting in the whole to twelve thousand pounds for the purposes of their water supply under the said Act, but they were unable to borrow the same except upon condition of the repayment

of such moneys respectively by instalments spread over periods which will expire long before the period of forty-seven years from the passing of the said Act:

And whereas the raising of such instalments by means of rates is unduly burdensome to the ratepayers in the district of the Local Board, and it is expedient that the Local Board be authorised to re-borrow the sums which they have so raised and which they may hereafter raise for the purpose of paying such instalments as aforesaid, provided that the same be re-borrowed for periods not exceeding forty-seven years from the passing of the Act of 1870:

And whereas it is expedient that the Local Board be authorised to borrow further moneys for the purposes of this Act, and to pay out of the general district rate any deficiency or loss which may arise from or in connexion with the supply of gas or water by the Local Board within their limits of supply:

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the sixth day of December 1878, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Rotherham and Masbro' Advertiser," a local newspaper circulating in the district of the Local Board, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that it was expedient to promote the Bill for this Act:

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

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Local Board at a further special meeting held in pursuance of a similar notice on the twenty-ninth day of January 1879, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district of Rawmarsh, by resolution in the manner provided in the Third Schedule of the Public Health Act, 1875, consented to the promotion of the Bill for this Act: 38 & 39 Vict. c. 55.

And whereas estimates have been prepared by the Local Board showing that the Local Board may from time to time require to borrow sums of money to be applied for the purposes of this Act, namely, for the purchase of the gas mains and pipes of the corporation within the district of the Local Board, and for extending the same, and for the purchase of the land for and for the erection of gasworks, and for making the road by this Act authorised (which works are permanent works within the meaning

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of section 234 of the Public Health Act, 1875), and for working capital in connexion with their gas undertaking nineteen thousand pounds:

And whereas plans of the lands which by this Act the Local Board are authorised to purchase by compulsion, and plans and sections of the road by this Act authorised, showing the line and levels thereof and the lands to be taken for the purposes thereof, and a book of reference to such plans respectively containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, have been deposited with the clerk of the peace for the west riding of the county of York, and are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects of this Act 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,)

Short title.

1. This Act may be cited as the Rawmarsh Local Board Act, 1879.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93. 10 & 11 Vict. c. 15. 34 & 35 Vict. c. 41.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (in this Act referred to collectively as "the Lands Clauses Acts,") the Waterworks Clauses Acts, 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) and 1863, and 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,) are (except where expressly excepted from or varied by this Act) incorporated with and form part of this Act, and the provisions of the Gasworks Clauses Act, 1871, (except section 7, relating to shareholders,) shall apply to the gas undertaking of the Local Board under this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expressions "the district fund" and "the general district rates" mean respectively the district fund and general district rates for the district of Rawmarsh; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression

in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act 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; and in any Act wholly or partially incorporated herewith the expression "the special Act" shall for the purposes of this Act mean this Act, and the expression "the undertakers" shall for the purposes of this Act mean the Local Board.

Limits of Act for gas and water supply.

4. The limits of this Act for the supply of gas shall be the district of the Local Board and so much of the township of Greasbrough in the parish of Rotherham as lies within a radius of half a mile from the point where the road leading from Aldwarke to Greasbrough intersects the road leading from Rotherham to Rawmarsh, (which part of the township of Greasbrough is in this Act called "the added part of Greasbrough,") and the limits within which the Local Board may supply water are hereby extended so as to include the added part of Greasbrough: Provided always, that if the Local Board shall not within five years from the passing of this Act lay down water mains into the added part of Greasbrough, and be in a position within such period to supply the added part of Greasbrough with water, then and in that case on the expiration of that period the restrictions contained in section 52 of the Public Health Act, 1875, shall not be in force as regards the sanitary authority of the added part of Greasbrough.

Act to be executed by Local Board.

5. This Act shall be executed by the Local Board, with the powers and indemnities and according to the provisions of the Public Health Act, 1875, and any Acts amending the same, and those Acts shall in relation to the Local Board and the several objects and purposes of this Act with respect to the supply of water and of gas respectively, and objects and purposes incidental thereto, respectively be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts (except so far as any of the provisions of those Acts are expressly varied or otherwise provided for by this Act).

Corporation to sell to Local Board their gas mains, &c. in Rawmarsh district.

