



CHAP. cxxxiv.

An Act to extend the time for the compulsory purchase of lands and completion of the Waterworks authorised by the Act relating to the Rotherham and Kimberworth Local Board of Health; and to authorise the said Board to construct Gasworks and to purchase the undertaking of the Rotherham Gaslight and Coke Company; and to authorise various agreements with respect to Water and Gas; and for other purposes. [1st August 1870.] A.D. 1870.

WHEREAS by "The Rotherham and Kimberworth Local Board of Health Act, 1863," (in this Act called "the Act of 1863,") the local board of health for the district of Rotherham and Kimberworth in the west riding of the county of York (in this Act called "the Rotherham Board") were authorised to purchase the lands and to construct the waterworks therein described or referred to, and the same are now in course of construction: 26 & 27 Vict. c. cxvii.

And whereas the time limited by the said Act for the compulsory purchase of lands will expire in the month of July one thousand eight hundred and seventy, and it is expedient that such time, and also the time limited by the said Act for the construction of the said waterworks, should be extended:

And whereas it is expedient that certain alterations should be made in the charges for water authorised by the said Act:

And whereas the limits within which the Rotherham Board are by the said Act authorised to supply water comprise part only of the township of Rawmarsh, the whole of which township is comprised within the district of the local board for the district of Rawmarsh (in this Act called "the Rawmarsh Board"); and the said local boards have entered into the agreement set forth in Schedule (A.) to this Act annexed, for the supply of water by the Rotherham Board to the Rawmarsh Board for distribution in the district of the Rawmarsh Board, and it is expedient that effect should be given to the

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said agreement, and that further powers should be conferred upon the said Boards respectively with respect to the supply and distribution of such water :

And whereas it is expedient that the Rotherham Board should be empowered to manufacture and supply gas within their district :

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And whereas by "The Rotherham Gaslight Act, 1855," the Rotherham Gaslight and Coke Company, in this Act called "the gas company," are authorised to supply gas within the several parishes, townships, and places of Rotherham, Brinsworth, Tinsley, Whiston, Herringthorpe, Rawmarsh, Greasborough, Dalton, and Aldwarke, all in the said west riding, and provision is made for the sale of the undertaking to the Rotherham Board upon such terms as may be agreed upon, and it is expedient that further provision should be made for vesting the said undertaking in the Rotherham Board :

And whereas it is expedient that the Rotherham Board, and the local boards or other local authorities for or acting within all or any parts of the said townships or places of Rawmarsh, Brinsworth, Tinsley, Whiston, Herringthorpe, Greasborough, Dalton, and Aldwarke should be empowered to enter into agreements with respect to the supply within such townships or places respectively of gas or water, and that further powers should be conferred upon the Rotherham Board with respect to the supply of water and gas :

And whereas the undertaking of the company of proprietors of the Rotherham Market Place (in this Act called "the market company") is now vested in the Rotherham Local Board under the provisions of the Act of 1863, but no sufficient provision is in that Act made for winding up the affairs of the said company and the distribution of their assets, and it is expedient that provision should be made for those purposes, and that the said company should be dissolved :

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may for all purposes be cited as "The Rotherham and Kimberworth Local Board of Health Act, 1870."

Provisions
of general
Acts herein
named in-
corporated.

2. "The Lands Clauses Consolidation Act, 1845," except the provisions thereof with respect to the purchase of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts

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Amendment Act, 1860," 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 varied by this Act) incorporated with this Act; and in the construction of those Acts for the purposes of this Act the terms "the promoters of the undertaking," "the undertakers," and "the company," respectively therein used, shall mean the Rotherham Board; and the expression "the undertaking" in "The Gasworks Clauses Act, 1847," means the gasworks and the works connected therewith by this Act authorised to be constructed or vested in the Rotherham Board.

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3. In this Act—

Interpreta-
tion of terms.

The term "the Rotherham Board" or "the Board" means the local board of health for the district of Rotherham and Kimberworth in the west riding of the county of York:

The term "the district" means the district of the Rotherham Board, as defined in the provisional order relating to the Board, dated the second day of February one thousand eight hundred and fifty-two, and confirmed by the first "Public Health Supplemental Act, 1852:"

The term "the Public Health Acts" means and includes "The Public Health Act, 1848," the Acts passed before the year one thousand eight hundred and fifty-eight amending the same, and "The Local Government Act, 1858," and the Acts subsequently passed amending the same:

The term "owner" means an owner within the meaning of that term, as defined in "The Public Health Act, 1848:"

The word "annuitant" or "annuitants" means the person or persons in whom for the time being any annuity or annuities granted under the provisions of this Act is or are lawfully vested:

The term "court of competent jurisdiction" or any other like expression in this Act 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:

Except where otherwise expressly provided, the several terms to which meanings are assigned by the Acts incorporated by this Act have in this Act the same respective meanings.

4. Subject to the express provisions of this Act, this Act (so far as it relates to powers conferred upon the Rotherham Board) shall be

Act to be
executed
by the
Rotherham
Board.

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executed by the Rotherham Board, with the powers and indemnities and according to the provisions of the Public Health Acts; and those Acts shall, in relation to the Rotherham Board and the several 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 Acts; and those Acts shall be incorporated with this Act.

Extending
time for
compulsory
purchase of
lands.

5. The time limited by the Act of 1863 for the compulsory purchase and taking of lands, except lands authorised to be taken for the purposes of the Ulley Reservoir, shall be prolonged and extended to the period of three years from the passing of this Act, but so that such powers shall not be exercised after the expiration of such three years.

Extension
of time for
completion
of works.

6. The time limited by the Act of 1863 for the completion of the works thereby authorised shall be enlarged and extended for a period of seven years from the passing of this Act, and on the expiration of that time the powers by the Act of 1863 and this Act given to the Rotherham Board for the construction of the said works, or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; but nothing in this Act shall be taken to restrict the Rotherham Board from executing works for the distribution of water, or extending, enlarging, altering, or removing any of their mains and pipes from time to time, as occasion may require.

Parties
aggrieved
by extension
of time
may have
compensa-
tion for
additional
damage.

7. The justices, arbitrators, umpires, or juries, as the case may be, who award or assess the compensation to be made by the Rotherham Board to the owners or occupiers of, or other persons interested in, lands taken or used for the purposes of the works the time for making which is by this Act extended, or injuriously affected by the construction of any of those works, shall, in estimating the amount of such compensation, have regard to and assess compensation for the additional damage (if any) sustained by such owners, occupiers, or other persons by reason of the extension of time.

Existing
contracts and
notices to
take lands
not to be
affected.

8. The extension of time under this Act shall not affect any contract entered into or notice given by the Rotherham Board before the passing of this Act for purchasing, taking, or using any lands which the Board were entitled to purchase, take, or use; but every such contract and notice shall be construed and take effect, and the same proceedings may be had thereunder, and all parties thereto shall be entitled to the same rights and remedies in respect thereof at law and in equity, as if the extension of them had not been granted.

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9. Notwithstanding anything contained in the Act of 1863, the Rotherham Board shall supply water for domestic purposes to persons entitled to demand a supply at such rate as they think fit, not exceeding the rate of seven pounds in the hundred on the annual rateable value of the dwelling-house or part of a dwelling-house supplied, and not exceeding six shillings per annum for any house rated to the poor at a less sum than six pounds per annum.

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Rate for domestic supply.

10. For more conveniently carrying this Act and the several powers thereof into execution, so far as it relates to the supply of gas, the Rotherham Board may appoint out of their own body, from time to time, a committee, to be called the gas committee, consisting of such number of persons as the Board think fit, to manage, transact, and carry into effect all or any of the matters and purposes which the Board are by this Act directed or authorised expressly or by reference to do, execute, or perform, and to fix the quorum of such committee; which committee shall have such discretion, and so many of the powers and authorities by this Act given to or reposed in the Board, as the Board shall think proper to delegate to such committee.

Board may appoint gas committee.

11. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the purposes of their appointment, but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the Board, and, if no quorum be fixed, unless three members be present; and at all meetings of the committee one of the members present shall be appointed chairman; and all questions shall be determined by a majority of the 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.

Quorum of committee.

12. All the minute and other books of the gas committee, and all documents, writings, and papers in the custody of or belonging to such committee, shall at all times be open to the inspection of any member of the Board.

Books of gas committee to be open to inspection.

13. All lands, rights, and property purchased or acquired by the Rotherham Board under this Act shall be conveyed or assured to and shall be vested in the Rotherham Board and their successors in trust for the purposes of this Act, and shall be accepted, taken, and held by the Rotherham Board and their successors as a body corporate.

Property to be vested in Rotherham Board as a body corporate.

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Property to
be used, or
may be sold.

14. All such lands, rights, and property may be retained and used, and any portion thereof not required for the purposes of this Act may, subject to the provisions of this Act and the Acts incorporated therewith, be sold and disposed of for the benefit of the district, as the Rotherham Board may from time to time direct.

Power to
purchase
lands.

15. Subject to the provisions in this and the incorporated Acts contained, the Rotherham Board may purchase by agreement and hold any lands within the limits of this Act as they may think proper, and, except as herein-after mentioned, may appropriate and use all or any part or parts of the said lands for any of the purposes of this Act, provided that they shall not hold at any one time, under the provisions of this Act, a greater quantity of land than five acres: Provided also, that they shall not erect any works for the manufacture of gas or manufacture gas upon any such lands, and they shall not erect works for the storage of gas or store gas upon any such lands, without the consent in writing of the owners, lessees, and occupiers of all dwelling-houses situate within three hundred yards of the limits of the site upon which gas is intended to be stored.

Gas company
to sell their
undertaking.

16. The gas company shall sell to the Rotherham Board, and the Board shall purchase of and from the gas company, all the undertaking, works, lands, property, powers, rights, privileges, and authorities of the gas company, for the sum of fifty-six thousand four hundred pounds, or (if the gas company and Rotherham Board so agree) for a consideration by way of annuities to the shareholders of such amount as shall be agreed upon between the Board and the gas company.

Vesting
period, if
the purchase
be by annu-
ities.

17. If the purchase be for a consideration by way of annuities, the same shall be completed on the first day of January one thousand eight hundred and seventy-one, or on such other day as may be fixed by agreement between the Rotherham Board and the gas company; and the said first day of January or the day so fixed, as the case may be, is the period referred to in this Act as the vesting period.

