CHAPTER clxxiv.

An Act to empower the mayor aldermen and burgesses of the borough of Swansea to make and maintain additional waterworks to make other provisions in relation to their waterworks undertaking to borrow money and for other purposes. [28th July 1884.]

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WHEREAS the borough of Swansea in the county of Glamorgan (in this Act called the borough) is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act called the Corporation) and the Corporation are the urban sanitary authority for the borough:

And whereas the Corporation in their then capacity of a local board were by the Swansea Local Board of Health Waterworks Act 1860 empowered to make certain waterworks and to supply the borough and neighbourhood with water and further powers in respect of their waterworks undertaking were conferred on the Corporation by the Swansea Local Board Act 1872 and the Swansea Waterworks Act 1873 and each of the said Acts is in this Act referred to as the Act of the year in which it was passed and the said Acts are collectively referred to as the recited Acts:

And whereas the Corporation have under the provisions of the recited Acts constructed certain waterworks and are now supplying the borough and neighbourhood with water but the works are insufficient to meet the present and growing demands of the inhabitants within the water limits and it is expedient that the Corporation be empowered to make and maintain the additional works by this Act authorised and to construct a new embankment to their Lliw reservoir and otherwise to enlarge and improve the same:

And whereas by section 29 of the Act of 1860 the Corporation are required to discharge from the reservoirs authorised by that Act the daily volumes of water specified in that section for the benefit of

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the owners and occupiers of the hereditaments mentioned or referred to in the Act of 1860 and it has been agreed between the Corporation and the parties entitled to such water that other provisions should be made in relation to the discharge of compensation water and in the penalties recoverable under section 30 of that Act:

And whereas it is expedient that the charges for water supply should be increased as by this Act provided:

And whereas it is expedient that the Corporation be empowered to borrow further moneys for the construction of the works by this Act authorised and otherwise for the purpose of their waterworks undertaking and that the powers of the Corporation in relation to that undertaking be in other respects enlarged:

And whereas the Corporation are empowered by the Swansea Corporation Loans Act 1881 and the Swansea Corporation Loans Act 1882 (in this Act referred to as the Swansea Loans Acts) to raise money by the creation and issue of Corporation stock and it is expedient that the Corporation be empowered to raise any money which they are by this Act authorised to borrow by the creation and issue of Corporation stock:

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised and such estimates amount to the sum of one hundred and eighty thousand pounds:

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

And whereas an absolute majority of the whole number of the members of the council at a meeting held on the fourth day of December one thousand eight hundred and eighty-three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Cambrian" a local paper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

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

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of

the members of the council at a further special meeting held in pursuance of a similar notice on the first day of January one thousand eight hundred and eighty-four being not less than fourteen days after the deposit of the Bill for this Act in the Houses of Parliament: A.D. 1884.

And whereas the owners and ratepayers of the borough by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Glamorgan and are in this Act referred to as the deposited plans sections and book of reference:

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 Swansea (Corporation) Water Act 1884.

Provisions of certain general Acts incorporated.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act called the Lands Clauses Acts);

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 provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoirs hereby authorised to be constructed or improved.

Interpretation of terms.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is

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something in the subject or context repugnant to such construction. Provided always that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The Undertakers" or "the Company" means the Corporation;

"The railway" means any reservoir by this Act authorised to be constructed or improved;

"Centre of the railway" means with respect to the reservoirs by this Act authorised to be constructed or improved the boundary of such reservoirs;

And in this Act "the Public Health Acts" means the Public Health Act 1875 and all Acts for the time being in force amending or extending the same and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or the 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 simple contract debt and not a debt or demand created by statute.

Works to form part of waterworks undertaking and Act to be executed by Corporation.

4. The works authorised by this Act shall form part of the waterworks undertaking of the Corporation and this Act shall be carried into execution by the Corporation as an urban sanitary authority subject and according to the provisions of the Public Health Acts the recited Acts and this Act.