6. The corporation shall forthwith sell to the Local Board, and the Local Board shall purchase, all the mains, pipes, apparatus, and things for or in connexion with the supply of gas belonging to the corporation within the district of the Local Board, for such price as may be agreed upon between the engineer of the Local Board and the engineer of the corporation, or, if they cannot agree, as may be settled by an umpire to be appointed between them, and the decision of such engineers or of the umpire, as the case may be, shall be final and conclusive on both parties.

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Vesting in Local Board the mains, &c. sold, and the gas powers of the Corporation.

7. Upon payment by the Local Board to the corporation of the price agreed upon or determined by arbitration as aforesaid, the mains, pipes, apparatus, and things included in the sale shall be by this Act vested in the Local Board; and all the rights, powers, and privileges of the corporation for or connected with the supply of gas within the district of the Local Board shall be by this Act, but subject to the other provisions thereof, transferred to and vested in the Local Board: Provided always, that the corporation shall within three months of such vesting execute to the Local Board a deed of conveyance in which the purchase or consideration money shall be fully and truly stated and set forth, and which deed shall be duly stamped with the full and proper ad valorem stamp duty in respect of the consideration for the said transfer; and if the said Local Board shall not within three months of such vesting produce to the Commissioners of Inland Revenue such deed of conveyance duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the expiration of such period of three months until the day of payment, shall be recoverable from the Local Board, with full costs of suit, and all cost and charges attending the same.

Corporation to supply gas in bulk to Local Board.

8. At any time and from time to time after the vesting in the Local Board of the mains, pipes, apparatus, and things aforesaid, the Local Board may supply gas for public, private, or other purposes within their district and the added part of Greasbrough; and for the purpose of enabling the Local Board to give such supply the corporation shall from time to time, for and during the period of ten years from such vesting, supply gas in bulk to the Local Board at a price which shall be after the rate of two shillings and threepence for every one thousand cubic feet of gas supplied, clear of all deductions, and such supply shall be furnished by the corporation at the boundary between the borough and the district of the Local Board, or if the limits of the borough shall not in the present session of Parliament be extended so as to include that part of the township of Greasbrough which adjoins the district of the Local Board, then as near as may be practicable to the boundary between the said township and the district of the Local Board; and the gas so supplied shall be supplied at such pressure as may be necessary to enable the same to be distributed by the Local Board within all parts of their district, and of such quality as is prescribed by the 35th section of the Act of 1870, and shall be passed through a meter to be provided from time to time by the corporation, and the index or register of the meter shall be primâ facie evidence of the quantity from time to time supplied; provided always, that the expense of providing the meter, including the meter house and site

for the same, shall be borne by the corporation and Local Board in equal proportions; provided also, that the supply of gas in bulk by the corporation to the Local Board under this section may by agreement bewteen the corporation and the Local Board be continued for such further period as they may agree upon beyond the said period of ten years.

Power to Local Board to acquire certain lands and to erect gasworks, &c.

9. The Local Board may for the purposes of this Act enter upon, take, and use the lands secondly described in the schedule to this Act, or any part or parts thereof, and upon the whole or any part or parts of the lands respectively described in the said schedule the Local Board may from time to time after the expiration of nine years from the vesting in them of the mains, pipes, apparatus, and things aforesaid now belonging to the corporation, or at any earlier period with the consent of the corporation under their common seal, make and maintain gasworks, and works, buildings, and conveniences connected therewith, and alter and improve, enlarge, extend, and renew or discontinue the same respectively; and may after the expiration of the said period of ten years, but not before, make and store gas, and manufacture, convert, and store the residual products arising in the manufacture of gas; but, except the said lands, no lands shall be used by the Local Board for the purpose of manufacturing gas or residual products as aforesaid.

Power to erect houses, wharves, &c

10. The Local Board may also upon the lands described in the schedule to this Act from time to time erect wharves, landing-places, cranes, and lifts, and houses for their officers and work-people and their families.

Power to make road, &c.

11. The Local Board may make and maintain the road shown on the deposited plans and sections, and may enter upon, take, and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for that purpose.

Correction of errors in deposited plan and book of reference.

12. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plan or specified in the deposited book of reference, the Local Board, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to two justices acting for the west riding of the county of York for the correction thereof; and if it appear to the justices that the omission, mis-statement, or wrong description arose from mistake they shall certify the same accordingly, and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described, and such certificate shall be deposited with the clerk of the peace for the said west riding, and

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a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which the land affected thereby are situate, and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerks respectively with the other documents to which the same relate, and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Local Board to take the lands and execute the works in accordance with such certificate.

Extinguishing rights of way, &c. over lands to be acquired by Local Board.