As to com-
pletion of
purchase,
if the consi-
deration be
a sum in
gross.

18. If the consideration for the purchase be a sum in gross, the purchase shall be completed on the first day of January one thousand eight hundred and seventy-one at the office of the gas company, or on such other day and at such other place as may respectively be fixed by agreement between the Rotherham Board and the gas company; and if on the said first day of January, or the day to be so fixed as aforesaid, the purchase be not completed

by payment of the said sum of fifty-six thousand four hundred pounds to the directors of the gas company, or such of them as shall be then present at the office of the gas company or at such other place as aforesaid to receive the same, the gas company shall thenceforth until payment thereof be entitled to interest thereon at the rate of five pounds per centum per annum, and shall also continue in the possession of their gasworks, lands, and property, and the exercise of their powers, rights, and privileges, until payment of the said sum and interest, but shall not incur any extraordinary expense or liability without the consent in writing of the Board, but only the ordinary expenses and liabilities of carrying on the undertaking; or, at the option of the gas company, the gas company may on the day fixed for the completion of the purchase, or at any time thereafter, deliver up possession of their gasworks, lands, and property, and the Board shall thereupon deliver to them mortgages for securing the said sum of fifty-six thousand four hundred pounds, or so much thereof as shall not be then paid, and interest thereon as aforesaid, upon the gas undertaking and general district rates of the Board; or, at the option of the gas company, the gas company may on the day fixed for the completion of the purchase, or at any time thereafter, deliver up possession of their gasworks, lands, and property as aforesaid, and the Board shall thenceforth, until payment of the purchase money, pay to the shareholders interest upon their shares after the following rates; (that is to say,) at the rate of twelve pounds ten shillings per centum per annum upon the nominal value of every share entitled to dividend at the rate of ten pounds per centum per annum, and at the rate of ten pounds per centum per annum on the nominal value of every share entitled to dividend at the rate of eight pounds per centum per annum; and such interest shall be a charge upon the gas undertaking and general district rates of the Board, and the shareholders shall have the same rights and remedies for enforcing payment thereof as mortgagees are entitled to for interest in arrear under the provisions of this Act.

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19. If the consideration for the purchase be a sum in gross, the day on which the purchase shall be completed by payment of the said sum of fifty-six thousand four hundred pounds, or, as the case may be, the day on which the gas company shall, under the provisions of this Act, deliver up possession of their gasworks, lands, and property, is the period referred to in this Act as the vesting period.

Vesting period, if consideration be a sum in gross.

20. On and from the vesting period the whole undertaking of the gas company, and all their works, mains, and pipes, plant,

Undertaking of gas company vested in Rotherham Board.

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A.D. 1870: whether fixed or movable, machinery, apparatus, implements, and other works and conveniences, and all their buildings, lands; estates, property, easements, rights, interests, books, writings, chattels, and effects, and all their securities, moneys, debts, profits, choses in action, claims and demands, as on and from the first day of January one thousand eight hundred and seventy (except interest, in lieu of dividends, and at the same rates, upon their share capital up to the first day of January one thousand eight hundred and seventy-one, or such other day as may, by agreement as aforesaid, be fixed for the completion of the purchase), and all their authorities, powers, rights, and privileges, and all other the estate, real and personal, of or belonging to the gas company (and all which are included in the expression in this Act "the undertaking" or "the undertaking of the gas company"), is and are absolutely transferred to and vested in and may be used, worked, exercised, or enjoyed by the Rotherham Board, but subject to the mortgage debt of the gas company, and all liabilities, debts, claims, and demands of or upon the gas company, including all costs and expenses incurred by them with respect to any parliamentary proceedings in the present session, and all fair and legitimate expenses incurred by them in carrying on their undertaking up to the vesting period, and the purchase money for the Rawmarsh gas plant, and the sum of six hundred pounds for the purpose of providing compensation, at the discretion of the directors, for any officers or others in their employment or service.

Part V. of
 26 & 27 Vict.
 c. 92. to
 apply to
 transfer.

Powers of
 gas company
 as to
 manage-
 ment, raising
 of capital,
 &c. extin-
 guished.

21. Part V. of "The Railways Clauses Act, 1863," relating to amalgamation, is hereby incorporated with this Act, and shall apply to the Rotherham Board and the gas company respectively, and to the undertaking by or under the provisions of this Act transferred to or vested in the Rotherham Board, as if the gas company were by this Act amalgamated with the Rotherham Board, and the Board were the amalgamated company, and the gas company were the dissolved company, and this Act were the amalgamating Act, and the vesting period were the time of amalgamation; but the powers by this Act vested in the Rotherham Board shall not comprise any of the powers of the gas company with respect to general meetings or directors, or the management of the internal affairs of the gas company, or the raising of moneys by shares or by borrowing: Provided always, that within three months after the vesting period the Rotherham Board shall produce to the Commissioners of Inland Revenue a deed of conveyance duly stamped, in which the consideration therefor shall be duly and truly set forth; and if the Rotherham Board shall not within the said period of three months produce to the said Commissioners of Inland Revenue such conveyance duly

stamped as aforesaid, the said ad valorem stamp duty shall be recoverable from the Rotherham Board, with full costs of suit, and all costs and charges attending the same. A.D. 1870.

22. Forthwith after the vesting period the gas company shall proceed to wind up their affairs, and shall pay and distribute the purchase money to and among the several persons and corporations who shall then be the registered shareholders of the gas company, in proportion to their respective interests therein, or their respective executors, administrators, successors, or assigns. Gas company to wind up their affairs.

23. For the purposes of such winding up the receipt of any committee of any shareholder in the gas company shall be an effectual discharge to the gas company and to the directors thereof for so much of the purchase money as in such receipt shall be expressed to be received, and shall exonerate them from any trust or obligation affecting the shares in respect of which such money shall be paid. Receipt of committee of shareholders to discharge gas company.

24. Provided that where the gas company are for twelve months after the period for the distribution of the purchase money unable, after diligent inquiry, to ascertain the person to whom any part thereof ought to be paid, or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same, the gas company may pay the same into the Court of Chancery under any Act for the time being in force for the relief of trustees, and every such payment into court shall conclusively discharge the gas company from all further liability with respect to the moneys so paid, and for the purposes of this Act shall be deemed to be a payment thereof to the person absolutely entitled thereto, and any person afterwards showing to the satisfaction of the Court that he is entitled thereto may obtain payment thereof out of court accordingly. Payment into court by gas company.

25. The gas company, when all their debts and liabilities are fully paid and satisfied, and their affairs are wound up, shall be and are hereby dissolved. Dissolution of company.

26. The mortgage debt of the gas company and the interest accruing thereon shall, after and notwithstanding the transfer of the undertaking to the Rotherham Board under the provisions of this Act, continue and be a charge upon the gasworks of the gas company and of the Board, and upon the revenue of the Board derived therefrom. Mortgages of the company to continue a charge on the gasworks.

27. If the consideration for the vesting in the Rotherham Board of the undertaking of the gas company be the grant of annuities to Annuities to be granted

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A.D. 1870. the shareholders, the Board shall grant to the holders of the share capital of the gas company a perpetual annuity of the amount agreed upon for and in respect of every share into which the gas company's share capital of twenty-seven thousand five hundred pounds is divided.

Vesting annuities in shareholders. **28.** The annuities shall be called "gas annuities," and shall be computed from the vesting period, and shall vest in and belong to the several parties who at the vesting period shall be shareholders of the gas company, in proportion to the number of shares held by them respectively.

Annuities to represent shares in company. **29.** The said gas annuities shall in all respects, both at law and in equity, be substituted for and represent the shares in the capital of the gas company, and the several parties in whom the said gas annuities become vested under this Act shall be possessed thereof respectively upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which their respective shares in the capital of the gas company shall at the vesting period be held and subject, and the said gas annuities shall accordingly pass or be affected by any will or other instrument disposing of or affecting such shares.

Rotherham Board to issue certificates for annuities. **30.** The Rotherham Board shall issue to every party in whom any of the said gas annuities becomes vested under this Act, or to his successors, executors, administrators, or assigns, on demand made by him or them to the Board, and on delivery by him or them of the certificate of the share in the capital of the gas company for which the annuity is substituted, or proof that such certificate is lost or destroyed, a certificate of the annuity, and such certificate shall be so issued free of expense to the annuitant, and may be in the form in the schedule (B.) to this Act annexed, or to the like effect: Provided that the Board may, by agreement with any annuitant, include in one certificate any number of gas annuities to which such annuitant is entitled.

Limits of Act with respect to gas. **31.** The limits of this Act with respect to the supply of gas shall extend to and comprise all places within the limits of the gas company.

Board to supply gas in certain event at request of owner or occupier. **32.** The Rotherham Board shall, at the request in writing of any owner or occupier of any premises within twenty-five yards of which any main gas pipe of the Rotherham Board shall be then laid, furnish to him a sufficient supply of gas for such premises, together (if so required) with a meter and so much of the service pipe as shall be necessary to communicate between the main pipe of the Rotherham Board and such meter: Provided that the expense

of so much of the service pipe as shall be laid upon the property of such owner or occupier, or in any other case as shall be laid beyond fifty feet in length, and the cost of such meter, shall be defrayed by such owner or occupier; and if the Rotherham Board shall, after having received such a request in writing, by their wilful default fail to supply the gas within a reasonable time, then on proof of such default the Rotherham Board shall be subject to a penalty not exceeding five pounds. A.D. 1870.

33. Any person having or requesting to have a supply of gas from the Rotherham Board shall (if and when so required in writing by them, and before he is entitled to have such service pipes and meter provided and fixed, or to have a supply of gas) give to the Rotherham Board such security for the payment to them of the rate for the gas to be supplied to him as he and the Rotherham Board agree on, or not exceeding one half year's calculated supply; and the Rotherham Board shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the Rotherham Board, or there are any arrears due in respect of gas supplied, or any security herein-before provided for has run out or ceased to remain in force. Security for payment of rate.

34. It shall not be lawful for the Rotherham Board to charge within the limits of this Act a higher price for gas than a sum after the following rate; (that is to say,) Limiting price of gas.