Power to make waterworks.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works following (that is to say):—

1. A reservoir (in this Act called the Upper Lliw Reservoir) on the River Lliw commencing at and to be formed by an embankment to be placed across the said river at a point on the river 750 yards measured in a southerly direction from the south-west corner of the farmhouse known as Bryn-Llifydd and the reservoir will extend from the said embankment up the said river and terminate at a point on the said river fifty-three yards north-west from the north-west corner of the said farmhouse;

2. A conduit or line of pipes commencing in and out of the Upper Lliw Reservoir at a point in the bed of the River Lliw six hundred and seventy yards measured in a southerly direction from the south-west corner of the said farmhouse and terminating by a junction with the existing twenty-four inch main of the Corporation at a point where that main enters the

gauge basin situate ninety yards south of the existing embankment of the Lliw Reservoir;

3. A new embankment or wall of the Lliw Reservoir and an extension and improvement of the same reservoir the new embankment running parallel with and sixty-six yards north of the existing embankment of the Lliw Reservoir and the extended and improved reservoir will commence at the new embankment or wall and terminate at a point on the River Lliw one thousand three hundred and ten yards measured in a northerly direction from the south-west corner of the Swansea Waterworks Cottage;

Together with all necessary and proper embankments walls bridges roads ways wells tanks basins gauges filters dams sluices weirs outfalls syphons pipes adits shafts tunnels aqueducts culverts cuts channels trenches conduits drains mains junctions valves engines pumps works apparatus and conveniences connected with the said works or any of them or necessary for constructing conducting inspecting maintaining repairing cleansing or managing the same.

But nothing herein contained shall authorise the Corporation to interfere with the existing tramway from the Darren Colliery to the Clyaach Valley.

And in constructing the conduit or line of pipes hereinbefore mentioned in sub-section 2 the same shall be so laid as not to interfere with the said tramway or the use maintenance or repairs thereof.

Power to take lands and waters.

6. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated and described in the deposited plans and book of reference as may be required for the purposes of this Act and may for the purposes of their waterworks collect impound take and use the waters from the River Lliw and all tributaries of such river and all other streams and waters that may be intercepted by the waterworks by this Act authorised and all springs and waters found in on or under any of the lands acquired by them.

Power to deviate.

7. In constructing the works by this Act authorised or any of them the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards in the case of the Upper Lliw Reservoir and the new embankment and improvement of the Lliw Reservoir and five feet upwards or downwards in respect of any other work. Provided that the height (as shown on the deposited

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sections with reference to the general surface of the ground) of the embankment of the Upper Lliw Reservoir and the new embankment of the Lliw Reservoir shall not be increased by reason of any such lateral deviation as aforesaid nor shall the same be so constructed as to interfere with the said tramway.

Protective wall for Darren Colliery.

8. The Corporation shall erect and for ever hereafter maintain a wall or dam of sufficient length height breadth and substance and in such position within the limits of deviation or on land to be acquired by agreement as shall be necessary for the purpose of protecting and so as effectually to protect the Darren Colliery from any water which may flow down from the Upper Lliw Reservoir.

Time for completion of works.

9. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease to be exercised except as to such of them or so much thereof respectively as is then completed.

Period for compulsory purchase of lands.

10. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take additional lands by agreement.

11. The Corporation may from time to time for any of the purposes of their waterworks undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised to take by compulsion but the Corporation shall not erect any buildings upon such lands except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to take easements &c. by agreement.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to hold lands needful to prevent fouling and to protect waterworks.

13. The Corporation may hold any lands now vested or hereafter to be vested in them which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment or injury and so long

as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Corporation shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Reservation of water rights &c. on sale.

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

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

15. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be applied to purposes authorised by this Act and to which capital moneys are applicable or in discharge of any moneys borrowed by the Corporation for waterworks purposes and any money so discharged shall not be reborrowed.

Compensation water in respect of Upper Lliw Reservoir.

16. So long as the Corporation store water in the Upper Lliw Reservoir they shall discharge into the River Lliw from that reservoir one hundred and fifty gallons of water per minute during the whole of every day of twenty-four hours and such water shall be taken by all persons interested in the waters of the River Lliw between the Upper Lliw Reservoir and the Lliw Reservoir as compensation for water which the Corporation may abstract by the Upper Lliw Reservoir.

Compensation water not to be discharged during certain hours of Saturday and Sunday.

17. Notwithstanding the provisions of section 29 of the Act of 1860 the Corporation shall not be compelled or compellable to discharge any compensation water into the River Lliw between six o'clock in the afternoon on each Saturday and six o'clock in the afternoon on each Sunday throughout the year. Provided that this section shall not apply to the compensation water by this Act required to be discharged from the Upper Lliw Reservoir.

Appointment of water bailiff.