13. All public and private rights of way over or affecting any lands, tenements, or hereditaments which the Local Board are herein-before authorised to purchase or acquire shall upon the purchase or acquisition thereof by the Local Board be by this Act extinguished, but the Local Board shall make full compensation to all persons entitled to any private rights of way or other rights so extinguished, and the amount of compensation to be paid to any such person shall, unless otherwise agreed, be determined in manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement, and for the purposes of this enactment every such private right shall be deemed to be an interest in lands which the Local Board are authorised to acquire.

Protecting the Manchester, Sheffield, and Lincolnshire Railway Company.

14. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of this Act, and with respect to the making and maintaining of the road by this Act authorised, shall, unless with the previous consent of the Manchester, Sheffield, and Lincolnshire Railway Company (herein-after called the "Sheffield Company") in writing under their common seal, be exercised only subject to and in accordance with the following provisions:

(1.) The Local Board shall not, without in every case the previous consent of the Sheffield Company in writing under their common seal, take, use, enter upon, or interfere with any land, railway, siding, canal, towing-path, wharf, or other work from time to time belonging to or leased or worked by that company, except only so far as shall be necessary for the purpose of making and maintaining the said road as the same is according to this Act to be made and maintained.

(2.) With respect to any land or works of the Sheffield Company which the Local Board is by this Act authorised to use, enter upon, or interfere with for the making and maintaining the said road, the Local Board shall not purchase

or take the same, but the Local Board may purchase and take, and the Sheffield Company may and shall sell and grant accordingly, an easement or right of using the same for the purposes for which (but for this enactment) the Local Board might purchase and take the same.

(3.) The Local Board shall carry the said road under the Sheffield Company's railway according to the line thereof as shown on the plans deposited with respect to this Act, and by a bridge of such clear width between its parapets as will leave undisturbed all the existing lines at such last-mentioned crossing; and if the Sheffield Company at any time hereafter widen their said railway the Local Board shall at the request of the Sheffield Company widen the said bridge so far as may be necessary to provide for not exceeding two additional lines of rails thereon, and all the works for such bridge and the widening thereof shall from time to time be carried out and executed according to plans and specifications to be reasonably approved by and under the superintendence and to the satisfaction of the principal engineer of the Sheffield Company, and in all things at the expense of the Local Board, and by and in such means and manner only as not to interfere with the free, uninterrupted, and safe user of the railway of the Sheffield Company or the working, conduct, or passage of the traffic thereon respectively.

(4.) The Local Board shall at all times maintain the bridge and other works by which the before-mentioned road shall be so carried under the railway of the Sheffield Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of that company; and if and whenever the Local Board fail so to do, the Sheffield Company may make or do, in and upon as well the lands of the Local Board as their own lands, all such works and things as the Sheffield Company may reasonably think requisite in that behalf, and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to that company by the Local Board, and in default of payment may be recovered from the Local Board, with full costs, in any court of competent jurisdiction.

(5.) The Local Board shall on demand pay to the Sheffield Company all reasonable expenses of the employment by that company, during the construction of the works affecting their railway, of a sufficient number of inspectors and

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watchmen to be appointed by that company for watching their railway and the works thereof with reference to and during the execution of such works, and for preventing, as far as may be, all interference, danger, and accident from any of the operations or from the acts or defaults of the Local Board or their contractors, or any person or persons in the employment of the Local Board or their contractors, with reference thereto or otherwise.

(6.) The Local Board shall be responsible for and make good to the Sheffield Company all costs, losses, damages, and expenses from time to time occasioned to that company or to any of their works or property, or to the traffic on their railways, or to any company or person using the same respectively or otherwise, by reason of the execution or failure of any of the works of the Local Board, or incidental thereto, or by any act or omission of the Local Board or any of the persons in their employment, or their contractors or others, and the Local Board shall effectually indemnify and hold harmless the Sheffield Company from all claims and demands upon or against them by reason of any such execution or failure or of any such act or omission as aforesaid.

(7.) If any difference shall arise between the Local Board and the Sheffield Company, or their respective engineers, as to the reasonableness of any plans and specifications, or as to any other matter arising under this section, such difference shall be referred to and determined by an engineer to be mutually nominated by such respective engineers, or, failing agreement, to be appointed by the President of the Institution of Civil Engineers, on the application of either the Local Board or the Sheffield Company.

(8.) Nothing in this Act contained shall extend to prejudice, alter, or take away any of the rights, privileges, or powers of the Sheffield Company otherwise than is herein expressly provided.