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

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

35. All the gas supplied by the Rotherham Board shall be of such quality as to produce from an argand burner having fifteen holes and a seven-inch chimney, and consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by sixteen sperm candles of six in the pound, burning one hundred and twenty grains per hour, and shall be so far free from sulphuretted hydrogen as not to discolour moistened test paper imbued with As to quality of gas.

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Test meters to be erected.

36. The Rotherham Board shall within six months after the vesting period cause to be erected in some convenient part of their works an experimental meter, furnished with an argand fifteen-hole burner and a seven-inch chimney, or other approved burner and chimney capable of consuming five cubic feet of gas per hour, and so placed as to test all the gas produced or consumed by the Board, with other necessary apparatus for testing the illuminating power of the gas.

Consumers may appoint inspectors of gas.

37. Any consumers of gas of the Rotherham Board, not being less than three, may by order in writing appoint some competent person, not being a member, officer, or servant of the Board, to make experiments as to the illuminating power and purity of the gas by means of the experimental meter and other apparatus before mentioned, and the person so appointed may at any reasonable hour in the daytime, on producing such order, and either with or without the concurrence or presence of the superintendent or other officer of the Board (but such superintendent or other officer may be present if he so require), make experiment of the illuminating power and purity of the gas as aforesaid, and the Board and their officers shall afford all reasonable facilities for the making of such experiment; and if it shall be proved to the satisfaction of any two justices not being members of the Board, after hearing the parties, that the illuminating power or purity of the gas supplied by the Board did not when so tested as aforesaid equal the illuminating power or purity prescribed by this Act, or that the Board or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, in any such case the Board shall forfeit such sum, not exceeding twenty pounds, as the justices shall determine.

Costs of experiment.

38. The costs and expenses attending any such experiment shall be ascertained by the said justices, and shall be paid by the Rotherham Board in the event of their being convicted in any such penalty as aforesaid, but otherwise shall be paid by the consumers who appointed the person to test the gas.

Rotherham Board to appoint gas examiner.

39. The Rotherham Board shall appoint a competent and impartial gas examiner to test the illuminating power and purity of the gas supplied by the Board, and he shall test the gas not less than twice in every week, and lay his reports before the Board at their usual meetings, and every such report shall be entered on the minutes of the meeting.

40. In case any consumer of the gas of the Rotherham Board shall leave the premises where such gas has been supplied to him without paying to the Board the gas rent or meter rent due from him, the Board shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

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Incoming tenant not to be liable for arrears of outgoing tenant.

41. The provisions contained in the ninety-seventh and following sections to the one hundred and fifth section inclusive of the Act of 1863, relating to the recovery of rates, rents, and moneys due to the Rotherham Board, and to penalties, shall be applicable in the case of rates, rents, and moneys due to the Board, and to penalties under this Act, in like manner in all respects as if those sections had been expressly re-enacted in this Act with reference to those matters.

Certain provisions of Act of 1863, as to recovery of rates, extended to this Act.

42. The books of the Rotherham Board, and all entries made therein in manner by this Act or any of the incorporated Acts directed, shall be received as primâ facie evidence by virtue of this Act.

Books to be evidence.

43. No person shall be disqualified for being, continuing, or acting as a member of the Rotherham Board by reason of his being concerned in any contract entered into by the Board for a supply of gas under this Act or any of the incorporated Acts, or for the sale of any land for the purposes of this Act, or of his being a proprietor of or interested in any newspaper in which advertisements are inserted for the local board, unless he shall discuss, act, or vote as a member of the Board on any question touching any matter in which he is directly or indirectly concerned; in such event, and immediately thereupon, he shall become disqualified and cease to be a member of the Board; but the validity of any act of the Board shall not be affected by any person becoming or having become so disqualified.

Contracts for supply of gas, &c. not to disqualify members of Board.

44. No person shall be incapable of acting as a justice in the execution in any respect of this Act by reason of his being interested in any contract under this Act for a supply of gas, or being liable under this Act to the payment of any rate or other money.

Liability to rates not to disqualify justices.

45. The Rotherham Board may from time to time raise such sums of money as they require for the purposes of this Act, with respect to gas, not exceeding in the whole ninety thousand pounds, inclusive of the amount required for the purchase of the undertaking of the gas company, by the grant of perpetual annuities, to be called "gas annuities," of ten pounds per annum each, or of such other

Power to raise money for gas purposes by annuities or mortgage.

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A.D. 1870. amount per annum as may be agreed upon as herein-before mentioned, or by mortgage as herein-after provided, or partly by the grant of gas annuities and partly by mortgage.

Power to raise money for water purposes by annuities or mortgage.

46. The Rotherham Board may from time to time, in addition to the amount they were authorised to borrow on mortgage under the Act of 1863, raise such sums of money as they require for the purposes of the Act of 1863 and this Act, with respect to water, not exceeding in the whole thirty thousand pounds, by the grant of perpetual annuities, to be called "water annuities," of ten pounds per annum each, or by mortgage as herein-after provided, or partly by the grant of water annuities and partly by mortgage.

Gas annuities to be with interest on mortgages charge on gasworks, &c.

47. All gas annuities under this Act shall be granted upon the security of the gasworks of the Rotherham Board, and shall, with the interest upon any mortgages of the gasworks granted under the provisions of this Act, be a first charge upon the clear profits or net income thereof, after payment of the expenses of conducting, managing, and maintaining the gasworks and otherwise carrying on the gas undertaking of the Board, and shall also be a charge upon the general district rates under the Public Health Acts.

Water annuities to be with interest on mortgages charge on waterworks, &c.

48. All water annuities under this Act shall be granted upon the security of the waterworks of the Rotherham Board, and shall, with the interest upon any mortgages of the waterworks granted under the provisions of the Act of 1863 or of this Act, be a charge upon the clear profits or net income thereof, after payment of the expenses of conducting, managing, and maintaining the waterworks and otherwise carrying on the water undertaking of the Board, and shall also be a charge upon the general district rates under the Public Health Acts.

Provisions of 8 & 9 Vict. c. 16. as to shares, &c. to apply to annuities.

49. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the distribution of the capital of the company into shares, and with respect to the transfer or transmission of shares, shall be incorporated with this Act, and shall, except where the same are expressly varied by this Act, apply to the said annuities, and to the holders of the annuities, and to the Rotherham Board, as if the Board were the company referred to in those provisions, and the annuities were shares in the undertaking of that company, and the holders of the annuities were shareholders in that company: Provided always, that the forms of certificate and transfer of an annuity may respectively be according to the forms in Schedule (B.) to this Act annexed, or to the like effect, and any such certificate or transfer may by agreement with the annuitant include any number of annuities to which the annuitant is entitled.

50. The annuities shall be payable at the office of the treasurer of the Rotherham Board, clear of all deductions (except income tax), by equal half-yearly instalments in every year. A.D. 1870.
Payment of annuities.

51. If within thirty days after any half-yearly portion of any annuity becomes payable, and after demand thereof in writing, it be not paid, the person entitled thereto may, subject to the provisions of this Act, recover the same against the Rotherham Board in any court of competent jurisdiction, and, without prejudice to his right so to recover the same, may require the appointment of a receiver as by this Act provided. Recovery of arrears of annuities.

52. The annuitants may enforce the payment of arrears of their annuities by the appointment of a receiver, as if they were mortgagees of the Rotherham Board, and for that purpose the provisions in that behalf applicable of "The Companies Clauses Consolidation Act, 1845," shall apply, mutatis mutandis, to the Board and the annuitants and the receiver, and the amount in arrear to authorise an application for a receiver shall be two hundred pounds. Receiver for annuitants.

53. The Rotherham Board may from time to time purchase any of the annuities at such price, not exceeding the market price for the time being for the same, as may be agreed upon between the sellers of the annuities respectively and the Board, and every annuity purchased by the Board may, at their option, be held by them or extinguished. As to purchase of annuities by corporation.

54. The Rotherham Board may from time to time, under the authority of this Act, in addition to any moneys they have borrowed or are authorised to borrow under any other Act, borrow at interest on mortgage of the gasworks of the Board, and of the gas rents and other revenue of the Board arising from their gas undertaking, and of the general district rate under the Public Health Acts, or of any of such securities, either together or separately, all such sums as they may from time to time think requisite for all or any of the purposes of this Act, with respect to gas, not exceeding in the whole the said sum of ninety thousand pounds: Provided always, that if all or any part of the said sum of ninety thousand pounds shall be raised by gas annuities it shall not be lawful for the Rotherham Board to exercise the power of borrowing hereby conferred to the extent of the amount so raised, except for the purpose of raising money to purchase or redeem all or some of such annuities, and the money so raised shall be applied only to that purpose. Power to Board to borrow on mortgage for gas purposes.

55. The Rotherham Board may from time to time, under the authority of this Act, in addition to any moneys they have borrowed or are authorised to borrow under any other Act, borrow at interest on mortgage of the waterworks of the Board, and of the water rates Power to Board to borrow on mortgage for water purposes.

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A.D. 1870. and other revenue of the Board arising from their water undertaking, and of the general district rates under the Public Health Acts, or of any of such securities, either together or separately, all such sums as they may from time to time think requisite for all or any of the purposes of the Act of 1863 and this Act, or either of them, with respect to water, not exceeding in the whole the said sum of thirty thousand pounds: Provided always, that if all or any part of the said sum of thirty thousand pounds shall be raised by water annuities it shall not be lawful for the Rotherham Board to exercise the power of borrowing hereby conferred to the extent of the amount so raised, except for the purpose of raising money to purchase or redeem all or some of such annuities, and the money so raised shall be applied only to that purpose.

Provisions of 10 & 11 Vict. c. 16. as to mortgages incorporated.

56. The sections of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the commissioners, except section eighty-four, shall be incorporated with this Act, and shall be applicable to the Rotherham Board and to their mortgages under the provisions of this Act.

Arrears may be enforced by appointment of a receiver.

57. The mortgagees of the Rotherham Board under the provisions of this Act 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, and the amount of principal and interest in arrear which shall authorise the appointment of a receiver shall be one thousand pounds.

Power to re-borrow.