18. The Corporation and the owners lessees and occupiers of lands mills and works interested in the waters of the said River Lliw shall jointly from time to time appoint and in case of disagreement the chairman of quarter sessions for the county of Glamorgan upon the application of either party shall appoint a water bailiff

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for the purpose of gauging and recording the regular discharge and flow of compensation water into the said River Lliw. The salary of such water bailiff shall be paid by the Corporation.

As to sections of Act of 1860.

19. Nothing in this Act contained shall in any way repeal alter or vary sections 32 and 33 of the Act of 1860.

Provision as to foul water from mines.

20. If at any time after the construction of the reservoirs or waterworks by this Act authorised any owner lessee or occupier of mines or minerals shall give notice to the Corporation that he cannot conveniently work such mines and minerals without allowing foul water to be discharged from the same in such manner as to run into the said reservoir and waterworks or some or one of them the Corporation shall either at their own expense execute proper and sufficient works for enabling such foul water to be diverted and conveyed so as to prevent the same running into such reservoirs or waterworks or shall pay to such owner lessee or occupier such a sum as will enable him to divert such foul water and prevent the same from entering such reservoirs or waterworks and from the time when the Corporation shall have received such notice as aforesaid such owner lessee or occupier shall not be liable to any penalty in consequence of such foul water entering into such reservoirs or waterworks unless the Corporation shall either have executed proper and sufficient works for diverting such foul water or paid or tendered such sum as hereinbefore mentioned.

Provision in the event of the future construction of a mineral railway or tramway.

21. If at any time hereafter a railway or tramway shall be made for the conveyance of coals or minerals from the district in which the upper portion of the River Lliw is situate the Corporation shall permit such railway or tramway to be carried over or under the conduits and also over and across the embankments of the reservoirs to be constructed under the authority of this Act. Provided that such railway or tramway shall be carried under or over the said conduits and over and across the said embankments in such manner as not to injure or affect the stability thereof and that all works necessary for carrying such railway or tramway over or under the said conduits or over and across the said embankments shall be constructed and maintained according to plans and sections approved by and to the reasonable satisfaction of the principal engineer for the time being of the Corporation. And if any dispute shall arise as to the plans and sections according to which the said railway or tramway is to be carried over or under the said conduits or over and across the said embankments or touching any of the matters aforesaid every such dispute shall be referred to and decided by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers.

Supply of water to Loughor.

22. The Corporation shall supply the portreeve aldermen burgesses and inhabitant householders of the borough of Loughor or the local authority for the time being of the borough of Loughor (in this section referred to as the Loughor authority) with water subject and according to the following provisions (that is to say) :—

(1.) After the expiration of two years from the passing of this Act and so soon as the Loughor authority shall have laid down and constructed proper mains and works for connecting their district with the mains of the Corporation the Corporation shall deliver to the Loughor authority such supply of water not exceeding sixty thousand gallons per day as the Loughor authority shall from time to time require :

(2.) The point of junction with the Corporation mains shall be as near as may be to Brynwilach Colliery or at such other point on the said main as failing agreement shall be settled by arbitration and the mains and works of the Loughor authority shall be laid and constructed to the reasonable satisfaction of the engineer for the time being of the Corporation and shall be laid at such a level as will enable the Corporation to deliver the water into such main by gravitation :

(3.) For ascertaining the quantity of water delivered under this section a meter shall be provided fixed and maintained and kept in good order by the Corporation at the point of delivery from the main of the Corporation into the main of the Loughor authority but the cost of such meter and the expense of maintaining and keeping the same in good order shall be borne and paid by the Loughor authority :

(4.) The Loughor authority their officers and servants shall have free access at all times to the said meter for the purpose of inspecting the same :

(5.) The register of the said meter shall be primâ facie evidence of the quantity of water delivered under this section and shall be conclusive evidence of such quantity unless it be proved to the satisfaction of the arbitrator hereinafter mentioned that the indications of such meter have been falsely taken or were incorrect or that such meter is by practical testing by competent persons found defective :

(6.) The Loughor authority shall pay to the Corporation for the supply of water delivered under this section the sum of one shilling per thousand gallons and the accounts of such supply shall be made up quarterly on the first day of January the first day of April the first day of July and the first day of October and the sum due for the quarter's supply (together with any

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sum due in respect of the maintenance and repair of the said meter) shall be paid by the Loughor authority to the Corporation within one calendar month after the expiration of each quarter:

(7.) If any difference arises between the Corporation and the Loughor authority as to the quantity of water supplied or otherwise relating to this section such difference shall be determined by an arbitrator to be agreed upon between the Corporation and the Loughor authority or in default of agreement to be appointed on the application of either party by the president for the time being of the Local Government Board.