As to application of certain provisions of 34 & 35 Vict. c. 41.

15. For the purposes of the application of the Gasworks Clauses Act, 1871, to the gas undertaking of the Local Board, the following provisions shall have effect; namely,

1. This Act shall be deemed the special Act.
2. The land on which alone the Local Board shall manufacture gas or any residual products shall be the lands described in the schedule to this Act.
3. Whilst gas is supplied in bulk by the corporation to the Local Board, the gas supplied by the Local Board to any

gas consumer shall be of such illuminating power as may be reasonably practicable, having regard to the illuminating power of the gas so supplied in bulk. When the supply is from the gasworks of the Local Board the number of sperm candles shall be fourteen.

4. The testing place shall be some testing place to be provided for the purpose at the gasworks of the Local Board within six calendar months from the completion thereof.

5. The prescribed burner shall be Sugg's London Argand Burner No. 1, consuming five cubic feet of gas per hour, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used, or such other burner as shall for the time being be approved by the Board of Trade.

6. All gas supplied by the Local Board to any consumer of gas shall be supplied, whilst gas is supplied in bulk by the corporation to the Local Board, at such pressure as may be reasonably practicable, having regard to the pressure at which gas is supplied in bulk to the Local Board. When the supply is from the gasworks of the Local Board the gas shall be supplied at such pressure as to balance a column of water from midnight to sunset of not less than six tenths of an inch, and from 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 testing of gas and to penalties, shall, mutatis mutandis, apply to such testing and pressure; provided that on each occasion of such testing sufficient notice in writing shall be given to the Local Board of the time and place at which the same shall be conducted to enable them to be represented.

7. If any person is required by the Local Board to give to them security for the payment of the price or rent of a meter, the Local Board shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings

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deposited by way of security for every six months during which the same remains in their hands.

Price of gas.

16. The Local Board may charge for gas supplied by them within their gas limits under this Act any rates not exceeding the following; that is to say,

If the quantity of gas consumed by any one person or firm in one year amount to or exceed the quantity of forty-four thousand five hundred cubic feet, three shillings per one thousand cubic feet;

If the quantity of gas consumed by any one person or firm in one year do not amount to the quantity of forty-four thousand cubic feet, three shillings and threepence per one thousand cubic feet:

And it shall not be lawful for the Local Board to make any differential charge for gas supplied within the said limits under similar circumstances.

Power to supply meters, &c.

17. The Local Board may from time to time manufacture, purchase, hire, sell, let, or otherwise deal in and supply meters, fittings, and apparatus for or connected with gasworks, or with the supply of gas for public or private consumption, and may deal in coke, coal, lime, tar, and other residual and manufactured products in such manner as they think proper.

Power to hold licenses under letters patent.

18. The Local Board may take, hold, and use any right, license, or authority (not being exclusive) under any letters patent to use any invention relating to the manufacture or distribution of gas or to the utilization of residual products arising in the making of gas.

Extending 33 & 34 Vict. c. cxxxiv. s. 112. to supply of water in Greasbrough.

19. The provisions of section 112 of the Act of 1870 shall extend and apply to and in the case of a supply of water by the Local Board under this Act to or within the added part of Greasbrough.

Power to acquire additional lands.

20. The Local Board may from time to time, for the purposes of their water and gas undertakings, or either of them, purchase by agreement, in addition to any other lands which they are authorised to purchase, and may hold, any lands not exceeding in the whole at any one time five acres, but no lands shall be used by the Local Board for the manufacture of gas, or the manufacture, conversion, or utilization of residual products arising in the manufacture of gas, except the lands described in the schedule to this Act.

Power to borrow.

21. The Local Board may from time to time borrow at interest such moneys as may be necessary for the purchase of the gas mains

and pipes of the corporation within their district, and for extending the same, and for the purchase of the land for and for the erection of gasworks, and for making the road by this Act authorised, and for working capital in connexion with their gas undertaking nineteen thousand pounds.

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

22. For securing the repayment of moneys borrowed under this Act the Local Board may from time to time mortgage the revenue of the gas undertaking of the Local Board, subject to the annuities, if any, under this Act, and also the district fund and general district rates, and, after having paid off any moneys so secured otherwise than by instalments or by the sinking fund, may re-borrow the amount so paid off: Provided that all moneys so re-borrowed shall be repaid within the unexpired portion of the period provided by this Act for the repayment of borrowed money.

Power to re-borrow certain moneys borrowed under 33 & 34 Vict. c. cxxxiv.