58. The Board may from time to time re-borrow any amount borrowed under the provisions of this Act, and from time to time paid off by them respectively, unless it be paid off by means of annual instalments or the sinking fund, in which case, and to the extent of the amount paid off by means of annual instalments or the sinking fund, their powers of borrowing and re-borrowing shall cease.

Certain restrictions not to apply.

59. The powers of borrowing money conferred by this Act shall not be restricted by any of the provisions of the Public Health Acts, and in calculating the amount which the Board may borrow under the Public Health Acts any sums which they may borrow under the provisions of this Act shall not be reckoned.

Application of moneys borrowed on mortgage of gasworks.

60. All moneys from time to time raised by grant of gas annuities, or borrowed under this Act on mortgage of the gasworks, shall be applied by the Rotherham Board only as follows:

First, in payment of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, or of such part thereof as the Board think fit:

Secondly, in the purchase of the undertaking of the gas company, and in payment of the costs, charges, and expenses of and incident thereto, and in the extension of the gasworks: A.D. 1870.

Thirdly, in the purchase or redemption of gas annuities, and in the exercise of the powers of this Act with respect to the paying off of moneys borrowed on mortgage of the gasworks, and of re-borrowing.

61. All moneys from time to time raised by grant of water annuities, or borrowed under this Act on mortgage of the waterworks, shall be applied by the Rotherham Board only as follows: Application of moneys borrowed on the waterworks.

First, in payment of the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, or otherwise in relation thereto, or of such part thereof as the Board think fit:

Secondly, in the construction and extension of the waterworks by the Act of 1863 authorised:

Thirdly, in the purchase or redemption of water annuities, and in the exercise of the powers of this Act with respect to the paying off of moneys borrowed on mortgage of the waterworks, and of re-borrowing.

62. All gas rates or sums received by the Rotherham Board for the supply of gas, and all other receipts and credits on account of the gasworks of the Board, shall in each and every half year be applied as follows: Application of gas revenue of Rotherham Board.

First, in payment of the expenses properly chargeable to revenue of establishing, conducting, managing, and maintaining the gasworks, and otherwise carrying on the gas undertaking of the Board:

Secondly, in payment of the interest upon mortgages, and in payment of annuities granted under the provisions of this Act:

Thirdly, in forming the sinking fund required by this Act:

Fourthly, in forming the contingency or depreciation fund required by this Act:

Fifthly, in or towards repaying to the general district rates the amount (if any) advanced thereout in payment of gas annuities or interest on mortgages charged on the gasworks of the Board, and as a collateral security on the general district rates under the powers of this Act:

Sixthly, the balance shall be applied in enlarging, extending, or improving the gasworks of the Board, or in the purchase of annuities granted under the provisions of this Act, or shall be

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carried to the district fund account of the Board, and shall be applied by the Board in payment of any charges or expenses for the time being payable out of the general district rates leviable by the Board, or otherwise for the public benefit of the inhabitants of the district, and for the improvement of the district, or for any two or more of the above purposes, as to the Board shall seem meet.

Amount
and period
for gas
sinking fund.

63. The sum to be yearly set apart for the sinking fund for payment of moneys raised by mortgage of the gasworks, or by gas annuities, shall be of such an amount as will enable the Rotherham Board to pay off the amount raised under the powers of this Act, whether by mortgage or by gas annuities, in the course of fifty years, and the mortgage debt of the gas company shall, for the purposes of the sinking fund, be deemed money raised under the powers of this Act; but the Board shall not be bound to commence the formation of the sinking fund by setting apart any portion of their revenue for the purpose until the expiration of three years from the vesting period.

Application
of sinking
fund.

64. The sums set apart for the said sinking fund, and the interest thereon, shall be invested in the purchase of Exchequer bills or other Government securities, or may be applied by the Board in the purchase or redemption of gas annuities, or in paying off mortgages on the gasworks granted under the provisions of this Act; and the Board may from time to time, as they think fit, sell all or any Exchequer bills or securities which shall have been so purchased, and apply the proceeds in the purchase or redemption of gas annuities, or in paying off mortgages on the gasworks granted under the provisions of this Act.

Gas account.

65. The Rotherham 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 and the Acts incorporated herewith, to be called "the 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 under the Public Health Acts, except that any additional remuneration to be paid to the auditors in respect of the audit of the gas account shall be paid out of the moneys carried to the credit of that account.

Application
of receipts
from water
under this

66. All moneys from time to time received by the Rotherham Board under the provisions of this Act, with respect to water, shall be carried to the credit of the waterworks account established under

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the provisions of the Act of 1863, and the Rotherham Board shall, after the expiration of five years from the passing of this Act, out of the moneys carried to the credit of the water account, either pay off the sums raised by mortgage, or by the grant of water annuities under the provisions of this Act, by annual or other instalments, within forty years after the expiration of the said term of five years, or else appropriate and set apart every year a fund to be applied as a sinking fund in paying off the moneys so raised, and in or towards purchasing any water annuities which may have been so granted; and any such sinking fund shall be laid out, invested, accumulated, and applied according to the provisions of "The Commissioners Clauses Act, 1847," section eighty-four.

A.D. 1870.

Act and sinking fund.

67. The sum to be half-yearly set apart as a contingency or depreciation fund shall be such an amount as the Board from time to time think fit, but not so as to exceed in any year a sum equal to one pound per centum upon the aggregate amount of moneys raised by the Board by mortgage of the gasworks and by grant of gas annuities under the provisions of this Act, including the mortgage debt of the gas company; and no money shall be carried to the depreciation fund when and so long as the amount thereof is equal to ten pounds per centum of that aggregate amount; and whenever and so long as the depreciation fund is equal to ten pounds per centum of that aggregate amount, the interest and dividends thereof shall be deemed to be receipts on account of the gasworks, and be dealt with accordingly.

Amount of contingency or depreciation fund.

68. The contingency or depreciation fund shall be applied from time to time by the Board in meeting any extraordinary contingencies which may arise in respect of the gasworks or gas undertaking of the Board, or in making good the deficiency of any half year's revenue of the Board, to pay the interest upon mortgages and annuities of the Board in full; and the moneys from time to time set apart for the contingency or depreciation fund, and the interest thereon, which shall not be immediately required for any such purpose as aforesaid, shall be invested in Government securities, and the Board may sell such securities from time to time as occasion requires.

Application of contingency or depreciation fund.

69. If the undertaking of the gas company becomes vested in the Rotherham Board under the provisions of this Act, then at any time after such vesting the Rotherham Board on the one hand, and the local board or other local authority for or acting within all or any part or parts of the townships or places of Rawmarsh, Brinsworth, Tinsley, Whiston, Herringthorpe, Greasborough, Dalton, and Ald-

Power for Rotherham Board and other local boards and local authorities to make

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agreements
with respect
to supply
of gas.

warke respectively, in the west riding of the county of York, or any one or more of them, on the other hand, may from time to time enter into agreements with respect to the supply of gas by the Rotherham Board to the local board or local boards, or other local authority or local authorities respectively, parties to the agreement, for distribution within the district or limits of authority of such local board or local authority respectively; and the parties to all such agreements respectively may have and exercise all such usual and proper powers as may be necessary for enabling them to carry such agreements into effect, and to convey and distribute the gas supplied within their respective districts or limits.

Confirming
agreement
between
Rotherham
Board and
Rawmarsh
Board with
respect to
supply
of water.

70. The agreement between the Rotherham Board and the Rawmarsh Board, set forth in Schedule (A.) to this Act annexed, is hereby confirmed, and it shall be lawful for the said Boards by mutual consent to modify the same from time to time, as they think fit, and it shall be lawful for the said Boards respectively to carry the said agreement and any such modifications thereof as aforesaid into effect.

Water to be
delivered
under
pressure of
Boston
reservoirs.

71. The water to be supplied by the Rotherham Board to the Rawmarsh Board shall be delivered at the point referred to in the said agreement under pressure from the Boston or Moregate Reservoirs, or so that the water shall reach the same level in Rawmarsh as if delivered under pressure from the Boston or Moregate Reservoirs.

Rotherham
Board to
provide
meters and
apparatus.

72. The Rotherham Board shall provide and lay down, and from time to time renew, and shall at all times keep in repair, all such meters or instruments for measuring water, and all such other apparatus as may be necessary for carrying the said agreement on their part into effect.

Providing
for payment
of costs to
be borne by
Rawmarsh
Board.

73. The Rawmarsh Board may pay all costs which by the said agreement are to be borne or paid by them out of any moneys in their hands, or which they may receive from any district rates hereafter to be levied by them.

Annual sums
for water
and meters
to be a
charge on
rates, or
leviable by
Rawmarsh
Board, and
may be
recovered as
interest upon
mortgages
in arrear.

74. The annual sums payable to the Rotherham Board by virtue of the said agreement in respect of the water supplied by them to the Rawmarsh Board, and in respect of the meters or instruments for measuring the said water, shall be a first charge on the rates, rents, and charges leviable by the Rawmarsh Board under the powers of this Act, and shall be recoverable by the appointment of a receiver or otherwise, in like manner in all respects as interest due upon any mortgages granted by the Rawmarsh Board may be enforced and recovered.

75. If at the time when any such annual sums are in arrear and unpaid as aforesaid the Rawmarsh Board have made no rate under the provisions of this Act which can be made available for payment of the said sums, and refuse or neglect for three months after being thereunto required by the Rotherham Board, by writing under the hand of their clerk, to make or levy any such rate, the Rotherham Board may themselves make, levy, and collect all or any such rates as the Rawmarsh Board are entitled to make under this Act, and shall have and are hereby empowered to exercise all the powers and rights of the Rawmarsh Board for those purposes, and shall, out of the first moneys which shall come to their hands in the exercise of such powers, pay themselves all moneys which shall then be due to them for or on account of such annual sums, and all costs and expenses incurred by them in making, levying, and collecting the said rate, and otherwise in enforcing payment of the said annual sums, and shall pay over the balance in their hands (if any) to the treasurer of the Rawmarsh Board; and their powers of collecting the rate, so far as the same remains uncollected, shall thenceforth revert or become transferred to the Rawmarsh Board.

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If no rate available, Rotherham Board may levy rate.

76. In addition to the other remedies by this Act given to the Rotherham Board for enforcing payment of the said annual sums, the same may, if the said Board think fit, be recoverable by action, with full costs of suit, in any court of competent jurisdiction.