Power to reduce quantity of compensation water.

23. The Corporation may if they think fit reduce the quantity of compensation water which they are by section 29 of the Act of 1860 or this Act required to discharge into the River Lliw and Blaenant Ddu Brook subject and according to the following provisions and conditions:—

(1.) The Corporation may exercise the power conferred by this section in respect of both or either of the said streams:

(2.) The Corporation shall not reduce the quantity of compensation water in respect of either stream to a greater extent than one-third of the minimum quantity prescribed in that behalf by section 29 of the Act of 1860 or this Act:

(3.) The Corporation shall give not less than three calendar months' notice by public advertisement in three successive weeks in some newspaper published and circulating in the borough of their intention to reduce the quantity of water to be discharged into the said streams or either of them and on the expiration of such notice they may reduce the quantity of compensation water accordingly:

(4.) The owners lessees and occupiers of all mills manufactories and other works which at the time of the giving of the said notice shall be lawfully using the waters of the streams or stream in respect of which the notice is given and also all riparian owners and occupiers of lands (other than the portreeve aldermen burgesses and inhabitant householders of the borough of Loughor) who have a right to use such stream or streams shall be entitled to compensation in respect of any loss or damage which they may sustain by reason of such reduction and the amount of such compensation shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

Repeal of s. 30 of Act of 1860 and new provision as to penalties.

24. Section 30 (penalty for failure of discharge of compensation water) of the Act of 1860 is hereby repealed and in lieu thereof it is enacted as follows: In case of any failure neglect or default by or in consequence of which the quantity of water which by the Act of 1860 and this Act is required to flow or be discharged from or out of the reservoirs on the River Lliw and Blaenant Ddu Brook respectively shall not so flow or be discharged the Corporation shall for and during every day on which such failure or neglect or default shall occur forfeit and pay by way of penalties to the owners and occupiers of lands ornamental waters fish ponds mills and works interested in the waters of the said river and brook and of each of them and who may sue for and recover the same the sum of five pounds together with the amount of damage or loss which shall accrue to or have been sustained by such owners and occupiers in any court of competent jurisdiction. Provided that the Corporation shall not be liable to make good any such damage or loss in case of inevitable accident beyond the control of the Corporation and provided also that after the Upper Lliw Reservoir authorised by this Act shall have been completed the penalties to which the Corporation shall for the period of two consecutive years to be named by them after the repair and reconstruction of the present Lliw Reservoir shall have been commenced be liable shall be the sum of four pounds per diem instead of the above mentioned sum of five pounds per diem.

Saving rights of mill owners &c.

25. Nothing in this or in the recited Acts contained except in so far as the provisions of the Act of 1860 have been amended by this Act shall be deemed to alter amend or repeal section 29 of that Act and the same shall remain in force as if this Act had not been passed and the provisions of that section shall be accepted and taken by all persons interested in the River Lliw below the Lliw Reservoir as full compensation for all water which the Corporation may or can at any time collect divert impound and abstract as well by the reservoirs and works authorised by that Act on the River Lliw as by those authorised by this Act.

Rates for domestic supply.

26. Section 47 (rate at which water is to be supplied for domestic purposes) of the Act of 1860 is hereby repealed as from the twenty-ninth day of September one thousand eight hundred and eighty-four and in lieu thereof be it enacted as from that date as follows:—

The Corporation shall at the request of the owner or occupier of any house or part of a house in any street or place in which any supply main of the Corporation is from time to time laid furnish to

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such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates following:—

Where the net rateable value of a house or part of a house supplied shall not exceed five pounds the rate of seven shillings and two pence per annum:

Where such net rateable value shall exceed five pounds but shall not exceed seven pounds the rate of nine shillings and four pence per annum:

Where such net rateable value shall exceed seven pounds but shall not exceed ten pounds the rate of eleven shillings per annum:

Where such net rateable value shall exceed ten pounds the rate of five pounds ten shillings per centum per annum on such net rateable value.

The net rateable value shall for the purposes of this section be ascertained by the valuation list for the time being in force or if there is none by the rate for the relief of the poor made next before the commencement of the quarter in respect of which the water rate is payable.