23. The Board may from time to time re-borrow, on mortgage of their water undertaking, so much, but so much only, of all or any moneys which they have borrowed under the Act of 1870 as may have been or may be paid off by means of instalments, and as may be in excess of the amounts which would have been paid off if the original loans had been made repayable within the period of forty-seven years from the passing of the Act of 1870 instead of within a shorter period: Provided that no further amount than five hundred pounds shall be re-borrowed under this section in any one year, except that if the Local Board so re-borrow less than five hundred pounds in any one year the difference may be added to the sum which the Local Board may re-borrow under this section in the ensuing year. The provisions of section 115 of the Act of 1870 shall apply to and in the case of all or any moneys so re-borrowed, except that if those moneys, or any of them, be paid off by means of a sinking fund, the yearly sums to be appropriated and set apart every year for the repayment thereof shall be such as with compound interest thereon will be sufficient for the repayment of the principal moneys within the period of forty-seven years from the passing of the Act of 1870.

Certain regulations of 38 & 39 Vict. c. 55. as to borrowing not to apply.

24. 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 Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Moneys borrowed may be made repayable by instalments.

25. Subject to the provisions of this Act, any principal money borrowed under the preceding sections of this Act may be made repayable by such instalments, of such amounts, and payable at

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such times as may be agreed between the Local Board and the lender.

10 & 11 Vict. c. 16. to apply to mortgages.

26. The sections of the Commissioners Clauses Act, 1847, with respect to mortgages shall apply to mortgages to be made by the Local Board under this Act, provided that they may pay off such mortgages by equal instalments of principal, or of principal and interest, spread over fifty years, or by a sinking fund: Provided also, that the sum to be set apart yearly by the Local Board as a sinking fund for the repayment of the moneys borrowed or re-borrowed on mortgage shall be such sum as will be with accumulations at compound interest sufficient to pay off the moneys so borrowed or re-borrowed within fifty 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 four years from the passing of this Act, and the amounts to be from time to time appropriated for such sinking fund shall be such as the Local Government Board shall, having regard to the provisions of this section, approve.

Appointment of receiver.

27. The mortgagees of the Local Board under this Act may enforce the payment of the arrears of interest or of principal, or of principal and interest, due to them by the appointment of a receiver of the undertaking comprised in their respective mortgages. The amount of principal in arrear to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

Power to borrow under 38 & 39 Vict. c. 83.

28. The Local Board, if they think fit, may borrow any moneys which they are by this Act authorised to borrow or re-borrow, under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised, 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 Loans Act, 1875, and also upon and out of the district fund and the revenue of the water and gas undertaking of the Local Board upon which such moneys may be charged. Every such loan shall be discharged within fifty years from the date thereof, or (in the case of moneys re-borrowed in the place of moneys by this Act authorised to be borrowed) within fifty years from the date of the original loan, or (in the case of money so re-borrowed in the place of moneys borrowed under the Act of 1870) within the period of forty-seven years from the passing of the Act of 1870; and such discharge, or any part thereof, shall be effected by means of a sinking fund if the Local Board shall so think fit: Provided always, that if the Local 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 four 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 Local Board in any manner in which trustees are by law for the time being authorised to invest trust moneys.

Priority of existing mortgages.

29. All mortgages granted by the Local 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 under this Act and charged upon the same rates or property.

Application of moneys borrowed.

30. All moneys from time to time borrowed under this Act shall be applied by the Local Board only for the purposes for which the same are respectively by this Act authorised to be borrowed and to which capital is properly applicable.

Land, &c. sold to be free from charges, &c. created under this Act.

31. When any land, houses, or property is or are sold by the Local Board, the same shall, in the hands of any person to whom the same shall have been sold, and his or their heirs, executors, administrators, successors, and assigns, be absolutely free from any claims, charges, or obligations in respect of any mortgage or charge granted or created under this Act, and no such person shall be bound to see to or to inquire into the application by the Local Board of the money arising from such sale, or be in any way responsible for the misapplication or non-application thereof, and the proceeds of any such sale shall be applied in payment of the debt of the Local Board, and if there be no debt, then to other purposes to which capital is properly applicable.

Local Board not to be affected by notice.

32. No notice of any trust, express, implied, or constructive, shall be entered in any register of or be receivable by the Local Board in relation to any mortgage, debenture stock, annuity, or other security, nor shall they be affected by express, implied, or constructive notice of any such trust, although the same be contained in any document registered by them or tendered to them for registration.