Remedy by action.

77. The provisions of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purposes of laying pipes, and with respect to the supply of water to be furnished by the undertakers, and with respect to the communication pipes to be laid by the undertakers, and with respect to the communication pipes to be laid by the inhabitants, and with respect to the waste or misuse of the water supplied by the undertakers, and with respect to the provision for guarding against fouling the water of the undertakers, and with respect to the payment and recovery of the water rates, and with respect to tender of amends, and with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, and with respect to access to the special Act, are (except where expressly varied by this Act) incorporated with and form part of this Act; and in construing the said provisions for the purposes of this Act the expression "the undertakers" shall mean the Rawmarsh Board, and the expression "limits of the special Acts" shall mean the district of the Rawmarsh Board.

Certain provisions of 10 & 11 Vict. c. 17. incorporated.

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Power for
Rawmarsh
Board
to supply
water.

Meaning of
rent as
applied
to water
supply.

Water to be
supplied for
domestic
purposes;
rates to
be charged.

Maximum
and mini-
mum rates.

Definition
of domestic
use.

Charge for
several
waterclosets.

78. Subject and according to the provisions of this Act, and of the agreement set forth in Schedule (A.) to this Act annexed, the Rawmarsh Board may supply water within their district, and may sell and dispose of the water as they from time to time think fit.

79. The term "rent," used in this Act in relation to the payment for water supplied, shall mean the charge payable for and in respect of the water supplied to or for the use or on the responsibility of any person under the authority of this Act.

80. The Rawmarsh Board shall, at the request of the owner or occupier of any house, or part of a house, in any street within their district in which any pipe of the said Board is laid (except as hereafter mentioned), or of any person who, under the provisions of this Act or any Act incorporated herewith, is entitled to demand a supply of water for domestic purposes within the said district, furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at a rate not exceeding the yearly sum of eight pounds in the hundred on the annual value of the dwelling-house or part of a dwelling-house supplied.

81. Provided always, that the Rawmarsh Board shall not be entitled to demand or receive for any one dwelling-house, or part of a dwelling-house, any greater yearly sum than ten pounds, nor shall houses rated to the poor at a less sum than six pounds per annum be charged a greater yearly sum than eight shillings.

82. A supply of water for domestic use shall include a supply for one watercloset within or adjacent to or immediately connected with any dwelling-house, but shall not include a supply for more than one watercloset, or for baths, or for cattle or horses, or washing carriages, when such horses or carriages are kept for hire, or are the property of a dealer, or for any trade, manufacture, or business whatsoever, or for watering gardens, or for fountains.

83. In addition to the rent for the supply of water for domestic use which the Rawmarsh Board may demand under this Act, the said Board may in all cases in which there shall be more than one watercloset or a bath in any dwelling-house, or part of a dwelling-house, or shop, or building used as a dwelling-house, the occupier of which may be liable to pay rent for a separate supply of water, charge in respect of every watercloset therein beyond the first, and for every bath, any sum not exceeding four shillings, and such additional rents may be recovered with and as part of or by the same means as the rent for the domestic supply from such occupier.

84. Notwithstanding anything herein contained, the Rawmarsh Board may from time to time lessen or remit the rents for supplying any hospitals, infirmaries, or other buildings devoted to public or charitable purposes. A.D. 1870.

85. The Rawmarsh Board shall from time to time frame and publish within their district a scale of charges and terms for the supply of water for other than domestic purposes within the said district, and all persons within the said district shall be entitled to such a supply according to such scale. Power to Rawmarsh Board to remit charges.
Supply for other than domestic purposes within district.

86. Subject to the last foregoing provision, the Rawmarsh Board may within their district supply any person with water for other than domestic purposes at such rent and on such terms as may be agreed on between the said Board and such person; every such agreement to be determinable by the said Board on three months notice in writing. Supply for other than domestic purposes by agreement.

87. No person shall be entitled to a supply of water under either of the last two foregoing provisions whenever and as long as the Rawmarsh Board are of opinion that such supply would interfere with the proper supply of water for domestic purposes under this Act. Such supply not to interfere with supply for domestic purposes.

88. The Rawmarsh Board shall not be liable under this Act, or any agreement for the supply of water for other than domestic purposes, to any penalty or damages for not supplying such water, if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident. Such supply not obligatory in case of frost, &c.

89. The Rawmarsh Board shall not be bound to supply water in any house at a level above that at which water can be supplied from the service reservoirs in the district of the Rotherham Board. Level at which supply obligatory.

90. The water supplied by the Rawmarsh Board need not be constantly laid on under pressure. Exception to constant supply.

91. The Rawmarsh Board may let for hire to any consumer of the water supplied by the said Board any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of such water, for such remuneration in money as shall be agreed upon between the said Board and the consumer, which shall be recoverable in the same manner as rents due to the said Board for water; and such meters, instruments, pipes, and apparatus shall not be subject to distress for rent of the premises where the same are used, or be attached or taken in execution under any process of any court of law or equity, or under or in pursuance of any adjudication Power to Rawmarsh Board to let for hire meters.

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or order in bankruptcy, or other legal proceeding against the person, or goods of the person, in whose possession the same shall be.

Power to Rawmarsh Board for ascertaining quantity consumed by meter, and for removing meters, &c.

92. The officers of the Rawmarsh Board may enter any house, building, or lands to, through, or into which water is supplied by the said Board by measure in order to inspect the meters, instruments, fittings, apparatus, and works for conveying, measuring, and regulating the supply of water, or for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, building, or lands for the purpose of removing or carrying away any meter, instrument, pipes, fittings, apparatus, or other works the property of the said Board; and if any person hinders any such officer from entering and making such inspection, or effecting such removal, he shall for every such offence be liable to a penalty not exceeding five pounds; but, except with the consent of a justice, such power of entry shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

Power to cut off water in certain cases.

93. If any person supplied with water by the Rawmarsh Board wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of the incorporated Acts and this Act respectively, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the said Board, the said Board may cut off any of the pipes by or through which water is supplied by them to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied, and may also recover from him the amount of any loss, damage, or injury sustained by them by or in consequence of any such act or failure, by action at law in any court of competent jurisdiction.

Regulations for preventing waste, &c. of water.

94. For the purpose of preventing the waste, misuse, or undue consumption or contamination of the water of the Rawmarsh Board, the said Board may from time to time make such rules and regulations as they may think necessary to be observed by the persons supplied with such water, and may thereby direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, alteration, and repair of the pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus or receptacles, or any of them, to be used by such persons respectively for conveying, delivering, and receiving such water, and may thereby interdict any arrangement and the use of any pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus or receptacles which in their judgment will be likely to occasion any such

waste, misuse, undue consumption, or contamination, and shall not be bound to supply or continue to supply water to any such person unless such rules and regulations be and continue to be duly observed by him; and the pipes, valves, cocks, cisterns, baths, soilpans, waterclosets, and other apparatus and receptacles used, or to be used, shall be made of such size, nature, strength, and materials, and shall be so arranged, kept, and repaired as the said Board shall from time to time so prescribe or otherwise approve; and in case of the neglect or refusal of any such person to observe such rules and regulations, or any of them, the said Board may, after twenty-four hours notice in writing, and by or under the direction of their duly authorised officer, repair, replace, or alter, or cause to be repaired, replaced, or altered, any pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle of any person supplied by them; and the expense of every such repair, replacement, or alteration shall be repaid to the said 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.

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95. If any person supplied with water by the Rawmarsh Board wrongfully causes or suffers any pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle to be out of repair, or to be so used or contrived as that the water supplied to him by the said Board is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of the said Board, he shall for every such offence be liable to a penalty not exceeding five pounds, and shall forthwith remove, replace, or alter, or permit to be removed, replaced, or altered, any such pipe, valve, cock, cistern, bath, soilpan, watercloset, or other apparatus or receptacle to the satisfaction of the said Board or their duly authorised officer.

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

96. If any person—

First, not having agreed with the Rawmarsh Board for a supply of water for other than domestic purposes uses for other than domestic purposes any water supplied to him by the said Board; or,

Secondly, having agreed with the said Board for a supply of water for any other than domestic purposes uses for any purposes other than those agreed for any water supplied to him by the said Board;

he shall for every such offence be liable to a penalty not exceeding

Penalty for application of water contrary to agreement.

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Penalty on
use of water
without
agreement.

97. If any person not having agreed to be supplied with water by the Rawmarsh Board wrongfully takes or uses any water from any conduit or pipe belonging to the said Board, or from any pipe leading to or from any such conduit or pipe, or from any cistern or other like place containing water belonging to the said Board, or supplied by them for the use of any consumer of the water of the said Board, he shall for every such offence be liable to a penalty not exceeding five pounds; and the said Board shall be entitled in addition to recover from him the amount of any loss, damage, or injury sustained by them by or in consequence of any such wrongful act, by action at law in any court of competent jurisdiction.

Expenditure
by Raw-
marsh Board
under Act
as to water
supply.

98. All costs, charges, and expenses of and incident to the executing by the Rawmarsh Board of this Act, so far as it relates to the supply of water by them, and all moneys from time to time borrowed by the said Board, and the interest thereon, and all other the expenses and liabilities of the said Board under and with respect to this Act and the purposes and execution thereof, so far as it relates to the supply of water by them, are by this Act charged on and shall be paid from and out of money to be raised or received by them under this Act.

Waterworks
account.

99. The Rawmarsh 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 by them, and from or on account of the rents for water supplied by them under this Act and the incorporated Acts, to be called "the waterworks 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 said Board under the Public Health Acts, except that any additional remuneration to be paid to the auditors in respect of the audit of the waterworks account shall be paid out of the moneys carried to the credit of that account.

Improve-
ment rates
for expenses.

100. The Rawmarsh Board may from time to time, when and as often as occasion requires, and according to the powers, provisions, and limitations of the Public Health Acts, as amended with respect to the mode of assessment by the fifty-fifth section of "The Local Government Act, 1858," make and levy a general district rate, to be called "the improved waterworks rate," for defraying the charges and expenses of executing the several waterworks and works connected therewith by this Act authorised to be executed

by the said Board, and of otherwise carrying the powers of this Act into execution, so far as it relates to the laying of mains and pipes or the construction of works by them for the supply of water; but the said Board shall not for these purposes levy in any one year a greater rate than one shilling and sixpence in the pound upon the annual rental of their district, according to the assessment of the property within the said district to the relief of the poor.