Charge for supply to vessels.

27. The Corporation may charge such remuneration or rate of payment for the water supplied to any ships or vessels as they from time to time may think reasonable not exceeding the rate hereinafter mentioned that is to say: For every one hundred gallons of water or any less quantity supplied to any ship or vessel the sum of one shilling and section 49 (for supply of vessels) of the Act of 1860 shall be read and apply as if the rate authorised by this section were inserted in lieu of the rates authorised by that section.

Power to borrow.

28. The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes of and in manner provided by this Act any moneys not exceeding in the whole one hundred and eighty thousand pounds and with the sanction of the Local Government Board such further moneys as may be necessary for carrying into effect the purposes of this Act or otherwise for the purposes of their waterworks undertaking.

Mode of raising moneys.

29. The Corporation may raise all or any sums which they are authorised to borrow under this Act either by mortgage or by the creation and issue of adequate amounts of Swansea Corporation stock under the Swansea Loans Acts.

As to moneys raised by stock.

30. (1.) The amount of the annual sums payable to the Swansea Corporation Loans Fund under the Swansea Loans Acts towards the redemption of stock created and issued by the Corporation for pur-

poses of this Act shall be such as with accumulations at the rate of three pounds ten shillings per centum per annum will suffice to redeem at par such stock within fifty years from the time or respective times of the creation and issue of such stock except with respect to stock issued for the purpose of paying off mortgages granted under this Act and in that case within fifty years from the time or respective times of borrowing on mortgage.

(2.) The half-yearly or other sums payable to the Swansea Corporation Loans Fund under the Swansea Loans Acts for payment of dividends and towards redemption of such stock shall be payable out of the revenue of the waterworks undertaking of the Corporation or in case of deficiency out of the district fund and general district rate of the borough.

As to money raised by mortgages.

31. (1.) All mortgages granted by the Corporation under this Act shall rank together without any priority on account of the date of the deed or on any other account and shall rank after all Corporation stock now existing or which may be from time to time hereafter created and issued under any existing Act or Provisional Order or under this Act or under any subsequent Act or Order and whenever from time to time after the passing of this Act the Corporation raise money otherwise than by Corporation stock they shall cause a notice of the priority of charge which Corporation stock has by virtue of the provisions of the Swansea Loans Acts to be written or endorsed on the mortgage or other instrument of title.

(2.) Subject as aforesaid the provisions contained in sections two hundred and thirty-six to two hundred and thirty-nine (both included) of the Public Health Act 1875 with respect to the mortgages granted by a local authority shall apply in the case of mortgages granted under this Act.

(3.) All mortgages granted by the Corporation to secure moneys borrowed under this Act shall be charged upon the revenue of the waterworks undertaking of the Corporation with or without the district fund and general district rate of the borough.

(4.) The Corporation shall pay off all moneys borrowed by them on mortgage under this Act within a period not exceeding fifty years from the time or respective times of borrowing the same.

Application of money borrowed.

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

Saving priority of existing charges.

33. All charges on the property revenues and rates of the Corporation existing immediately before the passing of this Act shall during their continuance have priority over any mortgages granted by the Corporation under the powers of this Act.

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Mode of discharge of money borrowed on mortgage.

34. The Corporation shall pay off all moneys borrowed by them on mortgage under this Act by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or sinking funds created invested and applied in manner provided by the Local Loans Act 1875 and section fifteen of that Act shall apply accordingly: Provided that any moneys repaid by the Corporation before the expiration of the period prescribed by this Act except by instalments or by means of the sinking fund or out of the proceeds of the sale of surplus lands may be re-borrowed from time to time so that they be finally discharged within the said period and for the purposes of section fifteen of the Local Loans Act 1875 the moneys re-borrowed and the moneys originally borrowed shall be deemed to form the same loan.

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

35. The treasurer of the borough shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for any sinking fund or paid as an instalment or annual repayment 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 the said Board showing the amount which has been appropriated or paid by instalments or annual repayment or invested for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities on which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be recoverable by the Local Government Board in a summary manner. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to make any annual repayment or to set aside the sum required by this Act for any sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the 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 or applied 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 Queen's Bench Division of the High Court of Justice.

Expenses of Act.

36. All the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation in the first instance out of the district fund and general district rate of the borough but ultimately out of money borrowed under this Act.

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