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

33. The clerk to the Local Board shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund or paid as an instalment during the year preceding the making of such return, and the description of the securities upon which the same has been

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invested, and also showing the purposes to which any portion of the money invested for the sinking fund, and the interest thereon, has been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board by such return or otherwise that the Local Board have failed to set apart the sum required by this Act for any sinking fund, or to pay any instalment, or have applied any portion of the moneys set apart for that fund, or any interest thereof, to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and invested as a part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board.

Local Board to keep a separate gas account.

34. The Local Board shall keep a separate account, to be called "the Gas Account," of all receipts, payments, credits, and liabilities on capital and revenue accounts in respect of the execution by them of so much of this Act as relates to gas, and such account shall be subject to the same provisions as to audit and otherwise as other accounts of the Local Board.

Application of revenue.

35. All moneys from time to time received by the Local Board by way of revenue in respect of their gas undertaking under this Act shall be applied for the following purposes on behalf of the undertaking in respect of which such moneys are received:

First. In payment of the establishment charges, that is to say, of the expenses properly chargeable to revenue of establishing, conducting, managing, and maintaining the gasworks and works connected therewith respectively, and (so long as the corporation supply gas in bulk to the Local Board) the price for the same after the rate aforesaid.

Secondly. In payment of the interest of the mortgages, debentures, debenture stock, and annuity certificates for the time being of the Local Board charged on such undertaking under this Act or the Local Loans Act, 1875.

Thirdly. In providing for the instalments or sinking fund for the discharge of the principal and interest of any moneys borrowed or raised under the authority of this Act, in accordance with the provisions in that behalf of this Act or of the Local Loans Act, 1875, according as such moneys so borrowed or raised have been secured by mortgage under this Act, or in the manner prescribed by the Local Loans Act, 1875, and the

balance, if any, shall be applied in aid and reduction of the general district rates.

Deficiency in water and gas revenue to be made up from general district rates.

36. In case the revenue of the Local Board from their water and gas undertaking shall in any year be insufficient for the purpose of defraying the costs, charges, and expenses of the Local Board with respect thereto, under this Act or the Act of 1870, the Local Board may include the amount of such insufficiency in their estimate for that or the following year for and defray the same out of the general district rates, but the Local Board shall not defray any such insufficiency out of the general district rates in any year in which they charge less than the maximum price for water or gas respectively to any ordinary consumers within the limits of the Act of 1870 or of this Act.

For recovery of price of gas supplied in bulk.

37. The price for gas supplied in bulk by the corporation to the Local Board under the powers of this Act shall be payable every four months, the first payment to be made at the end of four months from the vesting in the Local Board of the mains, pipes, apparatus, and things aforesaid, and shall be recoverable by the appointment of a receiver in like manner and in all respects as interests due upon any mortgages granted by the Local Board may be enforced and recovered, or, if the corporation think fit, by action, with full costs of suit, in any court of competent jurisdiction.

Powers of Act to be cumulative.

38. All powers given by this Act to the Local Board shall be deemed to be in addition to and not in derogation of any other powers conferred on them by any other Act of Parliament, law, or custom, and such other powers may be exercised as if this Act had not been passed.

Expenses of Act.

39. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act, including the costs, charges, and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid, shall be paid by the Local Board out of moneys borrowed under the authority of this Act or out of the district fund or general district rates.

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The SCHEDULE referred to in the foregoing Act.

Gas Lands.

(A.) Certain lands containing by admeasurement 3a. 3r. 20p. or thereabouts, situate in the township of Greasbrough in the parish of Rotherham, in the west riding of the county of York, bounded on or towards the north-west partly by the railway of and partly by lands belonging or reputed to belong to the Manchester, Sheffield, and Lincolnshire Railway Company; on or towards the south-west by the canal belonging or reputed to belong to that Company, formerly part of the River Dun Navigation; and on or towards the north-east by the lands (B.) next herein-after described, from which they are separated by the dyke where-along runs the boundary between the said township of Greasbrough and the parish of Rawmarsh, in the said west riding of the county of York.

(B.) Certain lands containing by admeasurement 4a. 1r. or thereabouts, situate in the parish of Rawmarsh aforesaid, bounded on or towards the north-west by the railway and property or reputed property of the Manchester, Sheffield, and Lincolnshire Railway Company; on or towards the south and the south-west by the lands (A.) herein-before described; on the south-east by a public footpath which separates the lands now in description from lands and premises of the said railway company; and on all other sides by lands belonging or reputed to belong to Francis John Savile Foljambe, Esquire.

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