A.D. 1870.

101. All property of whatsoever description which is incapable of being supplied with water under the provisions of this Act, or which shall not be so supplied owing to any default of the Rawmarsh Board, is hereby wholly exempted from the improved waterworks rate.

Property incapable of being supplied with water exempted from rate.

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

Amount of rate to include expenses of recovering it.

103. For the purposes of this Act, so far as it relates to the district of the Rawmarsh Board, the annual value of property rateable under this Act or the incorporated Acts shall be ascertained according to the last preceding annual assessment for the relief of the poor within the several parishes, townships, and places within the said district, unless a valuation is made as herein-after mentioned.

Value of property to be according to poor rate.

104. If any house, building, or lands rateable under this Act or the Acts incorporated herewith is omitted from the poor rate, the Rawmarsh Board may cause a valuation to be made of the annual rent or value thereof, and may cause the proper rates or assessments to be made upon the owner or occupier thereof as they could have done if such house, building, or land had not been so omitted.

Power to levy rates on property not included in the poor rate.

105. Whenever the name of any owner liable to be rated under the provisions of this Act or the incorporated Acts is not known, after due inquiry, to the Rawmarsh Board or to the person making any rate, it shall be sufficient to rate such owner in the rate-book of the said Board as the owner of the property to be rated by the designation of "the owner," without stating his name.

Owner may be rated without stating his name.

106. The Rawmarsh Board may from time to time amend any rate or rent made or charged by virtue of this Act or the incorporated Acts by inserting therein the name of any person who ought to have been rated or charged, or by striking out the name of

Rates or rents may be amended.

[Ch. cxxxiv.] *The Rotherham and Kimberworth* [33 & 34 VICT.]
Local Board of Health Act, 1870.

A.D. 1870. — any person who ought not to have been rated or charged, or by increasing or reducing the sum at which any person is rated or charged, if it appears to the said Board that such person has been under-rated or undercharged, or over-rated or overcharged, or by making such other amendments therein as will make such rate or rent conformable to this Act, and no such amendment shall be held to avoid the rate or rent.

Rates or rents due from owner may be recovered from occupier.

107. When the owner of any rateable property has been rated or charged in respect thereof, and the rate or water rent remains unpaid for the space of three months, the Rawmarsh Board, or their collector, may recover the amount of such rate or rent from the occupier of such property by distress and sale of his goods and chattels, in like manner as rates may be recovered from the occupier of any property liable to be rated; but an occupier shall not be required to pay, nor shall his goods and chattels be distrained for, any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate, or which shall, after such demand and notice not to pay the same to his landlord, at any time accrue and become payable by him, unless he refuses, on application being made to him for that purpose by or on behalf of the said Board, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; the burden of proof that the sum demanded from him is greater than the rent due by him at the time of such notice or since accrued shall nevertheless be upon such occupier.

Occupier refusing to give name of owner liable to penalty.

108. If, on the request of the Rawmarsh Board or their collector, the occupier of any property refuses or wilfully omits to disclose, or wilfully misstates to the said Board or collector making such request, the name of the owner of such property, or of the person receiving or authorised to receive the rents of the same, any justice, on oath made before him of such request and of such refusal, or wilful omission or misstatement, may summon such occupier to appear at the time and place mentioned in such summons before such justice, or before some other justice; and if he refuses or neglects to attend at such time and place, or if he attends and does not show good cause to the justice then present for such his refusal, or wilful neglect or misstatement, such justice (upon proof, in case of neglect or refusal to attend, of due service of the summons) may impose upon him a penalty not exceeding five pounds.

Occupier may recover money paid for rates or

109. If the amount of any rate or rent which under this Act or the incorporated Acts ought to be borne and paid by the owner of any rateable property in the district of the Rawmarsh Board is paid

by the occupier of such property, or levied on his goods and chattels, then the owner of such property, at the time of such payment or levy, shall reimburse the occupier, and the occupier may deduct the sums paid or levied, together with the costs of the distress (if any) paid by him from any rent due or to become due from him in respect of such property, and the payment shall be a good and sufficient discharge for such occupier against such owner for so much money as he pays, in the manner directed by this Act, or sustains the loss of by reason of any such distress, or such occupier may recover the same from such owner by action in any court of competent jurisdiction.

A.D. 1870.
rents due from owner, or deduct from rent.

110. If the owner of any dwelling-house within the district of the Rawmarsh Board, the yearly rent or value whereof does not exceed six pounds, or which, whatever may be the annual value thereof, is let to weekly or monthly tenants, or in separate apartments, is desirous of paying reduced rates or rents by the year for the same, whether occupied or not, the said Board may compound with such owner for the payment of all the rates, rents, and charges payable by virtue of this Act or the Acts incorporated herewith in respect of such dwelling-house at any sum not being less than two thirds of the annual rates, rents, or charges for the same; and all such compositions shall be entered in the books of the said Board, and shall be recoverable in like manner as any rate authorised by this Act may be recovered.

Owners of certain classes of houses may compound for rates or rents.

111. In case any person supplied with water by the Rawmarsh Board shall leave the premises where such water has been supplied to him without paying to the Board the water rent or meter rent due from him, the Board shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant shall have undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not to be liable for arrears of outgoing tenant.

112. And whereas certain parts of the township of Greasborough might conveniently be supplied with water from the waterworks of the local board through the township of Rawmarsh: Be it enacted, that the Rawmarsh Local Board may, by agreement with the owners, lessees, or occupiers of any lands or buildings in the township of Greasborough lying within a distance of fifty yards of the Rotherham and Swinton turnpike road, supply water to such lands or buildings for domestic or other purposes, upon such terms and conditions as may be agreed upon between the Rawmarsh Board and such owners, lessees, and occupiers respectively, and the Rawmarsh

Parts of Greasborough may be supplied with water by Rawmarsh Board.

[Ch. cxxxiv.] *The Rotherham and Kimberworth* [33 & 34 VICT.]
Local Board of Health Act, 1870.

A.D. 1870. Local Board shall have the same powers of laying down, renewing, repairing, and maintaining mains and pipes in such parts within the township of Greasborough, for the purpose of furnishing such supply, as they have within their own district, subject nevertheless to such superintendence of persons having the control or management of any street, road, or place in and along which any mains or pipes are to be laid, or of their clerk, surveyor, or other officer, as is provided by the sections of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purposes of laying pipes.

Power to
Rawmarsh
Board
to borrow.

113. The Rawmarsh Board may from time to time, under the authority of this Act, in addition to any moneys they have borrowed or are authorised to borrow under any other Act, borrow at interest, on mortgage of the water rents and other revenue of the said Board under the provisions of this Act, and of the improved waterworks rate under this Act, and of the general district rate under the Public Health Acts, within the district of the said Board, or of any of such securities, either together or separately, all such sums as they may from time to time think requisite, for all or any of the purposes of this Act, so far as it relates to the supply of water by the said Board, not exceeding in the whole twenty thousand pounds.

Provisions of
10 & 11 Vict.
c. 16. as to
mortgages
incorporated.

114. The clauses of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the commissioners, except section eighty-four, shall be incorporated with this Act, and shall be applicable to the Rawmarsh Board and to their mortgages under the provisions of this Act.

Instalments
of sinking
fund.

115. The Rawmarsh Board shall, after the expiration of seven years from the passing of this Act, out of the moneys carried to the credit of the waterworks account, either 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 appropriate and set apart every year a sum equal to one fortieth part of the sums so borrowed as a sinking fund, to be applied in paying off the principal moneys so borrowed; and any such sinking fund shall be laid out, invested, accumulated, and applied according to the provisions of "The Commissioners Clauses Act, 1847," section eighty-four.

Appoint-
ment of
receiver.

116. The mortgagees of the Rawmarsh Board under the provisions of this Act 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, and the amount of principal and interest in arrear which shall authorise the appointment of a receiver shall be one thousand pounds.

117. As between the waterworks account and the general district rate for the district of the Rawmarsh Board, the rates, rents, and charges under the foregoing provisions of this Act and the incorporated Acts shall be primarily liable to be applied in satisfaction of all moneys borrowed by the Rawmarsh Board under the provisions of this Act and the incorporated Acts, and the interest thereon, and in setting apart a sinking fund; and all sums paid out of the general district rate under the powers or for the purposes of the foregoing provisions of this Act shall from time to time be reimbursed and repaid out of any balance from time to time standing to the credit of the said waterworks account, after application to the objects to which moneys carried to that account are under the provisions of this Act to be first, secondly, thirdly, fourthly, and fifthly applied; but nothing herein contained shall prejudice the security of any person or corporation lending money to the Rawmarsh Board under the powers of this Act, and every such person and corporation may enforce all his or their rights and remedies as if this present section had not been inserted in this Act.

A.D. 1870.
Waterworks
account to
be primarily
liable.

118. The Rawmarsh Board may from time to time re-borrow any amount borrowed under the provisions of this Act, and from time to time paid off by them respectively, unless it is 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 shall cease.

Power to
re-borrow.

119. The powers of borrowing money by this Act conferred upon the Rawmarsh Board shall not be restricted by any of the provisions of the Public Health Acts, and in calculating the amount which the said Board may borrow under the Public Health Acts any sums which they may borrow under the provisions of this Act shall not be reckoned.

Certain
restrictions
not to apply.

120. All moneys borrowed by the Rawmarsh Board under the provisions of this Act shall be applied in the laying down of mains and pipes, and constructing such works and purchasing such plant and materials as may be necessary for enabling them to convey and distribute the water supplied to them under the provisions of this Act throughout their district.

Application
of borrowed
moneys.

121. All moneys received by the Rawmarsh Board under the foregoing provisions of this Act (other than sums raised by the said Board by mortgage) shall be applied as follows:

Application
of receipts.

First, in paying the interest from time to time due upon all moneys borrowed by the said Board under the foregoing provisions and for the time being remaining due;

[Ch. cxxxiv.] *The Rotherham and Kimberworth* [33 & 34 VICT.]
Local Board of Health Act, 1870.

A.D. 1870.

