



CHAPTER xxiv.

An Act to extend the Time for completing the Dalton Reservoir and Works in connexion therewith; to authorise the Corporation of Rotherham to purchase certain Premises in Rotherham; to amend the Acts relating to the said Corporation; and for other purposes. [17th May 1877.] A.D. 1877.

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 Local Board") were authorised to construct the waterworks therein described or referred to, and by the Rotherham and Kimberworth Local Board of Health Act, 1870, (in this Act called "the Act of 1870,") the time for completing such works was extended for a period of seven years from the passing of such Act, and will expire on the first day of August one thousand eight hundred and seventy-seven: 26 & 27 Vict.
c. cxvii.

And whereas by charter of incorporation, dated the twenty-ninth day of August one thousand eight hundred and seventy-one, the district of the Local Board was constituted a municipal borough, by the name of the Borough of Rotherham (in this Act called "the borough"), and the powers, rights, and privileges of the Local Board were transferred to and vested in the mayor, aldermen, and burgesses of that borough (in this Act called "the Corporation"):

And whereas all the waterworks authorised by the Act of 1863 and shown upon the plans therein referred to are completed, except the reservoir for receiving and impounding the waters of Dalton Brook, Dalton Dean Stream, and Blacking Mill Stream, and the several tributaries thereof respectively (in this Act called "the Dalton Reservoir"), and the filter bed and other works in connexion therewith, and it is expedient that the time for completing such reservoir and works should be further extended:

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And whereas it is expedient that the Corporation should be authorised to purchase the premises in or adjoining to the market place at Rotherham, known as the Nag's Head, for the improvement of the market place :

And whereas a plan showing the lands which may be taken under the powers of this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands, were duly deposited with the clerk of the peace for the west riding of the county of York, and are herein-after respectively referred to as the deposited plan and book of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held on the fourth day of October one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in a local newspaper published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expenses of the Corporation in relation to promoting the Bill for this Act should be charged on the general district rate, borough rate, or other public funds or rates under the control of the council :

And whereas such resolution was published twice in the Rotherham and Masborough Advertiser, a newspaper circulating in the said borough, and has received the approval of the Local Government Board :

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

And whereas the owners and ratepayers of the borough, by resolution passed in the manner provided by Schedule III. of the Public Health Act, 1875, in respect of resolutions of owners and ratepayers, consented to the promotion of the Bill for this Act :

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

Short title 1. This Act may be cited as "The Rotherham Corporation Act, 1877."

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (except where expressly varied by this Act) are incorporated with and form part of this Act.

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Certain general Acts incorporated.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act, and also in this Act, the expression "the promoters of the undertaking" shall mean the Corporation, and the expression "superior courts," or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Same meanings to words in incorporated Acts and this Act.

4. The time limited by the Act of 1863 for the completion of the works thereby authorised, so far as relates to the Dalton Reservoir and the works in connexion therewith, shall be enlarged and extended for a period of ten years from the passing of this Act, and on the expiration of that time the powers by the Acts of 1863 and 1870 and this Act, or any of them, given to the Local Board or to the Corporation 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 Corporation 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.

Extension of time for completion of works.

5. The justices, arbitrators, umpires, or juries, as the case may be, who award or assess the compensation to be made by the Corporation 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.

Parties aggrieved by extension of time may have compensation for additional damage.

6. The extension of time under this Act shall not affect any contract entered into or notice given by the Local Board or the Corporation before the passing of this Act for purchasing, taking, or using any lands which the Local Board or the Corporation 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

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

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Power to
take land.

7. Subject to the provisions and for the purposes of this Act, the Corporation may enter upon, purchase, take, and use the lands delineated on the deposited plan and described in the deposited book of reference.

Land not
to be pur-
chased after
three years.

8. The powers by this Act granted to the Corporation for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Expenses of
Act.

9. All the costs, charges, and expenses of and incident to the passing of this Act and preparatory thereto shall be paid by the Corporation out of the general district rate.