Secondly, in maintaining the mains, pipes, and other works herein-before authorised from time to time as occasion shall require, and carrying into execution this Act, so far as it relates to the supply of water within their district ;

Thirdly, in paying off the moneys so borrowed by annual instalments, or appropriating and setting apart a sinking fund, as is herein-before mentioned, after the expiration of three years from the time when they shall first receive a supply of water from the Rotherham Board, under the provisions of this Act ;

Fourthly, in extending the mains, pipes, and other works herein-before authorised from time to time as occasion shall require, and in repaying any moneys advanced out of the general district rates for their district, under the powers and for the purposes of this Act, so far as it relates to the supply of water by the said Board, and not previously repaid ;

Fifthly, in paying off, by means of any surplus remaining after the foregoing purposes are satisfied, the principal moneys borrowed by the said Board under the foregoing provisions, and not paid off by means of annual instalments or a sinking fund ;

And lastly, in the reduction of the rates and charges by the foregoing provisions of this Act or any of the incorporated Acts authorised to be levied and made within the district of the said Board.

Rawmarsh
Board may
appoint
water com-
mittee.

122. For more conveniently carrying this Act and the several powers thereof into execution, so far as it relates to the supply of water by the Rawmarsh Board, the said Board may appoint out of their own body from time to time a committee, to be called the water committee, consisting of such number of persons as the said Board think fit, to manage, transact, and carry into effect all or any of the matters and purposes which the said Board are herein-before directed or authorised expressly or by reference to do, execute, or perform, and to fix the quorum of such committee, which committee shall have such discretion and so many of the powers and authorities by this Act given to or reposed in the said Board as the said Board shall think proper to delegate to such committee.

Quorum of
committee.

123. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the purposes of their appointment, but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the said Board, and if no quorum be fixed, unless three members be present ; and at all meetings of the committee one of the members present shall be appointed chairman ; and all questions shall be determined by a majority of the

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. A.D. 1870.

124. All the minute and other books of the water committee, and all documents, writings, and papers in the custody of or belonging to such committee, shall at all times be open to the inspection of any member of the Rawmarsh Board. Books of water committee to be open to inspection.

125. All rates, rents, and sums due to the Rawmarsh Board on any account whatsoever under this Act, or otherwise howsoever, and all costs, damages, penalties, and expenses by this Act directed to be paid to them, may be made or levied and recovered in the same manner in all respects as any other rates, rents, or moneys payable to the said Board under the Public Health Acts may be made, levied, or recovered respectively, and proceedings for the recovery thereof may be taken in the name of any officer of the said Board; and the remedies of the said Board under this enactment shall be in addition to their other remedies for the recovery of any such rates, rents, sums, costs, damages, penalties, and expenses respectively. Recovery of moneys by Rawmarsh Board.

126. Whenever any person neglects to pay any rate, rent, or sum due under this Act, or otherwise, to the Rawmarsh Board, the said Board may recover the same, with full costs of suit, in any court of competent jurisdiction; and the remedies of the said Board under this enactment shall be in addition to their other remedies for the recovery of such rate or sum. Recovery of sums owing to Rawmarsh Board.

127. Nothing contained in this Act or in any Act incorporated with or referred to in this Act shall prevent the Rawmarsh Board from recovering any sum of money, not exceeding fifty pounds, which shall be due to them for water rates or rents, damages, costs, or expenses under this Act, in such manner as is by law provided for the recovery of debts not exceeding fifty pounds. Recovery of sums under fifty pounds.

128. Penalties imposed by several Acts for the same offence shall not be cumulative, and for this purpose this Act and the Acts incorporated with or referred to in this Act, so far as they relate to the Rawmarsh Board, shall be deemed several Acts. Penalties not cumulative.

129. The justices by whom any pecuniary penalty is imposed under this Act, so far as the provisions relate to the Rawmarsh Board, shall, where the same is payable by any person or corporation other than the said Board, and the application thereof is not otherwise provided for, award the same to the said Board. Application of penalties.

130. Any number of names or sums may be included in any information, summons, warrant of distress, or notice obtained or Several names in one warrant.

[Ch. cxxxiv.] *The Rotherham and Kimberworth* [33 & 34 VICT.]
Local Board of Health Act, 1870.

A.D. 1870. given by the Rawmarsh Board for any of the purposes of this Act or of any of the incorporated Acts, and may be stated either in the body of the information, summons, warrant, or notice, or in a schedule thereto.

Costs
of distress.

131. Any warrant of distress may order that the costs of the proceedings for the recovery of the water rate, rent, or sum to be paid shall be paid by the person liable to pay such water rate, rent, or sum, and such costs shall be ascertained by the justice issuing such warrant, and shall be included in the warrant of distress for the recovery of such water rate, rent, or sum.

Forms of
Public
Health Act
may be used.

132. The forms given in Schedule (D.) and Schedule (E.) to "The Public Health Act, 1848," may be used for the purposes of this Act, with such variations as may be necessary for referring to this Act, and to render them applicable to those purposes.

Authentica-
tion of
notices.

133. Any summons, demand, or notice, or other such document under this Act may be in writing or print, or partly in writing and partly in print, and if the same requires authentication by the Rawmarsh Board, the signature of the clerk to the said Board shall be a sufficient authentication.

Books to
be evidence.

134. The books of the Rawmarsh Board, and all entries made therein in manner by this Act or any of the incorporated Acts directed, shall be received as *prima facie* evidence by virtue of this Act.

Contracts
for supply of
water, &c.
not to dis-
qualify
members of
Rawmarsh
Board.

135. No person shall be disqualified for being, continuing, or acting as a member of the Rawmarsh Board by reason of his being concerned in any contract entered into by the said Board for a supply of water under this Act or any of the incorporated Acts, or of his being a proprietor of or interested in any newspaper in which advertisements are inserted for the said Board, unless he shall discuss, act, or vote as a member of the said Board on any question touching any matter in which he is directly or indirectly concerned; in such event, and immediately thereupon, he shall become disqualified and cease to be a member of the said Board; but the validity of any act of the said Board shall not be affected by any person becoming or having become so disqualified.

Liability to
rates not
to disqualify
justices.

136. No person shall be incapable of acting as a justice in the execution in any respect of this Act by reason of his being interested in any contract under this Act for a supply of water by the Rawmarsh Board, or being liable under this Act to the payment of any rate or other money.

137. Nothing in this Act shall prejudicially affect any of the powers, rights, privileges, or authorities vested in the Rawmarsh Board by the Public Health Acts, but all such powers, rights, privileges, and authorities may be exercised and enjoyed by the said Board in as full and ample a manner as if this Act had not been passed.

A.D. 1870.
Saving rights of Rawmarsh Board under Public Health Acts.

138. The Rotherham Board on the one hand, and the local board or other local authority for or acting within all or any part or parts of the townships or places of Brinsworth, Tinsley, Whiston, Herringthorpe, Greasborough, Dalton, and Aldwarke respectively, in the west riding of the county of York, or any one or more of them, on the other hand, may from time to time enter into agreements with respect to the supply of water by the Rotherham Board to the local board or local boards, or other local authority or local authorities respectively, parties to the agreement, for distribution within the district or limits of authority of such local board or local authority respectively; and the parties to all such agreements respectively may have and exercise all such usual and proper powers as may be necessary for enabling them to carry such agreements into effect, and to convey and distribute the water supplied within their respective district or limits: Provided always, that every such agreement shall be subject and without prejudice to an ample supply of water being provided for the district of the Rotherham Board, so that in the event of any deficiency of water to supply both the district of the Rotherham Board and also any district or place to be supplied by virtue of the agreement, the district of the Rotherham Board shall be fully supplied before any water is supplied by virtue of the agreement to such other district or place.

Power for Rotherham Board and other local boards and authorities to make agreements with respect to water supply.

139. The market company shall forthwith proceed to wind up their affairs, and in order thereto shall, subject to the payment, satisfaction, and discharge of all their debts, contracts, and liabilities which are not transferred to the Rotherham Board, pay their net moneys to and among the several persons who are the registered shareholders in the capital of the market company in proportion to their respective shares of such capital, or their respective executors, administrators, successors, or assigns.

Market company to wind up their affairs.

140. For the purposes of such winding up, the receipt of any committee of any shareholder in the market company shall be an effectual discharge to the market company and to the directors thereof for so much of the purchase money or other moneys as in such receipt shall be expressed to be received, and shall exonerate the market company and the directors thereof from any trust

Receipt of committee of shareholders to discharge market company.

[Ch. cxxxiv.] *The Rotherham and Kimberworth* [33 & 34 VICT.]
Local Board of Health Act, 1870.

A.D. 1870. or obligation affecting the shares in respect of which such money shall be paid.

Payments
into court
by company.

141. Provided that where the market company are for twelve months after the period for the distribution of their net moneys unable, after diligent inquiry, to ascertain the person to whom any part thereof ought to be paid, or where any part thereof is payable to a person who or whose committee cannot give an effectual receipt for the same, the market company may pay the same into the Court of Chancery, under any Act for the time being in force for the relief of trustees, and every such payment into court shall conclusively discharge the market company from all further liability with respect to the net moneys so paid, and for the purposes of this Act shall be deemed to be a payment thereof to the person absolutely entitled thereto, and any person afterwards showing to the satisfaction of the Court that he is entitled thereto may obtain payment thereof out of court accordingly.

Dissolution
of market
company.

142. The market company, when all their debts and liabilities are fully paid and satisfied, and their affairs are wound up, shall be and are hereby dissolved.

Saving
rights of
Board under
Public
Health Acts.

143. Nothing in this Act shall prejudicially affect any of the powers, rights, privileges, or authorities vested in the Rotherham Board by the Public Health Acts, but all such powers, rights, privileges, and authorities may be exercised and enjoyed by the Board in as full and ample a manner as if this Act had not been passed.

Expenses of
Act.

144. Subject to the covenant contained in the agreement set forth in Schedule (A.) to this Act annexed, with respect to the payment of a proportion of the costs of obtaining this Act by the Rawmarsh Board, all the costs, charges, and expenses attending or incident to the preparing, applying for, and passing of this Act shall be paid by the Rotherham Board out of any money now in their hands or to be received by them under this Act or the Public Health Acts.

SCHEDULES to which the foregoing Act refers.

A.D. 1870.

SCHEDULE (A.)

AGREEMENT BETWEEN THE ROTHERHAM BOARD AND THE RAWMARSH BOARD.

ARTICLES OF AGREEMENT made and entered into this 17th day of December in the year of our Lord 1869 between the local board of health for the district of Rotherham and Kimberworth in the west riding of the county of York (herein-after called the Rotherham Local Board) of the one part, and the local board of the district of Rawmarsh in the said county of York (herein-after called the Rawmarsh Local Board) of the other part.

WHEREAS the Rotherham Local Board, under and by virtue of the provisions of "The Rotherham and Kimberworth Local Board of Health Act, 1863," are empowered to construct and maintain certain reservoirs and waterworks within their said district, comprising a reservoir with a dam or embankment across the present bed or channel of the Ulley Brook, and adjoining lands in the several townships of Whiston, Ulley, and Aston-cum-Aughton, in the said west riding: And whereas the said Rotherham and Kimberworth Local Board of Health have duly given notice that application is intended to be made to Parliament in the next session for an Act, amongst other things, to extend the respective times limited by the said Act for the compulsory purchase of lands, and for the completion of the works thereby authorised to be purchased and made; and also to authorise the Rotherham Local Board and the said Rawmarsh Local Board to make and enter into agreements from time to time for the supply of water, in bulk or otherwise, by the Rotherham Local Board to the Rawmarsh Local Board, upon such terms and conditions as may be mutually agreed upon between them, and to confer upon the said local boards respectively all such powers, rights, authorities, and privileges as may be necessary, proper, or convenient for enabling them to carry every such agreement into complete effect, and for enabling the Rawmarsh Local Board to convey and distribute the water so supplied wherever the same may be required within their district: And whereas the said Rotherham Local Board have agreed to supply the Rawmarsh Local Board with water to be used for domestic and other purposes within the district of the said Rawmarsh Local Board at such rent, and upon such terms, and subject to the conditions and stipulations herein-after contained: And whereas the term "rent" used in this agreement shall mean the charge payable for and in respect of the water supplied to the said Rawmarsh Local Board: Now these presents witness that, in consideration of the premises, the Rotherham Local Board, as to all such of the following stipulations and agreements as are to be performed and observed on their part, do hereby covenant and agree with the Rawmarsh Local Board, and the Rawmarsh Local Board, so far as any of the following stipulations and agreements are to be performed and observed on

[Ch. cxxxiv.] *The Rotherham and Kimberworth* [33 & 34 VICT.]
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A.D. 1870. their part, do hereby covenant and agree with the Rotherham Local Board as follows; (that is to say,)

The Rawmarsh Local Board shall and will pay to the Rotherham Local Board all the costs, charges, and expenses attending or incident to the preparing, applying for, and passing of the said Act so far as regards water supply, but not further or otherwise, and shall also pay the costs and expenses of preparing and executing these presents.

The Rotherham Local Board shall use all diligence in obtaining the said Act, and shall, as soon as may be after the completion of the said reservoirs and waterworks, and at all times for ever thereafter, supply the Rawmarsh Local Board with water for domestic and other purposes within the said district of the Rawmarsh Local Board; such water to be delivered to the Rawmarsh Local Board in bulk at a certain point near the canal bridge on the Rotherham and Swinton turnpike road, where the township of Kimberworth in the said riding adjoins the township of Greasborough in the said riding, as shown on the plan hereunto annexed, and sealed with the respective seals of the said local boards; but that until the said reservoirs and waterworks shall be completed as aforesaid the Rotherham Local Board shall, if required, supply the Rawmarsh Local Board with such a quantity of water from the existing reservoirs and waterworks as the said Rotherham Local Board may be able to supply, after providing for all the requirements of the district of the said Rotherham Local Board, at the rate per 1,000 gallons, and payable on the days herein-after mentioned.

The quantity of such water shall be ascertained and measured by means of one or more proper and accurate meters or measures to be provided and fixed by the Rotherham Local Board.

The Rotherham Local Board shall, at their own expense, provide and lay, and at all times after the commencement of such supply maintain, all necessary and proper pipes or conduits for conveying the water through the district of the Rotherham Local Board to the point herein-before mentioned, from which point the said water shall be conveyed and distributed by and at the expense of the Rawmarsh Local Board.

The Rawmarsh Local Board shall and will from time to time, and at all times after the commencement of such supply, well and truly pay or cause to be paid unto the Rotherham Local Board for every quarter ending the 25th day of March, the 25th day of June, the 25th day of September, and the 25th day of December in every year, in respect of the water supplied during the quarter, the sum of 170*l.* 12*s.* 6*d.*, or if the quantity of water supplied during the quarter shall exceed 6,825,000 gallons, a sum equal to 6*d.* for every 1,000 gallons of the quantities so supplied.

Provided always, and it is hereby agreed by and between the said parties hereto, that if at any time or times after the commencement of such supply any accident or casualty shall happen to the said reservoir or to any of the waterworks of the said Rotherham Local Board so as to prevent the continuance of such supply of water, or if such supply of water cannot be kept up by reason of frost, unusual drought, or other unavoidable cause, the Rotherham Local Board shall not be liable for any penalty or damages for not supplying such water as aforesaid, but that the Rotherham Local Board shall supply the Rawmarsh Local Board with water in the same proportion as that supplied to the Rotherham Local Board during such casualty or accident, and they will at the same time use all

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due diligence in repairing such accident or casualty and in keeping up such supply; but that during such discontinuance of the supply of water as aforesaid the Rawmarsh Local Board shall not be called upon to pay to the Rotherham Local Board any of the rents reserved and made payable under this agreement.

The Rawmarsh Local Board shall and will also pay to the Rotherham Local Board from time to time, and at all times after the commencement of such supply, a yearly sum equal to 10% per cent. upon the cost price of such meter or meters, or instruments for measuring water, so provided and fixed by the Rotherham Local Board as aforesaid, by four equal quarterly payments, on the days and times herein-before provided for the payment in respect of the said water.

All such clauses shall be introduced into the said intended Bill for giving effect to these presents, or any covenant, undertaking, or agreement herein contained, as by the Rotherham Local Board, or their counsel, solicitor, or agent, or the Rawmarsh Local Board, their counsel, solicitor, or agent, shall be considered necessary, and as Parliament shall approve.

If any difference, dispute, or question shall at any time arise between the said respective local boards as to the constructions of these presents, or of any clause or agreement therein contained, or in respect of any matter or thing whatsoever which may arise in connexion therewith, or the provisions herein-before contained, every such difference, dispute, or question shall be referred to arbitration in the manner provided by "The Public Health Act, 1848."

If the authority of Parliament shall not be obtained to the passing of the said Bill during the next session of Parliament, then these presents and everything herein contained shall be void and of no effect whatsoever, save and except the covenant on the part of the Rawmarsh Local Board to pay the expenses attending or incident to the application for the said Act, and the expense of preparing and executing these presents.

Signed, sealed, and delivered by the above-named John Matthew Habershon, John Henry Mycock, James Clifford Morgan, Richard Rising, and Albert Bibbs, being five members of the said Rotherham Local Board, and the seal of the said Rotherham Local Board was hereunto affixed at a meeting of such Board held on the 17th day of December 1869, being the date hereof, in the presence of

THOS. BELLAMY,

Clerk to W. Whitfield, Solicitor, and
 Clerk to the Rotherham Local Board.

J. M. HABERSHON,
 Chairman, L.O.S.
 JOHN H. MYCOCK, L.O.S.
 J. C. MORGAN, L.O.S.
 RICHARD RISING, L.O.S.
 ALBERT BIBBS, L.O.S.



Sealed with the seal of the Rawmarsh Local Board, and signed by Thomas Cooper, Charles T. Stoddart, William Sellars, Andrew Hunt, and John Black, being five members of the said Board (the alteration appearing herein having been first made), in the presence of

FRED. L. HARROP,

Solicitor, Swinton, and Clerk to the Board.

L.S.
 THOS. COOPER.
 CHS. T. STODDART.
 WM. SELLARS.
 ANDREW HUNT.
 JOHN BLACK.

[Ch. cxxxiv.] *The Rotherham and Kimberworth* [33 & 34 VICT.]
Local Board of Health Act, 1870.

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SCHEDULE (B.)

FORM OF CERTIFICATE OF ANNUITY.

CERTIFICATE OF ANNUITY, No. £

By virtue of "The Rotherham and Kimberworth Local Board of Health Act, 1870," the local board of health for the district of Rotherham and Kimberworth, in the west riding of the county of York, certify that *A.B.*, of

, is, under and subject to the provisions of that Act, entitled to a perpetual [*gas or water, as the case may be*] annuity of , charged on the gasworks [*or waterworks*] of the said local board, [**and upon the general district rates of the said local board*] [**and substituted for the share of in the Rotherham Gaslight and Coke Company, No. ,*]

and such annuity is payable to him, his executors, administrators, or assigns, at the office in Rotherham of the treasurer of the said local board, as regards the annuity for the year ending on the day of 18 , on that day, and for every subsequent year, by equal half-yearly payments, on the day of and the day of yearly.

Given under the common seal of the local board of health for the district of Rotherham and Kimberworth in the west riding of the county of York, this day of in the year of our Lord 18 .

* N.B.—These words are to be inserted as the case may require.

FORM OF TRANSFER OF ANNUITY.

I, *A.B.*, of in consideration of £ paid to me by *C.D.*, of , transfer to him, his executors, administrators, and assigns, the perpetual [*gas or water*] annuity (or annuities) No. , of , charged by "The Rotherham and Kimberworth Local Board of Health Act, 1870," on the gasworks [*or waterworks*] of the local board of health for the district of Rotherham and Kimberworth in the west riding of the county of York, [**and on the general district rates of the district of the said local board*] [**and substituted for the share (or shares) of in the Rotherham Gaslight and Coke Company, numbered ,*]

], and payable at the office in Rotherham of the treasurer of the said local board, as regards the annuity for the year ending on the day of 18 , on that day, and for every subsequent year, by equal half-yearly payments, on the day of and the day of

yearly, and all my right and interest therein and thereto.

As witness my hand and seal this day of in the year of our Lord

* N.B.—These words to be inserted as the case may require.